

SENATE CONCURRENT RESOLUTION NO. 24

BY SENATORS WOMACK, ABRAHAM, CARTER, CATHEY, CONNICK, HENRY, JACKSON-ANDREWS, KLEINPETER, LUNEAU, MILLER, MIZELL, MORRIS, PRICE AND STINE AND REPRESENTATIVES BAYHAM, BOURRIAQUE, BOYER, BROUSSARD, BUTLER, CARLSON, FARNUM, HORTON, ILLG, MCCORMICK, OWEN, RISER, SAWYER, VENTRELLA AND WILDER

A CONCURRENT RESOLUTION

To amend Department of Wildlife and Fisheries rule LAC 76:V.137, to provide for chronic wasting disease management; to provide for definitions; to provide for prevalence; to provide for management zones; to provide for supplemental feeding and baiting restrictions; to provide for surveillance season; to provide for sampling; to provide for export restrictions; and to direct the Louisiana Register to print the amendments in the Louisiana Administrative Code.

WHEREAS, chronic wasting disease (CWD) is a neurodegenerative disease found in most cervid species, including white-tailed deer; and

WHEREAS, one of a group of diseases known as transmissible spongiform encephalopathies, CWD is infectious, always fatal, and has no treatment; and

WHEREAS, CWD is shed by infected deer onto the landscape, can persist in the environment indefinitely, and has been detected in free-ranging cervid populations in thirty-six states, including Louisiana, Arkansas, Mississippi, and Texas; and

WHEREAS, the Department of Wildlife and Fisheries adopted rules to establish a CWD Control Area, consisting of the infectious zone and a buffer, to implement mitigation

and containment measures; and

WHEREAS, the CWD Control Area has been expanded through emergency declarations and is comprised of portions of Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Pointe Coupee, Rapides, Richland, Tensas, and Union parishes; and

WHEREAS, within the CWD Buffer Zone, feeding and baiting of deer is allowed under certain conditions; and

WHEREAS, the CWD Control Area encompasses multiple Enhanced Mitigation Zones wherein supplemental feeding, baiting, placement of bait, and hunting over bait are prohibited; and

WHEREAS, deer hunting has deep roots in Louisiana's cultural heritage and provides significant recreational enjoyment and economic benefits to families, landowners, businesses, local communities, and the state; and

WHEREAS, many local businesses provide the feed, bait, and mineral and salt licks Louisiana hunters use to attract deer; and

WHEREAS, restrictions and bans on feeding and baiting can discourage hunter participation and have detrimental economic impacts that ripple from local farms and retail businesses outward to the parishes and state; and

WHEREAS, overly broad regulatory measures may impose unintended burdens on hunters, businesses, landowners, and government, and may undermine the cooperation that is essential to effectively manage CWD; and

WHEREAS, successful mitigation and containment of CWD demands agile and targeted science-based strategies, including surveillance, testing, and hunting, processing, and transportation restrictions, all of which must be balanced with and calibrated to the interests of conservation, recreation, and the economy; and

WHEREAS, amending the rules for CWD Control Areas will better balance recreational and economic interests with the state's need to conserve the deer population and mitigate the risks of CWD; and

WHEREAS, R.S. 49:969 provides that "the legislature, by concurrent resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations, or any fee or any increase, decrease, or repeal of any fee, adopted by a state department, agency, board,

or commission".

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 76:V.137 is hereby amended to read as follows:

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

A. Definitions

Apparent prevalence – the percentage of deer tested for CWD with confirmed positive CWD test results within a surveillance season.

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 – a 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 is established and defined by the map below:~~

CWD management zone – an area established and defined in response to the detection of CWD where disease mitigation is applied. It is comprised of both a CWD 5-mile and a 15-mile zone. The CWD management zone shall be established on the LDWF website at the beginning of the surveillance season and published in the electronic edition of the annual hunting regulations pamphlet annually in conformity with this Section.

5-mile zone – a defined area five miles or more from a confirmed CWD positive deer.

15-mile zone – a defined area fifteen miles or more from a confirmed CWD positive deer.

Supplemental feed/bait – salt, grain, or other feed that 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.

Surveillance goal – the surveillance goal in relation to a CWD management zone, which is the statistical probability of detecting CWD at 2.5% prevalence with 95% confidence, not to exceed three hundred samples and developed by subject matter experts.

Surveillance season – CWD samples collected from July 1st - June 30th.

~~B. Supplemental feeding, baiting, placement of bait, or hunting over bait is prohibited within the portion of the CWD Control Area designated as the CWD Enhanced Mitigation Zone. 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. Supplemental feeding and baiting is allowed in the portion of the CWD Control Area designated as the CWD Buffer Zone, but only by non-stationary, mechanical or electronic broadcast methods. The use of bait not normally ingested by deer is allowed for feral hog trapping, or by holders of bear harvest permits during the designated bear baiting period.~~

B. CWD Management Zone Establishment, Modification, and Removal

1. Upon confirmation of a CWD detection in a wild cervid outside of an existing CWD management zone, LDWF shall immediately establish a CWD management zone around the CWD index case.

2. Existing CWD management zone boundaries shall only be modified upon the conclusion of the CWD surveillance season when CWD is confirmed outside of a CWD 5-mile zone.

3. Establishment, modification, or removal of the CWD management zone shall be executed via declaration of emergency by the secretary, subject to ratification or amendment by the commission at its next regular meeting, and publication of the map on LDWF's website.

4. When establishing the CWD management zone, LDWF shall utilize

public roads, geopolitical boundaries, water ways, visible rights-of-way, and other natural or manmade features that serve as identifiable boundaries. LDWF shall endeavor to establish the 5-mile zone and 15-mile zone as closely to each zone's respective actual radius as practicable. LDWF may consider inclusion of processors, taxidermists, state or federal lands, WMA's and refuges, and other relevant considerations when establishing the CWD management zone and its components.

5. The CWD management zone shall be removed when surveillance goals are met for three consecutive CWD surveillance seasons without an additional confirmed CWD detection.

C. Carcass Export Restrictions

1. The export of any cervid carcass or part of a cervid carcass originating within a designated CWD ~~Control Area~~ **management zone** 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.2.~~ Approved parts transported out of the CWD ~~Control Area~~ **management zone** 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~~ **CWD management zone** 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.

~~E.3.~~ LDWF shall ~~establish~~ **maintain** a permitting system to allow for uncleaned cervid heads to be transported out of the ~~Control Area~~ **CWD management zone and to Louisiana taxidermy businesses** solely for taxidermy purposes by waiver **and adherence to waiver guidelines**.

D. Baiting and Supplemental Feeding Restrictions

1. Placement of bait and supplemental feed for wild quadrupeds and wild birds, or hunting over bait, is prohibited within both the CWD 5-mile zone and

the 15-mile zone, except that placement of bait and supplemental feed is allowed from September 1st through March 31st, when apparent prevalence is less than 2.5% and the CWD management zone surveillance goal is achieved annually.

a. If apparent prevalence exceeds the 2.5% threshold, the prohibition of bait and supplemental feed shall be in effect for future surveillance seasons, subject to ratification or amendment by the commission.

b. If apparent prevalence exceeds 20%, placement of bait and supplemental feed is allowed.

c. Failure to reach the surveillance goal in any CWD management zone shall result in a prohibition of bait and supplemental feed within the associated 5-mile zone and 15-mile zone for the subsequent surveillance season and shall remain in effect until such time as the surveillance goal is achieved, subject to ratification or amendment by the commission.

2. It is the responsibility of hunters to check their hunting area for bait prior to each hunt.

3. Bait and supplemental feed restrictions for any new, modified, or expanded CWD management zone are effective upon confirmation that apparent prevalence exceeds 2.5%, subject to ratification or amendment by the commission.

4. The use of bait not normally ingested by deer is allowed for feral hog trapping or holders of bear harvest permits during the designated bear baiting season.

E. Incentivized Hunter Harvest in CWD Management Zones

1. Properties within the CWD 5-mile zone that have forty or more contiguous acres are eligible for Tier 1 DMAP (liberalized bag limit and season length) at no cost. All or part of the property must be within the specified zone.

2. LDWF is authorized to issue replacement tags to any hunter who harvests a deer that tests positive for CWD.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the office of the state register, the Department of Wildlife and Fisheries, and the Louisiana Wildlife and Fisheries Commission.

BE IT FURTHER RESOLVED that the Louisiana Register is hereby directed to have the amendments to LAC 76.V.137 printed and incorporated into the Louisiana Administrative Code, to include removal of the Control Area map, and to transmit a copy of the revised rules to the Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES