

## **NOTICE OF INTENT**

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

#### **Conservation Incentive Program (LAC 76:I.1101-1109)**

The Wildlife and Fisheries Commission does hereby give notice of intent to adopt rules governing implementation of the Louisiana Conservation Incentive Program. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to R.S. 56:1938.2(C), which directs the department to promulgate and adopt rules necessary to implement the program, including procedures for applying for the program and detailed criteria used to evaluate and select projects to receive funding.

Act No. 87 of the 2025 Regular Session of the Louisiana Legislature (R.S. 56:1938.1 et seq.) established the Louisiana Conservation Incentive Program within the Department of Wildlife and Fisheries for the purpose of assisting private landowners to enhance wildlife habitat and to manage native species on private lands. This proposed Rule establishes application procedures, project selection criteria, and other administrative regulations governing the Program.

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 I. Wildlife and Fisheries Commission and Agencies Thereunder**

#### **Chapter 11. Conservation Incentive Program**

##### **§1101. Program Overview**

A. The purpose of this program is to provide funding for outdoor conservation projects in the State of Louisiana. The program seeks to address private landowner wildlife habitat concerns and improve wildlife habitat on eligible properties. The Louisiana Conservation Incentive Program (“Program”) is established within the Louisiana Department of Wildlife and Fisheries (“LDWF”).

B. The Program’s Selection Board, comprised of, but not limited to, LDWF biologists and coordinators, shall govern the Program and make all final determinations regarding the selection of projects for funding under the Program.

C. Appropriations and/or grants shall fund the administration and the issuance of payments under the Program. Once projects are selected, all correspondence, reimbursements, and reporting will be coordinated through LDWF. The Department of Wildlife and Fisheries shall be responsible for administrative implementation of the Program, including correspondence with prospective and selected applicants, disbursement of funds, performance monitoring, and may charge direct administrative costs incurred associated with the Program to the applicable grant.

D. The Program funds the landowner or lessees by way of a reimbursement payment upon the completion of practices within each project. The amount of reimbursement for each practice will be established by applicable payment schedules. LDWF will establish payment schedules, which may reference Natural Resources Conservation Service (NRCS) payment schedules and conservation practices as a benchmark.

E. The maximum amount of reimbursement a landowner can receive depends on the project type and the grants associated with that project as well as a maximum limit of \$30,000 per fiscal year.

F. Multiple practices may be implemented within the same project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:10(B)(20), R.S. 56:1938.1, and R.S. 56:1938.2.

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

### **§1103. Applicant and Program Eligibility**

A. Landowners with fee title and lessees with an active lease that covers the practice life of the proposed practices, as determined by the Natural Resources Conservation Service, are eligible to apply for Program funding. Landowner concurrence is required for qualifying lessees. Funding shall only be considered for tracts of property over 20 acres, regardless of whether the entire 20 acres is suitable for the proposed project.

B. The following practices are eligible for funding:

1. Winter Flooded Agriculture Fields for Waterfowl and Wetland Bird Habitat—this practice seeks to increase the prevalence of shallow water on agricultural landscapes to provide habitat for waterfowl and wetland birds. Properties with agricultural fields and the infrastructure (levees, water control structures, etc.) to reliably flood and hold water are

eligible for this practices. Acreage may be fallow, harvested, harvested and ratooned, or harvested and planted with a small grain crop.

2. Wetland Habitat Management—this practice seeks to manage private wetlands to increase suitability for waterfowl and wetland birds by improving shallow water wetlands across the state, with an emphasis on producing plant species with high seed volumes to increase the quality of wetland habitats across the landscape. To be eligible, properties must be capable of being managed using a combination of appropriately timed drawdowns, flooding and soil disturbance or quality vegetation management. As such, properties must have the infrastructure in place (levees, water control structures, etc.) to maintain an average depth of 12-18 inches across the project area for a specified period.

3. Forest Stand Improvement—this practice seeks to enhance wildlife habitat through forest stand improvement, including managed disturbance and reduction of invasive plant species on the landscape. To be eligible, properties must meet the criteria to be classified as a forest and benefit from timber stand improvement. All types of forest will be considered.

4. Prescribed Burning—this practice seeks to promote wildlife habitat and native plant species and biomass on the landscape. Eligible habitat types for prescribed burns are forests suitable for the practice or an approved project area with the goal of restoring native vegetation. Prescribed burning of agricultural stubble, pastures, and hay meadows with introduced grasses do not qualify.

5. Feral Hog Trapping—this practices seeks to improve native wildlife, soil health and natural areas by reducing the number of feral hogs on the landscape. This program provides applicants with the funding to purchase hog traps and cameras to facilitate monitoring and remote trap operation to reduce the number of feral hogs on their property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:10(B)(20), R.S. 56:1938.1, and R.S. 56:1938.2.

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

### **§1105. Application Process**

A. The Project Selection Board will solicit requests for proposals, contingent upon availability of funding. Upon the direction of the Project Selection Board, LDWF shall publish a request for proposals on its website <https://www.wlf.louisiana.gov/> for a period of 45 days.

#### **B. Application Process**

1. The application serves as a mechanism in gathering detailed project elements in order for the Project Selection Board to make informed decisions when selecting properties to receive funding.

2. All applications shall contain the following items.

- a. Responses to each of the evaluation criteria as provided in §1107.
- b. Detailed Project Budget Worksheet—this budget should include:
  - i. Total project cost;
  - ii. Total funding requested;
  - iii. Match commitments;
  - iv. Timeframe of implementation.
- c. Project Description—this is a detailed narrative describing the entire scope of the project, including a location vicinity map, project map, acreage, purpose, need, and all Louisiana Conservation Incentive Program funded practices. Applicants should focus on describing the elements and activities receiving funding, rather than convincing

narrative content. Applicants should also describe the ability of the project to be scaled up or down.

d. Project Implementation Schedule—a schedule outlining the timeline and occurrence of each major project milestone, limited to a project period.

3. Project Specific Items. Applications shall contain the following items:

a. Photos and Photo Key Map—if applicable, applicants should submit various photos outlining key components of the project receiving funding. Requests for proposals will outline the proper procedure for photo submission.

b. Project Plans—proposed project plans, or designs should be included, when relevant. These items are not required for a project to be considered by the Project Selection Board for the scoring and ranking phase of the application process, although sufficient information is required at time of application to adequately display the scope and extent of the project. If a project is approved by the Project Selection Board, the applicant could receive a pre-approval and be given 12 months to submit needed or requested documents to LDWF. These documents must be in line with the full application in order to receive a final approval.

c. Evidence of Property Ownership/Documentation of Lease—The acquisitive deed whereby the landowner acquired ownership of the property on which the project will take place, and evidence of payment of ad valorem taxes for the past three years. Legal title opinion preferred. In the case of a lessee, they must show documentation of said lease, its duration and landowner concurrence with project actions.

4. The Project Selection Board can mandate an applicant include any project specific item they deem necessary to ensure a project meets the claimed benefits of the full application.

5. Applications must be submitted by midnight on the prescribed application deadline date. Each request for proposals will be announced with an application period, a review period, and an award period. These periods' duration may vary by funding source and project type.

6. The review period will be conducted for a length of time under LDWF's discretion.

7. The award period will be conducted for a length of time under LDWF's discretion.

8. All complete applications approved for funding by the Project Selection Board will be contacted by LDWF to schedule a Financial Workshop to explain and review the reimbursement process and the documentation required for reporting, monitoring and reimbursements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:10(B)(20), R.S. 56:1938.1, and R.S. 56:1938.2.

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### **§1107. Evaluation Criteria Scoring**

A. All applications will be reviewed in light of the criteria below:

1. Acreage

a. Total land size available for conservation.

2. Proximity to Other Conservation Efforts
3. Proximity to Wildlife Management Areas or Conservation Estate
4. Biodiversity Value
  - a. Designation of associated habitat types within the State Wildlife

Action Plan.

5. Ecological Integrity/Condition
  - a. Factors that make the property susceptible to effective

management with less unit effort.

6. Connectivity Potential
  - a. Ability to link fragmented habitats or other conservation areas.

7. Threat Level
  - a. Risk of development, deforestation, pollution, or fragmentation.

8. Water Resources
  - a. Presence of wetlands.

9. Other applicable factors deemed relevant by the presiding Project

Selection Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:10(B)(20), R.S. 56:1938.1, and R.S. 56:1938.2.

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### **§1109. Grant Recipient Requirements**

- A. Term

1. Each project type will have its own timeframe upon which to be completed. The timeframe for completion will be finalized in the project agreement on a case-by-case basis. Applicants can expect the timeframe to be within one to three years in duration, but it may extend past this window in certain instances.

B. Reporting Requirements

1. Semiannual (6-Month) Progress Reports

a. Once a Project Agreement is signed, the Grantee shall report on the progress of the project on a semiannual basis as follows:

i. Period January 1-June 30: Report is due July 31.

ii. Period July 1-December 31: Report is due January 31.

b. Grantees are required to submit Semiannual Progress Reports to LDWF to ensure that LDWF is aware of the project's progress. The progress report shall summarize the work accomplished to date, any issues arising with the project, an estimated percentage of project completion, and an estimate of funds to be expended over the next 6 month period. Photos or other documents are required in communicating the status of the project.

2. Final Review

a. All projects will require a final review to be signed off by a department representative.

b. LDWF staff will inspect all completed projects, either physically or remotely. Final payments shall not be made until final documentation is received and approved, and the project has been inspected and verified as complete.

C. Reimbursement Requests

1. Payment of grant funds is on a reimbursement basis. The amount of reimbursement for each eligible practice will be outlined in the Grantee's Project Agreement.

2. Accurate and comprehensive documentation of project costs is critical. Applicants will be required to submit to LDWF a Reimbursement Request as well as detailed documentation (e.g. proof-of-purchase, proof-of-payment, force account details, etc.) prior to reimbursement. All reporting responsibilities will be outlined in the Grantee's Project Agreement. These responsibilities, in addition to requirements for reimbursement requests, shall be adhered to throughout the entirety of the project.

3. Grantees may request reimbursements no more frequently than every two months, and shall submit requests at least quarterly. LDWF will generally make payment in less than 30 days after a Reimbursement Request has been approved. Reimbursement Requests are based on actual project expenditures that align with the Grantee's Project Agreement, including the approved project application scope and budget.

4. Adequate supporting documentation for all expenses is required with each request. Documentation must include but is not limited to:

- a. Proof of payment, including payment for match items;
- b. Invoices;
- c. Donation and in-kind documentation;
- d. Photos (optional);
- e. Additional supporting documentation to process a reimbursement

as needed.

5. Partial Billings. A partial billing is considered to be a request made before the project is completed. Payments may be made for practices that are deemed “functional” by LDWF and meet the required standards and specifications for the conservation practice.

6. Final Billing. Final billing shall be made when the project’s scope of work is complete, all required documentation has been submitted and approved. Grantees must submit a Final Reimbursement Request and identify any remaining unneeded surplus balance via an attached memo. Only those items as submitted in the original budget and scope are eligible for reimbursement, per the Project Agreement. Once a project has been closed, remaining funds are no longer obligated and LDWF cannot make additional payments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:10(B)(20), R.S. 56:1938.1, and R.S. 56:1938.2.

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**

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

### **Provider Impact Statement**

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

### **Small Business Analysis**

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

### **Public Comments**

Interested persons may submit written comments relative to the proposed Rule to Mr. David Breithaupt, Biologist Administrator, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, Louisiana, 70898-9000, or via email to [dbreithaupt@wlf.la.gov](mailto:dbreithaupt@wlf.la.gov) prior to Thursday, August 27, 2026.

Kenneth A. "Andy" Brister

Chairman