

## NOTICE OF INTENT

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

#### Participation in the Deer Management Assistance Program (LAC 76:V.111)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the Deer Management Assistance Program (DMAP) regulations in an effort to change eligibility requirements for program participants within 5 miles of a Chronic Wasting Disease (CWD) detection. While participation is voluntary, DMAP tier 1 participants within 5 miles of a CWD positive detection will no longer be required to meet the 1,000 acre minimum. In addition, enrollment fees will be waived and enrollment may occur at any point during the current deer season due to a CWD detection. Participants will still be required to collect required biological data and may be required to submit CWD samples. Tier 1 DMAP will provide an avenue for season and bag limit liberalization while collecting biological data and disease surveillance samples. Also changed was the timeframe for submission of all DMAP harvest records and unused tags.

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

##### §111. Rules and Regulations for Participation in the Deer Management Assistance Program

A. The following rules and regulations shall govern the Deer Management Assistance Program.

1. Application Procedure

a. Application for enrollment of a new cooperator in the Deer Management Assistance Program (DMAP) must be submitted to the Department of Wildlife and Fisheries by August 1. Application for the renewal enrollment of an active cooperator must be submitted to the Department of Wildlife and Fisheries annually by September 1. Except lands enrolling in Tier 1 DMAP within 5 miles of a Chronic Wasting Disease (CWD) detection may enroll at any time during the current season.

b. Applicants will select from 1 of 4 levels of DMAP participation. Level 1 participation is limited to qualifying clubs of 1000 acres or more, unless the property is 40 acres or more and located within 5 miles of a CWD detection, and will require collection of complete harvest data, including jaw bone removal, weights, antler measurements, and checking females for lactation. Level 1 participation may require the submission of CWD samples, per the Department's discretion, for properties within 5 miles of a CWD detection. Issuance of both antlered and antlerless tags will be mandatory. Level 2 participation is limited to clubs with 500 acres or more and will also require collection of complete harvest data. Antlerless tags only will

be issued unless antlered tags are specifically requested and needed to meet harvest objectives. Level 3 participation will be for tracts of 40 acres or larger, and only require recording the total number of male and female deer harvested. Only antlerless tags are available. Licensed deer farmers authorized to hunt deer by Department of Agriculture and Forestry and Department of Wildlife and Fisheries are eligible to participate in this level. Level 4 participation will only require recording the total number of male and female deer harvested and is only available for nuisance deer issues such as crop or lawn depredation. Only antlerless tags will be issued. There is no acreage minimum for level 4.

c. Each application for a new cooperator must be accompanied by a legal description of lands to be enrolled and a map of the property. Renewal applications must be accompanied by a legal description and map only if the boundaries of the enrolled property have changed from records on file from the previous hunting season. This information will remain on file in the appropriate ecoregion field office.

d. Fee schedule:

i. tier 1—fee dependent on acreage and distance to a CWD

detection:

- (a). 1,000-1,500 acres—\$250;
- (b). 1,501-10,000 acres—\$300;
- (c). 10,001-20,000 acres—\$500;
- (d). 20,001-50,000 acres—\$1,500;
- (e). 50,001-75,000 acres—\$2,500;
- (f). >75,000 acres—\$3,750 minimum, to be negotiated;

(g). ≥40 acres or more and within 5 miles of a CWD

detection—no fee;

- ii. tier 2—fee dependent on acreage:
  - (a). 500-1,500 acres—\$150;
  - (b). 1,501-10,000 acres—\$200;
  - (c). 10,001-20,000 acres—\$500;
  - (d). 20,001-50,000 acres—\$1,500;
  - (e). 50,001-75,000 acres—\$2,500;
  - (f). >75,000 acres—\$3,750 minimum, to be negotiated;
- iii. tier 3—fee dependent on acreage:
  - (a). 40-500 acres—\$100;
  - (b). 501-1,500 acres—\$150;
  - (c). 1,501-10,000 acres—\$200;
  - (d). 10,001-20,000 acres—\$500;
  - (e). 20,001-50,000 acres—\$1,500;
  - (f). 50,001-75,000 acres—\$2,500;
  - (g). >75,000 acres—\$3,750 minimum, to be negotiated;
- iv. tier 4—no acreage minimum, no fee.

e. DMAP fees must be paid to the Department of Wildlife and Fisheries Fiscal Section prior to September 15.

f. An agreement must be completed and signed by the official representative of the cooperator and submitted to the appropriate ecoregion field office for approval. This agreement must be completed and signed annually.

g. Entrances and public road frontage of lands enrolled in DMAP shall be clearly marked and posted with DMAP signs in compliance with R.S. 56:110 and the provisions of R.S. 56:110 are only applicable to property enrolled in DMAP. DMAP signs shall be removed if the land is no longer enrolled in DMAP. Rules and regulations for compliance with R.S. 56:110 are as follows.

i. The color of DMAP signs shall be orange. The words “DMAP” and “posted” shall be printed on the sign in letters no less than four inches in height. Signs may be constructed of any material and minimum size is 11¼ inches x 11¼ inches.

ii. Signs will be placed at 1000-foot intervals along any public road frontage and at all points of ingress and egress used by motorized vehicles to access the property.

h. By enrolling in the DMAP, cooperators agree to allow department personnel access to their lands for management surveys, investigation of violations and other inspections deemed appropriate by the department. The person listed on the DMAP application as the contact person will serve as the liaison between the DMAP cooperator and the department.

i. Each cooperator that enrolls in DMAP is strongly encouraged to provide keys or lock combinations annually to the enforcement division of the Department of Wildlife and Fisheries for access to main entrances of the DMAP property. Provision of keys is voluntary. However, the cooperator’s compliance will ensure that DMAP enrolled properties will be properly and regularly patrolled.

j. Large acreage ownerships (>10,000 acres) may further act as cooperators and enroll additional non-contiguous tracts of land deemed sub-cooperators. Sub-cooperators shall be defined by the large acreage ownerships lease agreements. Non-contiguous

sub-cooperator lands enrolled by large acreage ownerships will have the legal description and a map included for those parcels enrolled as sub-cooperators. Sub-cooperators shall be subject to the same requirements, rules and regulations as cooperators.

k. The department may grant season extensions to hunt deer with any legal weapon, up to either 15 days prior to or after the established season framework for the regular deer area season, if requested by the DMAP level 1 cooperator in order to fulfill property-specific objectives and goals if biological reasons and limitations exist that support such extensions. Additionally, the department may grant season extensions to hunt rabbits and squirrels by any legal means for up to 10 days after the established rabbit and squirrel season framework, if requested by the DMAP level 1 cooperator in order to fulfill property-specific objectives and goals if biological reasons and limitations exist that support such extensions.

## 2. Tags

a. A prescribed ~~fixed~~ number of special tags will be provided by the department to each cooperator/sub-cooperator in DMAP to affix to deer taken as specified by the program participation level. These tags shall be used during all seasons. Tags are only authorized on DMAP lands for which the tags were issued.

b. Each hunter must have a tag in his possession while hunting on DMAP land in order to harvest an antlerless deer (or antlered deer if antlered deer tags are issued). Antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided a DMAP tag is possessed by the hunter at time of harvest. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported. The DMAP tag will remain with the deer so long as the deer is kept in the camp or field, is enroute to the domicile of its possessor, or until it has been stored at the domicile of its

possessor, or divided at a cold storage facility and has become identifiable as food rather than as wild game. The DMAP number shall be recorded on the possession tag of the deer or any part of the animal when divided and properly tagged.

c. DMAP tagged antlered or antlerless deer harvested on property enrolled in DMAP do not count in the daily or season bag limit.

d. All unused tags shall be returned ~~by March 1~~ 30 days after the close of the season to the ecoregion field office which issued the tags.

### 3. Records

a. Cooperators/sub-cooperators are responsible for keeping accurate records on forms provided by the department for all deer harvested on lands enrolled in the program. Mandatory information includes tag number, sex of deer, date of kill, name of person taking the deer, LDWF i.d. number and biological data (age, weight, antler measurements, lactation) as deemed essential by the Department of Wildlife and Fisheries Deer Section. Biological data collection must meet quality standards established by the Deer Section. Documentation of mandatory information shall be kept daily by the cooperator/sub-cooperator. Additional information may be requested depending on management goals of the cooperator/sub-cooperator.

b. Information on deer harvested shall be submitted ~~by March 1~~ 30 days after the close of the season to the ecoregion field office handling the particular cooperator/sub-cooperator.

c. The contact person shall provide this documentation of harvested deer to the department upon request. Cooperators/sub-cooperators who do not have a field camp will be given 48 hours to provide this requested documentation.

B. Suspension and cancellation of DMAP Cooperators/Sub-Cooperators

1. Failure of the cooperator/sub-cooperator to follow these rules and regulations may result in suspension and cancellation of the program on those lands involved. Failure to make a good faith attempt to follow harvest recommendations may also result in suspension and cancellation of the program.

a. Suspension of cooperator/sub-cooperator from DMAP. Suspension of the cooperator/sub-cooperator from DMAP, including forfeiture of unused tags, will occur immediately for any misuse of tags, failure to tag any antlerless deer, or failure to submit records to the department for examination in a timely fashion. Suspension of the cooperator/sub-cooperator, including forfeiture of unused tags, may also occur immediately if other DMAP rules or wildlife regulations are violated. Upon suspension of the cooperator/sub-cooperator from DMAP, the contact person may request a Department of Wildlife and Fisheries hearing within 10 working days to appeal said suspension. Cooperation by the DMAP cooperator/sub-cooperator with the investigation of the violation will be taken into account by the department when considering cancellation of the program following a suspension for any of the above listed reasons. The cooperator/sub-cooperator may be allowed to continue with the program on a probational status if, in the judgment of the department, the facts relevant to a suspension do not warrant cancellation.

b. Cancellation of cooperator/sub-cooperator from DMAP. Cancellation of a cooperator/sub-cooperator from DMAP may occur following a guilty plea or conviction for a DMAP rule or regulation violation by any individual or member hunting on the land enrolled in DMAP. The cooperator/sub-cooperator may not be allowed to participate in DMAP for one year following the cancellation for such guilty pleas or conviction. Upon



cancellation of the cooperator/sub-cooperator from DMAP, the contact person may request an administrative hearing within 10 working days to appeal said cancellation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:110.1 and R.S. 56:115.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:204 (February 1991), amended LR 25:1656 (September 1999), LR 26:2011 (September 2000), LR 30:2496 (November 2004), LR 34:1427 (July 2008), LR 35:1910 (September 2009), LR 37:2187 (July 2011), repromulgated LR 37:2753 (September 2011), amended LR 39:2292 (August 2013), LR 41:1123 (June 2015), LR 46:704 (May 2020), LR 47:605 (May 2021), 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.

#### **Provider Impact Statement**

This proposed 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 until to Johnathan Bordelon, 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) until July 6, 2023.

Andrew J. Blanchard

Chairman