

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Responsibilities, Duties, and Regulations
Access and Permits
(LAC 76:III.Chapter 1 and Chapter 3)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend the Particular Game and Fish Preserves Rules and Regulations to include a newly legislatively established wildlife management area (WMA) access permit and require self-clearing permits. Also, this Notice of Intent will define prohibited activities on these properties and will amend regulations for Isles Dernieres Barrier Islands and Queen Bess Island Wildlife Refuges. The Department manages approximately 1.6 million acres of public land in Louisiana. This action establishes and defines what user permits and licenses are needed to access and utilize Department owned, managed and administered lands in Louisiana, establishes rules for prohibited devices for these same lands, establishes/amends regulations for Isles Dernieres Barrier Islands and Queen Bess Island Wildlife Refuges and ensures that the Administrative Code is consistent with Louisiana Statute.

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 the 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 III. Game and Fish Preserves and Sanctuaries

Chapter 1. Responsibilities, Duties and Regulations

§111. Access and Permits

A. A valid wildlife management area (WMA) access permit shall be required for use of department-administered lands including wildlife refuges and wildlife management and habitat conservation areas. Persons under eighteen years of age are exempt from this requirement.

B. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on department-administered lands including wildlife refuges and wildlife management and habitat conservation areas. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the Department WMA/public land self-clearing permit app/Internet Web Portal or obtain a self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper self-clearing permits from an information station, check in portion must be completed and put in a permit box before each day's activity. The check out portion must be carried by each person while on the properties and must be completed and put in a permit box immediately upon exiting the properties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:5 and R.S. 56:109.

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

§113. Prohibited Activities

A. Operation of drones or unmanned aerial vehicles (UAV) is prohibited on department-administered lands including wildlife refuges and wildlife management and habitat conservation areas.

B. Airboats, aircraft, personal watercraft, “mud crawling vessels” (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hovercraft are prohibited on all department-administered lands including wildlife refuges and wildlife management and habitat conservation areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:5 and R.S. 56:109.

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

Chapter 3. Particular Game and Fish Preserves, Wildlife Management

Areas, Refuges and Conservation Areas

§331. Isles Dernieres Barrier Islands Refuge

A. Regulations for Isles Dernieres Barrier Islands Refuge

1. Regulations for Wine Island, East Island, Trinity Island, Whiskey Island, and Raccoon Island

a. Public access by any means to the exposed land areas, wetlands and interior waterways of these islands is prohibited. Requests to access exposed land areas, wetlands and interior waterways shall be considered on a case-by-case basis and may be permitted by the secretary or his designee in the interest of conducting research on fauna and flora, of advancing educational pursuits related to barrier islands, or of planning and implementing island restoration projects.

b. Disturbing, injuring, collecting, or attempting to disturb, injure, or collect any flora, fauna, or other property is prohibited, unless expressly permitted in writing by the secretary or his designee for the uses provided for in Subparagraph 1.a. above.

c. Boat traffic is allowed adjacent to the islands in the open waters of the Gulf and bays; however, boat traffic is prohibited in waterways extending into the interior of the islands or within any land-locked open waters or wetlands of the islands.

d. Fishing from boats along the shore and wade fishing in the surf areas of the islands is allowed.

e. Littering on the islands or in Louisiana waters or wetlands is prohibited.

f. Proposals to conduct oil and gas activities, including seismic exploration, shall be considered on a case-by-case basis and may be permitted by the secretary or his designee, consistent with provisions of the Act of Donation executed by the Louisiana Land and Exploration Company on July 24, 1997.

~~2. Regulations for Trinity Island~~

~~a. Public access is allowed in a designated public use area. An area approximately 3,000 linear feet by 500 linear feet is designated as a public use area, the boundaries of which will be marked and maintained by the department. The designated public use area shall extend westward from the western boundary of the servitude area reserved by Louisiana Land and Exploration Company in the Act of Donation a distance of approximately 3,000 linear feet and northward from the southern shoreline within this area by a distance of approximately 500 linear feet. Public recreation such as bird watching, picnicking, fishing and overnight camping is allowed in this area. Travel on or across this area shall be limited to foot or bicycle traffic only. No use of~~

~~all terrain vehicles or other vehicles powered by internal combustion engines or electric motors shall be allowed.~~

~~b. Public access to all exposed land areas of Trinity Island, other than the public use area, is prohibited. Requests to access these exposed land areas shall be considered on a case by case basis and may be permitted by the secretary or his designee in the interest of conducting research on fauna and flora, of advancing educational pursuits related to barrier islands or of planning and implementing island restoration projects.~~

~~c. Disturbing, injuring, collecting, or attempting to disturb, injure, or collect any flora, fauna, or other property is prohibited, unless expressly permitted in writing by the secretary or his designee for the uses provided for in Subparagraph 2.b above.~~

~~d. Any member of the public utilizing the designated public use area shall be required to have a portable waste disposal container to collect all human wastes and to remove same upon leaving the island. Discharge of human wastes, including that within the disposal container, onto the island or into Louisiana waters or wetlands is prohibited.~~

~~e. Littering on the island or in Louisiana waters or wetlands is prohibited.~~

~~f. Carrying, possessing, or discharging firearms, fireworks, or explosives in the designated public use area is prohibited.~~

~~g. Boat traffic is allowed adjacent to the island in open waters of the Gulf and bays and within the man-made canal commonly known as California Canal for its entire length to its terminus at the bulkhead on the western end of the canal. No boat traffic is allowed in other man-made or natural waterways extending into the interior of the island or in any land-locked open waters or wetlands of the island.~~

~~h. Fishing from boats or wade fishing in the surf areas of the island is allowed.~~

~~i. Houseboats may be moored in designated areas along the California Canal. An annual permit shall be required to moor a houseboat in the canal. The required permit may be obtained from the Department of Wildlife and Fisheries New Iberia Office.~~

~~j. Proposals to conduct oil and gas activities, including seismic exploration, shall be considered on a case by case basis and may be permitted by the secretary or his designee, consistent with provisions of the Act of Donation executed by the Louisiana Land and Exploration Company on July 24, 1997.~~

B. Violation of any provision of these regulations shall be considered a Class 2 violation, as described in R.S. 56:115(D), 56:764, and 56:787.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(18), R.S. 56:109 and R.S. 56:781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1657 (September 1999), amended LR

§335. White Lake Wetlands Conservation Area

A.-J. ...

K. Permits and Licenses

1. All persons shall be responsible for obtaining and possessing the proper license or licenses for the activities they will be engaged in when on the White Lake WCA. Proper identification and licenses must be readily available and presented to Wildlife and Fisheries personnel upon request. Licenses will not be available for purchase on site.

2. Special Note: A WMA permit will not be required to hunt on the White Lake WCA. ~~In addition, persons using the WCA for any purpose other than hunting will not be required to possess a wild Louisiana stamp.~~

3. Permits will be issued to lottery fishermen and those individuals must carry their permit on their person while on the White Lake WCA. No permits will be issued to lottery hunters since those hunts are daily hunts and are coordinated and accompanied by Wildlife and Fisheries personnel. ~~Self-clearing permits are not necessary for any activities.~~

L.-R.9.h. ...

AUTHORITY NOTE: Promulgated in accordance with Act 613 of the 2004 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:538 (March 2007), amended LR 33:1882 (September 2007), LR 35:707 (April 2009), LR

§337. Elmer's Island Wildlife Refuge

A. Visitor Regulations for Elmer's Island Wildlife Refuge

A.1.-7. ...

~~8. ——— The requirement of a Wild Louisiana Stamp on Elmer's Island Wildlife Refuge is hereby waived, and the secretary is directed to take all necessary steps to accomplish this waiver.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:109, R.S. 56:109.2, R.S. 56:763 and R.S. 56:781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 36:1280 (June 2010), amended LR

§339. Queen Bess Island Wildlife Refuge

A. ~~Visitor regulations~~ Regulations for Queen Bess Island Wildlife Refuge:

1. Public access by any means to the exposed land areas, breakwaters and areas between land and breakwaters is prohibited. Requests to access the refuge shall be considered on a case-by-case basis and may be permitted by the secretary or his designee in the interest of conducting research on fauna and flora, of advancing educational pursuits related to bird islands, or of planning and implementing island restoration projects.

2. Disturbing, injuring, collecting, or attempting to disturb, injure, or collect any flora, fauna, natural debris, or other property is prohibited, unless expressly permitted in writing by the secretary or his designee for the uses provided for in Paragraph 1 above.

3. Littering on the refuge or in Louisiana waters or wetlands is prohibited.

1. ~~hunting prohibited;~~

2. ~~access prohibited February 1 through September 30;~~

3. ~~no disturbance or removal of vegetation or natural debris from island;~~

4. ~~no fishing between the breakwaters and the island from February 1 through September 30;~~

5. ~~vehicles will be prohibited;~~

6. ~~no nighttime activities.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:109, R.S. 56:109.2, R.S. 56:763 and R.S. 56:781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 46:705 (May 2020), amended 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 Thursday, April 7, 2022 to Tommy Tuma, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to ttuma@wlf.la.gov.

Joe McPherson

Chairman