

**ACT No. 228**

2017 Regular Session

HOUSE BILL NO. 608

BY REPRESENTATIVE WHITE

1 AN ACT

2 To amend and reenact R.S. 56:1901, 1902(1) 1903, 1904(A), (B)(introductory paragraph),  
3 (C)(2), (D), (E), and (H), and 1907 and to enact R.S. 56:1902(3) and 1904(C)(3), (I),  
4 (J), and (K), relative to threatened and endangered species conservation; to include  
5 native plants in the species to be conserved by the Wildlife and Fisheries  
6 Commission and the Department of Wildlife and Fisheries; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 56:1901, 1902(1), 1903, 1904(A), (B)(introductory paragraph),  
10 (C)(2), (D), (E), and (H), and 1907 are hereby amended and reenacted and R.S. 56:1902(3)  
11 and 1904(C)(3), (I), (J), and (K) are hereby enacted to read as follows:

12 §1901. Legislative findings and declarations

13 The Louisiana Legislature finds:

14 A. That it is the policy of this state to conserve species of wildlife and native  
15 plants for human enjoyment, for scientific purposes, and to insure their perpetuation  
16 as viable components of this state's economic and ~~ecologic~~ ecological systems;

17 B. That species of wildlife and native plants normally occurring within this  
18 state which may be found to be threatened or endangered within the state should be  
19 accorded such protection as is necessary to maintain and to enhance their numbers;

20 C. That the state should assist in the protection of species of wildlife ~~which~~  
21 that are determined to be "threatened" or "endangered" elsewhere pursuant to the  
22 ~~Federal~~ federal Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., as  
23 concurred in by the Louisiana Wildlife and Fisheries Commission, by prohibiting the

1 taking, possession, transportation, exportation from the state, processing, sale or  
2 offer for sale or shipment within this state of such endangered species, or by  
3 carefully regulating such activities with regard to such species. Exceptions to such  
4 prohibitions, for the purpose of enhancing the conservation of such species, may be  
5 permitted as set forth elsewhere in this Part; ~~and~~.

6 D. That funding for the conservation of threatened or endangered species and  
7 native plants may be made available to the Louisiana Department of Wildlife and  
8 Fisheries annually by appropriations from the general fund of the state. Additionally,  
9 sources other than those normally used by the department to support its present  
10 wildlife programs may be utilized, including but not limited to federal funding  
11 through Section 6 of the federal Endangered Species Act of 1973 and to that extent  
12 the department may enter into cooperative agreements with the proper authorities of  
13 the government of the United States, issue and promote the sale of "Endangered  
14 Species" stamps or utilize such other methods as are deemed appropriate to  
15 accomplish the purposes of this Part.

16 §1902. Definitions

17 For the purpose of this Part:

18 (1) "Threatened or endangered species" shall mean any species of wildlife  
19 or native plant determined by the secretary of the Department of Wildlife and  
20 Fisheries or by the secretary of the Interior of the United States with concurrence by  
21 the Wildlife and Fisheries Commission to be of a class that requires protective  
22 regulation to prevent its extinction or the destruction or deterioration of its economic  
23 usefulness within this state, presently or in the foreseeable future.

24 \* \* \*

25 (3) "Native plant" shall mean any nonvascular or vascular plant occurring  
26 outside of cultivation, excluding species that are known to have escaped cultivation  
27 or to have been intentionally or unintentionally introduced from outside of Louisiana  
28 since European colonization.

1 §1903. Conservation, study, regulation; authority

2 A. The Louisiana Department of Wildlife and Fisheries is authorized to  
3 conserve resident species of wildlife or native plants, and those species determined  
4 to be threatened or endangered by the secretary and the secretary of the Interior of  
5 the United States, and to formulate conservation programs and plans, to be submitted  
6 to the secretary of Interior for review.

7 B. The Louisiana Department of Wildlife and Fisheries is authorized to  
8 conduct investigations on resident wildlife or native plants in order to develop  
9 information relating to populations, distribution, habitat needs, limiting factors and  
10 other biological, economic, and ecological data to determine conservation measures  
11 necessary for their continued ability to sustain themselves successfully. On the basis  
12 of such determinations the commission may issue regulations designed to assist the  
13 continued ability of wildlife or native plants deemed in need of conservation to  
14 perpetuate themselves successfully. The department may conduct ongoing  
15 investigations of wildlife or native plants and the commission may from time to time  
16 amend such regulations.

17 C. The commission may establish such programs, including acquisition of  
18 land or aquatic habitat or interests therein, as are deemed necessary for the  
19 conservation of threatened or endangered species of wildlife or native plants. The  
20 commission may utilize all vested authority except the power of expropriation to  
21 carry out the purposes of this Part.

22 §1904. Threatened or endangered species, determination; notice; lists; regulations

23 A. Any species of wildlife or native plant determined by the secretary of the  
24 Louisiana Department of Wildlife and Fisheries to be an endangered or threatened  
25 species pursuant to the ~~Federal~~ federal Endangered Species Act shall be deemed to  
26 be an endangered or threatened species under the provisions of this Part.

27 B. In addition to the species deemed to be endangered or threatened pursuant  
28 to the ~~Federal~~ federal Endangered Species Act, the commission may by regulation

1 determine whether any species of wildlife or native plant occurring within this state  
2 is an endangered or threatened species because of any of the following factors:

3 \* \* \*

4 C. The secretary may make determinations required by Subsection B of this  
5 Section on the basis of the best scientific, commercial, and other data available to it  
6 and after consultation, as appropriate, with federal agencies, other interested state  
7 agencies, other states having a common interest in the species, and interested persons  
8 and organizations. The secretary may not add a species to nor remove a species from  
9 any list published pursuant to Subsection D of this Section unless he has first:

10 \* \* \*

11 (2) Allowed at least thirty days following publication for comment from the  
12 public and other interested parties; however, that in cases where the department  
13 determines that an emergency situation exists involving the continued existence of  
14 such species as a viable component of the state's wildlife and native plants the  
15 department may add species to such lists provided it has published a public notice  
16 that such an emergency situation exists together with a summary of facts which  
17 support such determination.

18 (3) In determining whether any species of wildlife or native plant is an  
19 endangered species or a threatened species, the department shall take into  
20 consideration those actions, if any, being carried out or about to be carried out by the  
21 federal government, by other states, by other agencies of this state or political  
22 subdivisions thereof, or by any other person which may affect the species under  
23 consideration.

24 D.(1) The commission may issue regulations containing a list of all species  
25 of wildlife and native plants occurring within this state which are determined in  
26 accordance with Subsections A through C of this Section to be an endangered or  
27 threatened species. Each list shall refer to the species contained therein by scientific  
28 and common name or names, if any, and shall specify with respect to each such  
29 species over what portion of its range it is endangered or threatened.

1           (2) Except with respect to species of wildlife and native plants determined  
 2           to be endangered or threatened pursuant to the ~~Federal~~ federal Endangered Species  
 3           Act, the commission may upon the petition of an interested person conduct a review  
 4           of any listed or unlisted species proposed to be removed from or added to the lists  
 5           published pursuant to this Subsection, but only if it makes and publishes a public  
 6           notice that such person has presented substantial evidence which warrants such a  
 7           review.

8           E. Whenever any species of wildlife or native plant is listed as a threatened  
 9           or endangered species pursuant to Subsection D of this ~~section~~ Section, the  
 10          commission shall issue such regulations as it deems necessary and advisable to  
 11          provide for the conservation of such species. The commission may, by regulation,  
 12          prohibit with respect to any threatened or endangered species of wildlife any act  
 13          prohibited under Subsection F of this ~~section~~ Section and with respect to any  
 14          threatened or endangered species of native plant any act prohibited under Subsection  
 15          H of this Section.

16   \*           \*           \*

17          H. With respect to any threatened or endangered species of native plant, it  
 18          is unlawful, except as provided in Subsection I of this Section, for any person subject  
 19          to the jurisdiction of this state to:

20                (1) Willfully destroy or harvest any such species growing on the private land  
 21                of another without first obtaining the written permission of the landowner or legal  
 22                representative of the landowner.

23                (2) Willfully destroy or harvest any such species on any public land without  
 24                a permit from the Louisiana Department of Wildlife and Fisheries and written  
 25                permission from the agency owning the land. However, permits issued for species  
 26                listed on the federal Endangered Species List under the federal Endangered Species  
 27                Act of 1973, as amended, must be consistent with federal standards.

28                I. (1) With respect to native plant species, no provision of this Part shall  
 29                apply to the following:



1 §1907. Penalties and enforcement

2 A. ~~Violation of the provisions of R.S. 56:1904(C) or any regulations issued~~  
3 ~~pursuant thereto constitutes a class four violation.~~

4 B. ~~Violation of the provisions of R.S. 56:1904(F), or any regulations issued~~  
5 ~~pursuant to R.S. 56:1904(E), or failure to procure any permit required by R.S.~~  
6 ~~56:1904(G), or violation of the terms of any such permit constitutes a class six~~  
7 ~~violation.~~ Any violation of the provisions of this Part or any regulation adopted  
8 pursuant to the provisions of this Part shall constitute a class six violation punishable  
9 under the provisions of R.S. 56:36.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_