

## RÉSUMÉ DIGEST

**ACT 228 (HB 608)**

**2017 Regular Session**

**White**

New law includes native plants in the species to be conserved by the Dept. of Wildlife and Fisheries under the endangered species laws.

Existing law charges the Dept. of Wildlife and Fisheries and the Wildlife and Fisheries Commission with conservation of species of wildlife and the protection of species of wildlife determined to be "threatened" or "endangered" under the federal Endangered Species Act.

New law adds native plants to the species to be conserved and protected by the department and commission. Authorizes the use of federal funds for these purposes. Defines "native plant" to be a nonvascular or vascular plant occurring outside of cultivation. Requires the commission to adopt regulations to assist in conservation of native plants. Provides that it is unlawful to willfully destroy or harvest any endangered or threatened species of native plant on private land without written permission of the landowner or his representative. Further provides that it is unlawful to destroy or harvest on public land without a permit from the department and written permission from the public entity holding title to the land. Requires any permit issued to be consistent with the federal Endangered Species Act.

New law specifically excludes the clearing of land for agricultural purposes, clearing of land by a landowner or his agent, clearing of land by a public entity when acting in performance of its obligation to provide service to the public, propagation of legally harvested species by licensed entities of the horticultural and nursery industry, any emission or discharge permitted by the Department of Environmental Quality, or any water intake for a facility that holds such permit.

New law provides that new law does not authorize the department to designate critical habitat on private property.

New law provides for violations to be class six violations punishable with a fine of between \$900 and \$950 or imprisonment for not more than 120 days or both and forfeiture of anything seized.

Effective August 1, 2017.

(Amends R.S. 56:1901, 1902(1), 1903, 1904(A), (B)(intro. para.), (C)(2), (D), (E), and (H), and 1907; Adds R.S. 56:1902(3), 1904(C)(3), (I), (J), and (K))