

Title 7
AGRICULTURE AND ANIMALS
Part XXXIX. Forestry

Chapter 1. Timber Stumpage

§101. Authority

A. The Louisiana Forestry Commission and the Louisiana Tax Commission adopt these regulations under the authority of R.S. 3:4274 and R.S. 47:1837 for the purpose of implementing the provisions of R.S. 47:633, which requires the Louisiana Forestry Commission determine the current average stumpage market value of trees and timber and of pulpwood; which valuation becomes effective, by law, on the first day of January of the following year and continuing until the next succeeding January.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4274 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, and the Louisiana Forestry Commission, LR 4:9 (January 1978), amended LR 5:7 (January 1979), LR 6:728 (December 1980), LR 7:627 (December 1981), LR 8:651 (December 1982), LR 9:848 (December 1983), LR 10:1038 (December 1984), LR 11:1178 (December 1985), amended by the Department of Agriculture and Forestry, Office of Forestry, and the Louisiana Forestry Commission, LR 12:819 (December 1986), LR 13:432 (August 1987), LR 14:9 (January 1988), LR 15:5 (January 1989), LR 16:16 (January 1990), LR 17:476 (May 1991), LR 19:611 (May 1993), LR 20:408 (April 1994), LR 21:930 (September 1995), repromulgated LR 21:1069 (October 1995), amended by the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission, LR 22:581 (July 1996), LR 23:943 (August 1997), LR 24:1081 (June 1998), promulgated by the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission LR 24:2075 (November 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 41:2101 (October 2015).

§103. Calculation of Current Average Stumpage Market Value

A. The current average stumpage market value of timber and pulpwood, unless otherwise provided by law, shall be based exclusively on sales of timber and pulpwood in the first two quarters of the year in which the commissions are to meet and in the last two quarters of the preceding year as reported to the Louisiana Department of Revenue and Taxation and as published in the *Quarterly Report of Forest Products* by the Louisiana Department of Agriculture and Forestry.

B. The current average stumpage market value of both timber and pulpwood shall be calculated by use of generally accepted statistical methods that take into account both quantity and price paid for the various forest products.

C. Upon receipt and verification of the sales of timber and pulpwood for the second quarter of the year in which the commissions are to meet the Louisiana Department of

Agriculture and Forestry, Office of Forestry shall prepare a recommendation to the commissions as to the current average stumpage market value of each category and subgroup of timber and pulpwood based on the date and method of calculation authorized by Subsections A and B of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4274 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission, LR 24:2075 (November 1998).

§105. Notice

A. The Office of Forestry shall annually publish in the November issue of the *Louisiana Register* a notice of the date, time and place of the meeting of the Louisiana Forestry Commission required by law to be held in December together with the recommendations of the Office of Forestry and the data used to determine such recommendations.

B. The Office of Forestry upon completion of its recommendations, shall send a copy of its recommendations and the data used as the basis for the recommendations to all interested parties who have requested a copy of the recommendation.

C. Notice of the commission's determination of the current average stumpage market value of trees, timber and pulpwood shall be immediately sent to all interested parties who have requested notice or who are required by law to receive notice and shall be published in the Potpourri section of the next available edition of the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4274 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission, LR 24:2075 (November 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 41:2101 (October 2015).

§107. Annual Determination of Current Average Stumpage Market Value

A. At the annual meeting held by the commission to determine the current average stumpage market value of timber and pulpwood the commission may determine the stumpage market value based on the sales of timber as reported to the Louisiana Department of Revenue and as published in the *Quarterly Report of Forest Products* by the Louisiana Department of Agriculture and Forestry, and may also give consideration given to current published market prices. All comments and input submitted by interested parties at this meeting shall be considered by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4274, R.S. 47:1837 and R.S.47:633 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission, LR 24:2075 (November 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 41:2101 (October 2015).

§109. Product Categories

A. The following categories and subgroups are to be used in determining the timber stumpage values based on current average stumpage market values to be used for severance tax computation:

1. Pine Trees and Timber;
2. Hardwood Trees and Timber;
3. Pine Chip and Saw;
4. Pine Pulpwood;
5. Hardwood Pulpwood.

B. No forestry product shall be moved from the trees and timber category to the pulpwood category or vice versa by the commissions without a prior adjudicatory hearing held in accordance with the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4274 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission, LR 24:2076 (November 1998).

Chapter 5. Indian Creek Recreation Area

§501. General Authority and Purpose

A. The following rules and regulations, procedures and fees replace, supersede and cancel all rules and regulations, procedures and fees adopted by the Department of Agriculture and Forestry prior to the effective date of these rules.

B. These rules and regulations are designed to provide the proper atmosphere for the enjoyment and protection of facilities and the safety of visitors.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1503 (September 2016).

§503. Park Property and Environment

A. The provisions of the *Louisiana Criminal Code* (R.S. 14:1 et seq.) shall be enforced at the Indian Creek Recreation Area.

B. No person shall intentionally remove, damage, disturb, or destroy any Indian Creek Recreation Area property or the property of another person, without the consent of the owner. "Property" shall include but is not limited to structures, watercraft, movables, signs, markers, natural features, cultural features, wildlife, and plants.

C. No person shall cut, destroy, or damage timber on any site, except as necessary to meet established management criteria, including insect control, public safety, and approved park construction. No timber cutting or removal may occur without the prior written permission of the commissioner of Agriculture and Forestry or his designee.

D. No building, structure, or other feature of any site may be altered, erected, or constructed without written consent of the commissioner of Agriculture and Forestry or his designee.

E. Smoking is prohibited in all enclosed structures.

F. No person shall excavate, remove, damage, or otherwise alter or deface any cultural or archaeological resource located on any site.

G. No person shall plant material or otherwise introduce plant material on any site without the written approval of the commissioner of Agriculture and Forestry or his designee.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1503 (September 2016).

§505. Vehicle Use

A. The provisions of the Louisiana Highway Regulatory Act (R.S. 32:1 et seq.) and any rules and regulations promulgated thereunder shall be enforced at the Indian Creek Recreational Area property.

B. Automobiles, trucks, motorcycles, bicycles, recreation vehicles, golf carts or any other wheeled vehicles must be operated only on those roads, lanes, or byways designated for vehicular traffic unless otherwise authorized by the site manager.

C. Vehicles, including recreational vehicles, motorcycles, golf carts and boat trailers, shall be parked only in designated parking areas unless otherwise authorized by the site manager.

D. No motor vehicle shall be operated without being properly licensed by the appropriate regulatory agencies. However, persons with mobility disabilities may use single-passenger, wheeled devices powered by electric motors wherever pedestrians are allowed.

E. No person shall clean, service and/or repair any vehicle on Indian Creek Recreational Area property except in emergency situations.

F. Vehicles will be considered abandoned if left unattended for more than three consecutive days unless the proper permit or advanced written approval is granted by the site manager.

G. No person shall move or remove any barrier to gain access to a restricted area.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1503 (September 2016).

§507. Watercraft

A. Federal, state, and local laws, rules and ordinances related to the use of watercraft shall be enforced. All watercraft located on or adjacent to any site must be operated in a careful and reasonable manner, and such operation is subject to the rules of safety imposed by the laws of Louisiana.

B. Every owner and operator of a motor boat, vessel or other watercraft shall comply with all flotation device requirements prescribed by state and federal law.

C. Boats shall be launched only from designated boat ramps or launching areas within a site.

D. A person renting a boat must return the boat to the original docking location after use, and secure the boat from unauthorized use. All paddles and life jackets shall be returned to the front office before closure.

E. No boat may be operated in a designated swimming area or in any other area designated as a non-boating area by signs or any area otherwise restricted from boat operation or docking.

F. Boats left docked and unattended must be properly secured in designated areas only. The Department of Agriculture and Forestry will not be responsible for any loss, theft or damage to boats, equipment, personal property or supplies left unattended.

G. Boats will be considered abandoned if left unattended for more than three consecutive days unless the proper permit or advanced written approval is granted by the site manager.

H. Water bodies or portions thereof adjacent to boat ramps, docks, swimming areas, boathouses, cabins, picnic pavilions, or other facilities shall be designated "no wake areas." Signs and/or buoys will mark the areas so designated. Violations of "no wake areas" shall be subject to citations.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1504 (September 2016).

§509. Livestock, Animals and Pets

A. Any pet brought on Indian Creek Reservation Area property must be current in vaccinations, shall have proof of rabies vaccination, and must be leashed, caged or crated. Leashes shall not exceed 6 feet in length. With the exception of service dogs, pets are not permitted within buildings or other enclosed structures on site, nor are they allowed near designated swimming areas and in overnight facilities. Owners of pets shall be fully responsible for any injury and/or damage caused by their pet.

B. No person shall allow livestock to run or graze on any site, except as part of special programs or events approved in advance by the site manager.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1504 (September 2016).

§511. Litter, Sanitation and Health

A. All litter disposed of on site, shall be placed into a proper litter receptacle in such a manner that the litter is prevented from being carried away or deposited by the elements upon Indian Creek Recreation Area property or water bodies. *Disposal* means to throw, discard, place, deposit, discharge, dump, drop, eject, or allow the escape of a substance.

B. No person shall drain or dump refuse waste including grey water from any trailer or other vehicle except in places or receptacles provided for such uses.

C. No person shall clean fish or other food, or wash clothing or articles of household use except in designated areas. No person shall clean or field dress any harvested animal or animals on Indian Creek Recreation Area property.

D. No person shall discharge or allow to be discharged into any waters of the state any waste or substance of any kind that will tend to cause pollution of water used for human consumption or swimming.

E. All deposits of bodily wastes into or on any portion of a comfort station or other public structure must be made in receptacles provided for that purpose. No person shall deposit any bottles, cans, cloth, rags, metal, wood, stone, or any other non-approved substance into any of the fixtures in such stations or structures.

F. No person shall use refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought to a site.

G. No person shall bury or burn garbage, litter or dead animals on Indian Creek Recreation Area property.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1504 (September 2016).

§513. Fires

A. Fires shall be built only in places specifically designated for that purpose by the site manager.

B. Burn bans declared by a local governing authority shall be observed at the parks within the jurisdiction of the local governing authority.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1504 (September 2016).

§515. Fishing, Hunting, Trapping, and the Use of Firearms or Fireworks

A. All wildlife in Indian Creek Recreational Area sites, including reptiles and amphibians, is under strict protection and must not be hunted, molested, disturbed, destroyed, fed or removed, except for scientific or management purposes when approved by the commissioner of Agriculture and Forestry or his designee.

B. Bringing or keeping any hunting dogs on Indian Creek Recreation Area property for the purpose of hunting inside or adjacent to Indian Creek Recreation Area is prohibited.

C. A person who lawfully possesses a firearm may possess or transport such firearm within the boundaries of Indian Creek Recreation Area.

D. No person shall possess, shoot, discharge or explode or cause to be shot, discharged, or exploded any fireworks or other explosives on Indian Creek Recreation Area property without prior written consent of the site manager.

E. A person fishing on Indian Creek Recreation Area property must adhere to all state and federal laws and criteria regarding fresh water fishing. The taking of fish by nets, traps or any means other than hook or line is prohibited.

F. Weapon-like toys (paintball maker, airsoft, etc.) that use compressed air or gases from any cartridge, canister or bottle and/or battery power to fire a projectile are prohibited from use at Indian Creek Recreation Area sites properties without prior written approval of the site manager.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1504 (September 2016).

§517. Swimming

A. Swimming is permitted only in designated areas, and at the swimmer's own risk. No lifeguards will be on duty.

B. All children under 12 years of age must be accompanied by an adult at any swimming area.

C. The capacity of the beach areas is determined, regulated and enforced by the site manager.

D. Glass containers of any kind are prohibited within any perimeter boundaries of enclosed beach and swimming areas, water playgrounds and beach parks.

E. Swimming is prohibited between sunset and sunrise.

F. Proper swimming attire, as determined by the site manager or his designee, is required for those entering the water at all swimming areas and water playgrounds.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1505 (September 2016).

§519. Amplified Sound Equipment

A. No person shall play amplified musical instruments except when approved by the site manager.

B. No person shall play non-amplified musical instruments, radios, televisions, tape players and similar equipment in a manner that disturbs other visitors.

C. No person shall use any public address system, whether fixed, portable, or vehicle-mounted, without prior approval of the site manager.

D. Remote public broadcast activities must be approved by the site manager.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1505 (September 2016).

§521. Disorderly Conduct

A. Disorderly or boisterous conduct is forbidden.

B. The site manager and his designees are authorized to control the use and consumption of alcoholic beverages at a site. This includes the authority to prohibit the consumption of alcohol in designated areas within a site. The lawful consumption of alcoholic beverages may be allowed to the extent that such activity does not adversely affect the use and enjoyment of the site by other site users.

C. No person shall publicly display on his vehicle, campsite, clothing, person or otherwise:

1. any word or words, image, graphic or depiction that is obscene (as defined by R.S. 14:106);

2. denigrates any ethnic, racial, religious or minority group; or

3. promotes violence or illegal activity.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1505 (September 2016).

§523. Business Activities

A. No person may sell or offer for sale any merchandise or service without the written consent of the site manager.

B. No person may distribute, post, place, or erect any advertising device without the written consent of the site manager.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1505 (September 2016).

§525. Enforcement

A. Persons violating these rules and regulations are subject to administrative sanctions to include fines for each violation, eviction from the site, and/or restitution to the

department for damages incurred. If a person is delinquent in paying for damage incurred, the department reserves the right to refuse privileges to that person pending receipt of such restitution.

B. No person shall enter a site:

1. when the site is closed; or
2. without proper registration.

C. Site visitors may be required to furnish specific information upon registration, including but not limited to, vehicle license plate number and a driver's license number.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1505 (September 2016).

§527. Overnight Use

A. General Provisions

1. Any use of a site requires a written permit or payment receipt. Proof of payment shall be presented to a department employee upon request.

2. Permittee may not transfer or assign any use permit nor sublet any facility or part thereof.

3. The site manager has the authority to require the registration of every person occupying a campsite or overnight facility.

4. Any permit may be terminated by the site manager upon the violation of any established rule, regulation, or any condition of the permit.

5. Lock combinations on entrance gates are issued for the personal use of the permittee, who is prohibited from allowing others to use the lock combination, or otherwise making the facilities open so that others not covered by the permit may enter or leave the facility or area.

6. Established time schedules (check-in and check-out) are strictly enforced. Failure to comply without advanced approval of the site manager may result in additional charges and denial of any future use of the facility.

7. Overnight users must maintain a reasonably quiet facility between the hours of 10 p.m. and 7 a.m. No generators are allowed to be operational in the improved area of the Indian Creek Recreational Area between the aforementioned hours.

8. Overnight users shall not erect or display unsightly or inappropriate structures or features which, in the opinion of the site manager, may create a disturbing or otherwise unpleasant condition detrimental to the general site use.

9. No permittee may repair or install any site equipment or furnishings unless authorized and supervised by the site manager.

10. No person shall be permitted to reside at Indian Creek Recreation Area without written approval of the commissioner.

11. Parking for boat trailers and additional vehicles may be allowed at the discretion of the site manager or his designee, subject to individual site suitability for such purposes.

12. Permittees waive and release all claims against the state of Louisiana for any damage to person or property arising from the privileges granted by any use permit.

B. Camping

1. With the exception of a campground host and campsites reserved at the 30 day off-season rate, overnight camping is limited to 14 consecutive days. After 14 consecutive days of occupancy at a site, the visitor must vacate the site for seven consecutive days before occupancy may be resumed. During winter rental (November 1-February 28), a camper may occupy a site for 30 or more days at a time. However, at the site manager's discretion, and subject to availability, overnight camping may be extended on a weekly basis. No campsite may be vacated for longer than a 24-hour continuous period under any permit agreement.

2. Indian Creek Recreation Area is intended for tents and recreational vehicles only. The term "recreational vehicles" includes but is not limited to camper trailers, travel trailers and 5th wheel trailers but does not include ATVs.

3. Campsite occupancy is limited to six persons. At designated group camping areas occupancy limits are set by the site manager or his designee.

4. The following are to be used as general guidelines to define a camping unit by the site manager or his designee:

- a. one camper with additional vehicle and one large tent or two small tents;
- b. two vehicles and tent combinations not to exceed three tents.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1505 (September 2016).

§529. Fees and Emergency Closing

A. The use of Indian Creek Recreation Area is subject to charges which will be imposed by the manager according to the schedule of fees approved by the department. The manager or his agents are responsible for the collection and enforcement of these fees.

B. The commissioner or his authorized agent may direct the closing of Indian Creek Recreation Area to public use when or if any natural or man-made occurrence has affected, or is expected to affect, the operation and management of the site to a degree that normal public use and enjoyment are altered, or when such use may impair the health, safety, and well-being of the public or employees of the agency.

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AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1506 (September 2016).

§531. Fees and Exemptions; Day-Use Fees

A. General Admission Day-Use Entrance Fees

1. The day-use fee at Indian Creek Recreational Area is \$7 per vehicle.

2. A self-service fee system may be used to collect user fees.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1506 (September 2016).

§533. Fees and Exemptions; Miscellaneous Services and Facilities Fees

A. Boating

1. The standard rate for rental flat bottom boats with life jackets and two paddles is \$30 per boat per day. Additional life jackets are available at a rental fee of \$1 each per day.

2. Canoes may be rented for \$30 per canoe, per day. Kayaks and paddle boats may be rented for \$30 per vessel, per day. All fees include paddles and life jackets.

B. Group Rental Pavilions

1. Exclusive use of a group pavilion can only be made by a rental permit and payment of a rental fee. The group pavilion can be reserved in advance with payment of the rental fee.

2. The pavilion rental rate is \$100 per day.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1506 (September 2016).

§535. Fees and Exemptions; Exemptions/Discounts

A. Veterans. A veteran of the armed forces of the United States who shows proof of same and any person(s) accompanying him in a single, private, non-commercial vehicle, may receive a 10 percent discount on and camp site rental fees. There is no discount on the general entrance fee, winter rates or other rental rates (kayaks, boats, etc.).

B. School Groups. Any child who is on a field trip conducted as part of the curriculum of the school and any classroom teacher, parent, bus driver and any other person accompanying a school child on such a field trip are exempt from paying the general admission charge to any site.

C. Senior Citizens. Any person age 50 or older may receive a 10 percent discount on camp site rental fees. There is no discount on the general entrance fee, winter rates or other rental rates (kayaks, boats, etc.).

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1506 (September 2016).

§537. Fees and Exemptions; Special Promotions

A. From time-to-time, as deemed appropriate by the commissioner of Agriculture and Forestry or his designee, special programs, occupancy regulations, discounts or waivers on user fees may be offered in order to encourage visitation. These special promotional offers must be reviewed and reauthorized annually.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1507 (September 2016).

§539. Fees and Exemptions; Overnight Use

A. Camping

1. Regular Campsite. A regular campsite rents for \$18 per night during the winter season (November 1-February 28) and \$22 per night during the summer season (March 1-October 31). A regular waterfront campsite rents for \$22 per night during the winter season (November 1-February 28) and \$28 per night during the summer season (March 1-October 31).

2. Pull-Thru Campsite. A pull-thru campsite consists of two sites.

a. Pull-Thru Non-Waterfront Single Campsite. A pull-thru single non-water front campsite rents for \$18 per night during the winter season (November 1-February 28) and \$22 per night during the summer season (March 1-October 31).

b. Pull-Thru Non-Waterfront Double Campsite. A pull-thru non-water front double campsite rented for use by a single tenant camper rents for \$32 per night during the winter season (November 1-February 28) and \$42 per night during the summer season (March 1-October 31).

c. Pull-Thru Waterfront Single Campsite. A pull-thru waterfront single campsite rented for use by a single tenant camper rents for \$22 per night during the winter season (November 1-February 28) and \$28 per night during the summer season (March 1-October 31).

d. Pull-Thru Waterfront Double Campsite (ultra pull-thru). A pull-thru waterfront double campsite rented for use by a single tenant camper rents for \$42 per night during the winter season (November 1-February 28) and \$54 per night during the summer season (March 1-October 31).

3. Full Hook-Up. A full hook-up campsite rents for \$42 per night during the winter season (November 1-February 28) and \$54 per night during the summer season (March 1-October 31).

4. Primitive Area. A primitive area campsite rents for \$14 per tent per day.

B. Rally camping areas are those designated and reserved for use by organized groups of overnight campers in the primitive area of the campsite.

1. Fees—Rally Camping

a. A fee of \$50 per night is assessed to the group for the exclusive use of an area. Rally camping is available for tent camping in the primitive area of the campsite only.

C. Thirty-Day Off-Season Rates (available November 1-February 28 only)

1. A fee of \$270 is assessed for use of a non-waterfront single campsite for 30 days.

2. A fee of \$375 is assessed for use of a single waterfront campsite for 30 days.

D. A fee of \$5 per night is assessed for hook-up to the sewerage connection.

E. The fees set forth in this Section shall become effective October 1, 2016.

F. Online or telephone payments of the fees set forth in this Chapter may be subject to a credit card transaction fee.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1507 (September 2016).

§541. Reservation Policy

A. General Provisions

1. Reservations may be made for Indian Creek Recreational Area for an allotted number of campsites as determined by the site manager. A non-refundable service fee is charged for all reservations.

2. Reservations are accepted only from persons 18 years of age or older. All persons under 18 years of age must be accompanied by adults when using reserved facilities.

3. Payment must be made in full at the time the reservation is made.

4. Cancellation of a reservation initiated by the site user and made up to 48 hours prior to the date of arrival will incur a one night charge. No cancellations will be accepted 48 hours prior to the date of arrival. A transfer of reservation dates will be treated as a cancellation and a new reservation, and is therefore subject to the cancellation policy. There is no charge to transfer a reservation from one site to a different site on the same dates. Requests for waivers of the cancellation fee must be made in writing to the commissioner of Agriculture and Forestry or his designee and will be granted only in extreme circumstances.

5. In the event reservations must be canceled by LDAF staff (e.g., for maintenance or emergency reasons) the rental fee will be refunded in full.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1507 (September 2016).

§543. Refunds

A. Refunds will not be issued to visitors evicted for enforcement or disciplinary reasons.

B. All reservation refunds must be issued through the Office of Management and Finance or through the online reservations system. No cash refunds will be issued.

C. Refunds of day use fees are not granted when a visitor, by his own choosing, leaves the site due to inclement weather. In the event of a declared state of emergency that directly affects Indian Creek Recreation Area, refunds may be issued to all campers.

AUTHORITY NOTE: Promulgated in accordance with Act 591 of 1970 and R.S. 3:4402.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1507 (September 2016).

Chapter 7. Forest Landowner Assistance

§701. Management Service Fees

A. The Department of Agriculture and Forestry, Office of Forestry, shall, under the direction of the state forester, provide private landowners with assistance in the management of their forestlands.

1. Basic Services (\$300 minimum charge)—performed on an as-requested basis in all Office of Forestry districts:

a. prescribed burning services:

i. reforestation (cutover areas):

(a). \$25/acre plus fireline establishment: \$70/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

(b). \$100/hour for heavy tractor (dozer) work—750 John Deere (or other brand of similar power);

ii. afforestation (pasture, etc.):

(a). \$15/acre plus fireline establishment: \$70/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

(b). \$100/hour for heavy tractor (dozer) work—750 John Deere (or other brand of similar power);

iii. prescribed burns (fuel reduction, hardwood control, wildlife habitat, etc.):

(a). \$20/acre plus fireline establishment: \$70/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

(b). \$100/hour for heavy tractor (dozer) work—750 John Deere (or other brand of similar power);

iv. onsite prescribed burn standby:

(a). \$10/acre plus fireline establishment: \$70/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

(b). \$100/hour for heavy tractor (dozer) work—750 John Deere (or other brand of similar power);

v. fireline establishment only:

(a). \$70/hour for light tractor (dozer) work—650 John Deere (or other brand of similar power) or less;

(b). \$100/hour for heavy tractor (dozer) work—750 John Deere (or other brand of similar power).

2. Special Services—performed when approved on a case-by-case basis:

a. tree planting (seedlings or seed not included)—\$46/acre;

b. direct seeding (seedlings or seed not included)—\$10/acre;

c. light tractor (dozer) work [650 John Deere (or other brand of equal power) or less]—\$70/hour (\$300 minimum);

d. heavy tractor (dozer) work [over 650 John Deere or other brand of equal power]—\$100/hour (\$300 minimum);

e. timber marking—\$25/acre (only available on 40 acres or less).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4276, R.S. 3:4274 and R.S. 3:3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, LR 8:419 (August 1982), amended by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 11:1178 (December 1985), LR 19:1414 (November 1993), LR 23:553 (May 1997), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 32:1782 (October 2006), LR 41:2102 (October 2015).

Chapter 9. Prescribed Burning

§901. Definitions

Act—Act 589 of the 1993 Regular Session of the Louisiana Legislature.

Commissioner—the Commissioner of the Louisiana Department of Agriculture and Forestry.

Department—Louisiana Department of Agriculture and Forestry.

Prescribed Burning Certificate—document issued by the Department of Agriculture and Forestry certifying that the document holder has completed the requirements of Louisiana R.S. 3:17 and this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995).

§903. Written Authority

A. Written authority for a prescribed burn shall consist of a prescribed burning certificate issued to the prescribed burner by the department and signed by the associate state forester or the chief of the Forest Protection Branch of the Office of Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995).

§905. Completion of Prescribed Burn

A. Prescribed burns performed pursuant to the authority granted by the Act and conducted in accordance with the Act and these regulations shall be completed and declared safe when the certified prescribed burn manager who has been present on site from ignition finds:

1. that the ignition process has been safely accomplished;

2. the fire is safely contained within the control lines; and

3. the smoke is acting in a fashion consistent with the weather forecast and the burning prescription for that tract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995).

§907. Certification Prerequisites and Training

A. The Department of Agriculture and Forestry shall offer workshops for the certification of prescribed burners. The application for attendance to a certification workshop shall include an affidavit from the applicant stating that:

1. the applicant has participated in a minimum of five prescribed burns as the person in charge of the execution of the burns; and

2. the applicant has completed a university sponsored continuing education prescribed burning course or other program approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995).

§909. Certification Procedures

A. The department shall issue a prescribed burning certificate when the applicant has:

1. met all of the prerequisites on training and experience required by this rule; and

2. completed an application on a form approved by the department; and

3. attended a certification workshop conducted or approved by the department; and

4. scored a passing grade on a certification test administered or approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995).

§911. Voluntary Smoke Management Guidelines

A. The official guidelines for management of smoke from prescribed burns shall be as contained in *Louisiana Smoke Management Guidelines*, published by the Louisiana Department of Agriculture and Forestry. Revisions to the guidelines shall take effect upon their publication by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995).

§913. Complaints and Investigation

A. Any person who wishes to file a complaint regarding an agricultural burn may do so by telephone or in writing. In order to file a complaint by telephone, persons must contact the department via the department's 24-hour telephone hotline. Complaints may also be made by filling out a department-approved complaint form available on the department's website, by mailing a written complaint to the department, or by sending electronic mail to burncomplaints@ldaf.state.la.us.

B. A complaint shall, at a minimum, contain the following information:

1. the name, address and telephone number of the person making the complaint;
2. the address, location or geographic coordinates of the agricultural burn, including the name of the parish;
3. the date and time of the complaint; and
4. a detailed explanation of all conduct and/or conditions which form the basis of the complaint.

C. Upon receipt of a complaint, the department may:

1. conduct an investigation of the incident involved in the complaint; and
2. inform the burner against whom the complaint has been lodged of the complaint.

D. Upon completion of the investigation described in this section, the department shall notify the complainant and the burner of the results of the investigation.

E. The department, in its sole discretion, will determine whether educational materials should be provided to the burner or whether the actions complained of warrant referring the citizen's complaint to an adjudicatory hearing for the possible suspension or revocation of a prescribed burning certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 41:1480 (August 2015).

§914. Suspension and Revocation of Prescribed Burning Certificate (Formerly §913)

A. In the event that the department determines that the practices and procedures utilized by a certified prescribed burn manager during one or more prescribed burns substantially deviates from accepted practices and procedures for prescribed burning in effect at the time of certification or at the time of the aforesaid prescribed burn or burns, the department shall conduct an adjudicatory hearing in accordance with the Administrative Procedure Act in order to determine whether to suspend or revoke the prescribed burning certificate.

B. All hearings conducted pursuant to this section shall be heard by a three person hearing panel appointed by the commissioner. The commissioner may appoint a hearing officer to conduct the hearing.

C. At the conclusion of the administrative hearing, the hearing panel may recommend that the certified prescribed burn manager's certificate be suspended or revoked. If the panel recommends the certificate be suspended or revoked, it may also recommend that the prescribed burn manager be eligible to have his certificate reinstated after a certain period of time. The hearing panel's recommendation shall be submitted to the commissioner for his determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:17.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:670 (July 1995), amended LR 41:1480 (August 2015).

Chapter 10. Reforestation of Public Lands

§1001. Scope; Agencies Involved

A. Any state agency, department, board or commission, desiring to cut down or remove any tree or trees 10" diameter-breast-height or larger must first submit a request for approval to the Louisiana Department of Agriculture and Forestry, Office of Forestry, Box 1628, Baton Rouge, LA 70821-1628, addressed to the attention of the state forester.

B. The request for approval must include information about what trees are to be cut down, their location, size and species. A site plan or diagram such that trees can be located by an inspector is required and also the intent or reason for the removal of the tree or trees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992), amended LR 41:2102 (October 2015).

§1003. Response to Agency Reports

A. The Louisiana Department of Agriculture and Forestry has 30 days in which to respond in writing to the written request. If no response is heard within 30 days, approval is automatically granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992).

§1005. Site Inspections

A. The Louisiana Department of Agriculture and Forestry can inspect the site and make written recommendations to include alternatives to removing the trees, species, location and numbers of replacement trees and recommendations concerning planting and after care of planted trees. These recommendations will be adhered to unless determined to be physically impossible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992).

§1007. Appeals

A. An appeal process is available, if the state agency, department, board or commission for some reason cannot comply with the recommendations of the Louisiana Department of Agriculture and Forestry, then a representative can appeal to the state forester or commissioner of the Department of Agriculture and Forestry for reconsideration. This must be done within 30 days of the written recommendations. The state forester or commissioner of the Louisiana Department of Agriculture and Forestry shall have the power to waive any or all planting requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992).

§1009. Tree Planting; Survival Inspections

A. Required tree planting shall be completed during the next planting season after the removal of the trees. The Louisiana Department of Agriculture and Forestry can check tree planting survival up to three years after planting and require replacement of any losses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992).

§1011. Size Requirements

A. On developed sites around buildings and along highway rights-of-way, a minimum tree size for planting is 1 inch caliper and 5 feet tall. The Louisiana Department of Agriculture and Forestry can require larger planting stock

when deemed necessary for adequate survival. Seedlings may be allowed in certain areas where survival is not considered a problem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992).

§1013. Landscape Architects

A. The Louisiana Department of Agriculture and Forestry may require the use of a landscape architect in certain projects where their services are deemed necessary to ensure adequate attention to sensitive design considerations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992).

§1015. Timber Harvesting

A. Any agency or department owning or controlling commercial forest land and desirous to harvest timber from this land is required by Act 211, 1987 Regular Legislative Session, to contact the Office of Forestry for assistance in developing a forest management plan for the acreage. Reforestation measures will be required as appropriate and this forest management plan will satisfy the requirements of Act 176.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992).

§1017. Developing Wooded Property

A. Any agency planning to develop a site that contains existing trees must include the intent of Act 176 in the planning process of the project before any clearing of existing trees takes place. Assistance can be obtained from the Office of Forestry personnel to: locate, identify, evaluate and inventory existing trees; to provide technical assistance to save as many existing trees as is appropriate as well as to assist in the selection and placement of replacement trees. Emphasis shall be put on selection of appropriate species, size and location of trees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 18:597 (June 1992).

Chapter 11. Rural Fire Protection

§1101. State Excess Property Program

A. The Department of Agriculture and Forestry, through the Office of Forestry, shall use the following procedures for the assignment of state surplus property to local governments or duly organized and officially recognized fire organizations to be utilized in suppressing or providing protection from fires in rural areas.

1. This program shall be called the State Surplus Property Program (hereinafter "the program").

2. The state forester, or his designee, shall be the "program coordinator" and responsible for coordinating with local governments or duly organized and officially recognized fire organizations for the assignment of state surplus property under the program.

3. In order to be eligible to participate in the program, local governments or duly organized and officially recognized fire organizations must submit an application in writing to the program coordinator, Alexander State Forest, Box 298, Woodworth, LA 71485. The application must contain the name, address and phone number of the applicant and must state in detail the specific equipment sought by the applicant. All applications will be date stamped as of the date received in the office of the program coordinator and will be checked to verify the applicant's eligibility to participate in the program.

4. The department shall maintain a list of applicants which shall be divided into three categories of requested property:

- a. vans and pickups up to 3/4 ton;
- b. pickups 1 ton or larger and larger trucks; and
- c. all other types of equipment not included in Categories (Subparagraphs) a and b.

5. Following receipt and verification of eligibility, the applicant's name and the date the application was received shall be placed on the list in the appropriate category or categories.

6. As equipment becomes available, the program coordinator will assign the property to the applicants in the following manner:

- a. first priority shall be given to newly formed departments;
- b. second priority shall be given to established departments that have not previously received property under the program;
- c. third priority shall be given to established departments that have previously received property under the program;
- d. should two or more applicants have equal priority under the order set forth above, the property shall be assigned based on the date the applications of those equal applicants was received by the program coordinator;
- e. should two or more applicants have equal priority under the order set forth above, the property shall be assigned to the applicant who can demonstrate to the program coordinator the greatest need for the property.

7. Applicants shall be removed from the list upon assignment of property, or two years from the date their application was received by the program coordinator. Applicants shall be entitled to a two-year extension of their original application, provided that the program coordinator

receives a written request from the applicant 60 days prior to the expiration of the original application. Applications extended pursuant to this Section shall maintain the same priority as the original application.

8. The assignment and the cooperative endeavor between the Office of Forestry and local governments or duly organized and officially recognized fire organizations shall be evidenced by a written agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 21:1328 (December 1995).

Subchapter B. Parish Burn Ban Ordinances

§1111. Purpose

A. The Commissioner of Agriculture and Forestry adopts the following regulations for the purpose of implementing the provisions of R.S. 33:1236(31)(b)(iii) and R.S. 30:2057(B)(5)(c), relative to the regulation of burning of vegetable matter and flammable materials in certain parishes when the fire danger rating for the parish is high or is predicted to be high.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3; 30:2057(B)(5)(c) and 33:1236(31)(b)(iii).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 33:249 (February 2007).

§1113. Determination of Fire Danger Rating

A. The fire danger rating for the state shall be primarily determined by the Keetch Byram Drought Index generalized color map (KBDI) which is published weekly by the Louisiana Office of State Climatology, Louisiana State University.

B. The fire danger rating for a parish will be high when any portion of a parish is indicated with a KBDI index of 601 or greater based on the most current KBDI color map.

C. If the Louisiana Department of Agriculture and Forestry has sufficient cause to believe that fire danger in localized areas may not be accurately represented by the published KBDI map, then the department may use additional data to analyze conditions and to declare a state of high fire danger for any parish if warranted by available data.

D. If the department declares one or more parishes to have a high fire danger rating, based on data other than the KBDI map, then the department will publish a list of such parishes on its website.

E. The KBDI map may be referenced through the Louisiana Office of State Climatology through its website at www.losc.lsu.edu or by the Louisiana Department of Agriculture and Forestry's website at www.ldaf.state.la.us.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3; 30:2057(B)(5)(c) and 33:1236(31)(b)(iii).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 33:249 (February 2007).

Chapter 13. Forestry Productivity Program

§1301. Authority

A. The Commissioner of Agriculture and Forestry adopts the following regulations under the authority of R.S. 3:4413 for the purpose of implementing the provisions of R.S. 3:4410-4416, the Louisiana Forestry Productivity Program, enacted by Act 1377 of 1997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1678 (September 1998).

§1303. Definitions

A. The terms defined in this Section have the meanings given to them herein, for purposes of these regulations, except where the context expressly indicates otherwise.

Approved Forestry Practice—forestry practice approved by the Department, for which the landowner is authorized to receive reimbursement under the cooperative agreement.

Commissioner—Commissioner of the Louisiana Department of Agriculture and Forestry.

Cooperative Agreement—the written and signed contract including all other documents made a part of the agreement or incorporated by reference between the department and a landowner, together with any written and signed amendments or addendums to the original cooperative agreement, establishing the terms of the agreement between the department and the landowner under the Louisiana Forestry Productivity Program.

Department—the Louisiana Department of Agriculture and Forestry, Office of Forestry.

Forestry Practice—any procedure or method used in the establishment and management of timber species.

Fund—the Forestry Productivity Fund established at R.S. 3:4411.B.

Landowner—any individual, corporation, partnership, association, trust, joint venture, other legal entity or combination thereof who owns 5 contiguous acres or more of land located in Louisiana. For purposes of these regulations a joint ownership of property is considered to be one landowner separate and apart from the individuals or entities who own the property jointly.

Program—the Forestry Productivity Program authorized by R.S. 3:4410-4416.

State—collectively, the State of Louisiana, the Department of Agriculture and Forestry, the State Forestry Commission and the Commissioner of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1678 (September 1998).

§1305. Application and Fee

A. Any landowner desiring to apply for participation in this program must first submit an application to the department on a form supplied by the department.

B. Each landowner submitting an application must also submit a \$25 nonrefundable application fee at the time the landowner's application is initially submitted to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1679 (September 1998).

§1307. Extent of State Participation

A. Financial assistance by the state to any one landowner participating in this program shall be limited to a total value of \$15,000 during a fiscal year.

B. The state's participation under any cooperative agreement shall be limited to either or both of the following types of assistance:

1. a direct grant, for the purpose of assisting the landowner in implementing an approved forestry practice authorized by a cooperative agreement through the use of the landowner's resources or through the landowner's contacts with private firms; or

2. utilization of the state's personnel, equipment, or materials to implement an approved forestry practice authorized by a cooperative agreement, if private sector services are unavailable.

C. A direct grant shall not exceed 50 percent of the cost of implementing the cooperative agreement or the maximum cost share rates established by these regulations, whichever is less. In the event that state personnel, equipment or materials are utilized to implement an approved forestry practice the landowner shall be invoiced by the department for the cost of implementing the forestry practice. The landowner shall promptly pay such invoice and may subsequently submit the paid invoice for reimbursement under this program and these rules and regulations.

D. The maximum cost share rates are established as follows. Fifty percent of the cost per acre shall not exceed the following rates:

1. regeneration:

a. pine (loblolly, slash or shortleaf, planting and seedling cost): \$50/acre;

b. containerized pine (loblolly, slash or shortleaf, planting and seedling cost): \$60/acre;

c. hardwood (planting and seedling cost): \$90.00/acre;

- d. containerized hardwood (planting and seedling cost): \$110/acre;
- e. labor only (pine or hardwood): \$25/acre;
- f. labor only (containerized pine or hardwood): \$35/acre;
- g. longleaf pine (planting and seedling cost): \$60/acre;
- h. containerized longleaf pine (planting and seedling cost): \$80/acre;
- 2. site preparation:
 - a. light (disking, mowing, or sub-soiling): \$15/acre;
 - b. burn (cut-over areas or agriculture lands): \$25/acre;
 - c. chemical: \$60/acre;
 - d. mechanical: \$100/acre;
 - e. post-site preparation (aerial, ground, or injection): \$50/acre;
 - f. herschal drag: \$40/acre;
- 3. control of competing vegetation:
 - a. chemical release (aerial, ground, or injection): \$50.00/acre;
 - b. prescribed burn: \$20/acre.

E. The commissioner, with the advice of the State Forester's Forestry Planning Committee, shall review annually the cost share rates established in this Section and determine if any of the rates require adjustment.

F. The state shall not provide reimbursement under this program for any forestry practice implemented by a landowner unless a cooperative agreement is on file with the department prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4412 and R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1679 (September 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 28:267 (February 2002), LR 34:2338 (November 2008), LR 41:2102 (October 2015), LR 42:733 (May 2016), LR 42:1868 (November 2016).

§1309. Land and Landowners Eligibility, Exclusions and Limitations

A. Any landowner owning five contiguous acres or more in Louisiana suitable for growing a timber species approved by the department is eligible for participation in this program unless excluded by these regulations or otherwise excluded by law.

B. The following landowners are not eligible to participate in this program:

- 1. landowners owning less than 5 contiguous acres of land;

- 2. public utilities companies;
- 3. landowners engaged in the manufacturing or production of forestry products;
- 4. any federal, state, or local government agency or political subdivision;
- 5. corporations with publicly traded stock;
- 6. any landowner with joint ownership in an eligible tract of land unless all joint owners and usufructuaries or duly authorized agent or agents, if any, sign the cooperative agreement;
- 7. any entity, other than a natural person, including but not limited to trusts, joint ventures, partnership, limited liability companies or successions, which have a set legal existence of less than 10 years unless all persons or legal entities who would, by law, be entitled to receive title to the land upon dissolution of the entity sign the cooperative agreement.

C. The following lands are not eligible to participate in this program:

- 1. any tract of land that is less than 5 contiguous acres;
- 2. lands owned by any landowner not eligible for participation;
- 3. land subject, at the time of application, to a reforestation contract with any federal, state or local government agency or under a private reforestation program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:44413 and R.S. 3:4414.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1680 (September 1998).

§1311. Obligations of the Landowner

A. The landowner shall abide by the provision of the law establishing this program, these regulations, and the cooperative agreement.

B. The landowner shall maintain the land subject to the cooperative agreement in forestry usage in accordance with the cooperative agreement for a period of at least 10 years from the date the department issues a certification of performance of the terms of the cooperative agreement. This requirement shall not apply when the approved practice is prescribed burning.

C. The landowner shall not sell, convey, or otherwise lose control of land subject to a cooperative agreement under this program without placing a provision in the Act transferring the land requiring the new landowner to assume responsibility for abiding by the terms of the cooperative agreement and to maintain the approved forestry practices for the life of the cooperative agreement.

D. The landowner shall reimburse the department the cost of the state's involvement in the cooperative agreement plus court costs and reasonable attorney fees if the

landowner violates the law establishing the program, these regulations or the cooperative agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1680 (September 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 42:1868 (November 2016).

§1313. Approved Forestry Practices

A. Forestry practices approved by the commissioner for purposes of this program are:

1. site preparation for reforestation by natural or artificial means;
2. planting of seeds or seedlings;
3. timber stand improvement through removal of undesirable vegetation or trees; and
4. post planting procedures that improve the growth, productivity, or viability of trees planted under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1680 (September 1998).

§1315. Forestry Practice Implementation Period

A. Each landowner shall have 11 months to complete the forestry practice or practices authorized by the cooperative agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413 and R.S. 3:4415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1680 (September 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 28:267 (February 2002), LR 42:1868 (November 2016).

§1317. Payment by the Department

A. Payment by the department to any landowner under any cooperative agreement entered into under this program shall be made by the department only out of monies that are in the fund at the time payment is due.

B. The department shall make payment under any cooperative agreement only when:

1. the landowner has completed, to the department's satisfaction, all forestry practices stated in the cooperative agreement;
2. the landowner has complied with all other terms of the cooperative agreement;
3. the landowner has submitted invoices paid by him for all forestry practices authorized by the cooperative agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1680 (September 1998).

§1319. Repayment by Landowners to the Department

A. The department may seek repayment from a landowner when:

1. the landowner has, for any reason, received monies over and above the amount allowed by law or these regulations;
2. the landowner has failed to maintain the approved forestry practices for the life of the cooperative agreement;
3. the landowner has failed to abide by the terms of the cooperative agreement;
4. the landowner sells, conveys, or otherwise loses control of land subject to a cooperative agreement under this program and the new landowner does not abide by the terms of the cooperative agreement or does not maintain the approved forestry practices for the life of the cooperative agreement;
5. the department determines that a landowner has committed program violations or abuses that require repayment from the landowner or has violated any of the provisions of §1311 of these regulations.

B. A landowner may appeal a department's demand for repayment of monies paid the landowner under this program by filing with the commissioner a written request for an administrative review by him of the department's demand for repayment. The landowner's request for an administrative review must be postmarked within 15 days after the landowner receives the department's demand for repayment. A copy of the request must also be sent to the state forester who, upon receipt of the landowner's request shall forward all of the department's pertinent documentation to the commissioner with a copy to the landowner.

C. The landowner's request for an administrative adjudicatory hearing shall contain the following information:

1. the name, address and telephone number of the landowner and of any party that the landowner believes may be adversely affected by the commissioner's determination;
2. a statement of the facts known to the landowner and the reasons why he believes that the department is not entitled to repayment; and
3. a copy of all invoices and documents relating to the cooperative agreement.

D. The commissioner, upon receipt of all documentation from the department and the landowner shall either review the information and make a decision or appoint a hearing officer to conduct an administrative adjudicatory hearing and submit a report and recommendation to the commissioner for a final decision. Any administrative adjudicatory hearing shall be conducted in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413 and R.S. 3:4415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1681 (September 1998).

§1321. Competitive Research and Cooperative Extension Grants

A. A competitive grant process is hereby created, subject to the following provisions, in order to provide for research and cooperative extension activities to enhance reforestation, increase productivity, and to further knowledge regarding the proper application of forestry principles.

B. Each fiscal year the commissioner may set aside a portion of the monies in the fund to be used for competitive grants.

C. All competitive grants shall be awarded on a matching fund basis, with no more than 50 percent of the cost of the program being funded to be paid by the fund.

D. No grant shall be awarded under this program for any purposes other than research or cooperative extension activities intended to enhance reforestation, increase productivity, or to further knowledge regarding the proper application of forestry principles.

E. All grant proposals must be submitted, in writing, to the department no later than May 1 of each year. Each grant proposal must state in detail the purpose, goals, procedures, completion date and budget of the project as well as any additional information requested by the department.

F. The commissioner may award grants, no later than July 1 of each year, if the commission determines that an award of a grant will fulfill the purposes of the program. Upon the award of a grant the department and the grant recipient will enter into a written cooperative agreement detailing the terms and conditions of the grant.

G. Any grant that is awarded for a project that extends beyond the fiscal year in which the initial grant award is made may be renewed for the following fiscal year but any payment of monies by the department under the extended grant shall be subject to the availability of grant money in the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413 and R.S. 3:4416.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1681 (September 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 41:2103 (October 2015).

Chapter 15. Timber Harvesting and Receiving Records

§1501. Loaders Log: Required Information; Distribution; Maintenance of Records

A. A loaders log must be kept on all timber harvesting sites. On any per-unit sale, upon completion of the harvest, the purchaser must provide the timber owner a copy of the

loaders log. Loaders log must be maintained for a period not less than six years.

B. Each loaders log must contain the following information:

1. loader make and model—each loader used must be identified on the loaders log book by make and model;

2. load number—each load of timber leaving a cutting site must be assigned a load number. Load numbers for each job site must be in sequence;

3. parish/county and state—the parish or county and state where the timber was severed;

4. landowner's name—the name of the owner of the land where the timber is being severed. On multiple ownership land, the name of the estate, corporation, or what the site is commonly known as, may be entered. On industrial lands, the company tract number may be listed;

5. date and time—the date and time the forest product is loaded on the truck;

6. product—the forest product type must be clearly identified, for instance pine log, pine pulp, hardwood log, hardwood pulp, chip and saw, poles. The following symbols may be used: PL—pine logs; PP—pine pulp; HWL—hardwood logs; HWP—hardwood pulp; C&S—chip and saw. Any other forest product must be written out. The severance tax code may also be used to identify the product;

7. destination—the first wood-receiving facility that the forest product is being transported to;

8. loader's name—the name of the individual loading the timber. Name must be as shown on the loaders drivers license. Must be printed and legible;

9. driver's name—the name of the driver transporting the load. Name must be as shown on the drivers CDL. Must be printed and legible.

C. A loaders log may be kept in an electronic form. If a loaders log is kept in electronic form, it shall contain all required information set forth in Subsection B of this regulation and be maintained for a period of not less than six years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 27:31 (January 2001), amended LR 27:1005 (July 2001), LR 37:2985 (October 2011), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 42:734 (May 2016).

§1503. Scale/Load Tickets: Required Information; Distribution; Maintenance of Records

A. Scale tickets must be maintained for a period of not less than six years. Information required by the scale ticket regulations may be kept on a load ticket provided that the scale ticket can be cross-referenced to the load ticket. When both are used the load ticket and scale ticket must be maintained for a period of not less than six years.

B. On any per-unit sale the purchaser of the timber must provide the timber owner hard copies of the scale tickets relating to any partial or final settlement made during the course of the harvest. Mill generated settlement sheets may be provided to the timber owner in lieu of a copy of the scale ticket provided it includes the load number, scale ticket number, date and time, product and species description, volume and/or weight.

C. Each scale ticket must contain the following information:

1. scale ticket number—each scale ticket issued at a wood receiving facility must be numbered;
 2. parish/county and state—the parish/county and state where the timber was harvested;
 3. date and time—date and time that the forest product was received (required on scale ticket only);
 4. type and quantity of forest product delivered:
 - a. type—description of forest product received;
 - b. quantity—board feet, tonnage, or cords;
- NOTE: The following items must be documented on a scale ticket or documented on a load ticket that can be cross referenced to the scale ticket.
5. timber owner's name—owner or owners of timber at the time it was severed. On a per-unit sale the seller must be listed as the timber owner;
 6. landowner—name of the owner of the land where the timber was severed. On multiple ownership land, the name of the estate, corporation, or what the site is commonly known as, may be entered. On industrial lands, the company tract number may be listed;
 7. producer—company or individual who is responsible for harvesting the timber;
 8. load number—the load number designated by the loaders log book;
 9. driver's signature—signature of driver delivering the forest product. Must be legible and as shown on the drivers CDL.

D. A scale ticket may be kept in an electronic form. If a scale ticket is kept in electronic form, it shall contain all required information set forth in Subsection C of this regulation and be maintained for a period of not less than six years. The use of an electronic scale ticket does not relieve the purchaser of the timber from the obligations set forth in Subsection B of this regulation. If scale tickets are kept in electronic form as provided by this Rule, the signature required by Paragraph C.9 of this Section may also be in electronic form.

E. Restrictions. Wood-receiving facilities cannot accept any load of timber unless all information required by these regulations is provided at the time of delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 27:31 (January 2001), amended LR 27:1005 (July 2001), LR 37:2985 (October 2011), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 42:734 (May 2016).

§1505. Access Requirements

A. Each person, business or entity that harvests, loads, carries, or receives wood shall permit any commissioned officer or other authorized agent of the Department of Agriculture and Forestry, Office of Forestry to examine records required by these regulations. However, such records shall not be reproduced by any such commissioned officer or other authorized agent of the department, without the permission of the possessor of the records unless copies of records are required in connection with an ongoing investigation of a specifically identified timber theft or apparent violation of either R.S. 3:4278.3, these regulations or both. The records required by these regulations shall be considered confidential business records and any copies obtained by the department, its officers or agents shall remain such to the extent allowed by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 27:32 (January 2001).

§1507. Penalty for Violations

A. In the event of a violation of R.S. 3:4278.3 or the regulations promulgated thereunder, the maximum penalty allowed may be imposed after an adjudicatory hearing held in accordance with the Administrative Procedure Act. The Louisiana Forestry Commission shall make an initial determination on the matter. Their decision shall be submitted to the commissioner in writing.

B. The commissioner shall make the final determination on the matter. If the determination of the commissioner differs from the commission, the commissioner shall issue a written opinion based on the record of the hearing.

C. Appeals from rulings of the commissioner shall be taken in accordance with the provisions of the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 27:32 (January 2001), amended LR 27:1005 (July 2001).