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State Endangered Species Act Statutes:

Louisiana



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Threatened and Endangered Species Conservation R.S.

56:1901 – 1907

Updated through Act 370 of the 2020 Regular Session, with the exception of Acts 317 and through Act 38 of the 2020 First Extraordinary Session.

§1901. Legislative findings and declarations

The Louisiana Legislature finds:

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

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

C. That the state should assist in the protection of species of wildlife that are determined to be "threatened" or "endangered" elsewhere pursuant to the federal Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., as concurred in by the Louisiana Wildlife and Fisheries Commission, by prohibiting the taking, possession, transportation, exportation from the state, processing, sale or offer for sale or shipment within this state of such endangered species, or by carefully regulating such activities with regard to such species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth elsewhere in this Part.

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

§1902. Definitions

For the purpose of this Part:



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

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

(3) "Wildlife" shall mean all species of wild vertebrates, and invertebrates.

§1903. Conservation, study, regulation; authority

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

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

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

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

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

B. In addition to the species deemed to be endangered or threatened pursuant to the federal Endangered Species Act, the commission may by regulation determine whether any species of wildlife or native plant occurring within this state is an endangered or threatened species because of any of the following factors:



- (1) The present or threatened destruction, modification or curtailment of its habitat or range.
- (2) Overutilization for commercial, sporting, scientific, educational or other purposes.
- (3) Disease or predation.
- (4) The inadequacy of existing regulatory mechanisms.
- (5) Other natural or man-made factors affecting its continued existence within this state.

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

- (1) Published a notice of such proposed action in conformity with the provisions of the Administrative Procedure Act as contained in R.S. 49:951 through 966, as amended.
- (2) Allowed at least thirty days following publication for comment from the public and other interested parties; however, that in cases where the department determines that an emergency situation exists involving the continued existence of such species as a viable component of the state's wildlife and native plants the department may add species to such lists provided it has published a public notice that such an emergency situation exists together with a summary of facts which support such determination.
- (3) In determining whether any species of wildlife or native plant is an endangered species or a threatened species, the department shall take into consideration those actions, if any, being carried out or about to be carried out by the federal government, by other states, by other agencies of this state or political subdivisions thereof, or by any other person which may affect the species under consideration.

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

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

E. Whenever any species of wildlife or native plant is listed as a threatened or endangered species pursuant to Subsection D of this Section, the commission shall



issue such regulations as it deems necessary and advisable to provide for the conservation of such species. The commission may, by regulation, prohibit with respect to any threatened or endangered species of wildlife any act prohibited under Subsection F of this Section and with respect to any threatened or endangered species of native plant any act prohibited under Subsection H of this Section.

F. (1) With respect to any endangered species of wildlife, it is unlawful, except as provided in Subsection G of this section, for any person subject to the jurisdiction of this state to:

(a) Export any such species from this state;

(b) Take any such species within this state;

(c) Possess, process, sell or offer for sale, deliver, carry, transport or ship, by any means whatsoever, any such species;

(d) Violate any regulation pertaining to the conservation of such species of wildlife listed pursuant to this section and promulgated by the commission pursuant to authority provided by this Part.

(2) Provided that any endangered species of wildlife which enters this state from another state or from a point outside the territorial limits of the United States and which is being transported to a point within or beyond this state may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

G. The department may issue permits under such terms and conditions as it may prescribe pertaining to any act otherwise prohibited by Subsection F of this Section for scientific purposes, regulated taking, or to enhance the propagation or survival of the affected species.

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

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

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

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

(a) The clearing or other disturbance of land for agricultural or silvicultural purposes.



(b) The clearing or removal of threatened or endangered plants by the landowner or his agent.

(c) The clearing of land by a public agency or a publicly or privately owned public utility when acting in the performance of its obligation to provide service to the public.

(d) The propagation and sale of legally harvested threatened or endangered plant species by entities of the horticultural and nursery industry that are licensed or permitted to operate under the Horticulture Commission Law, R.S. 3:3801 et seq.

(e) Any emission or discharge authorized pursuant to a permit, license, registration, or variance by the Department of Environmental Quality or any water intake for a facility that holds such permit, license, registration or variance.

(2) The provisions of this Part shall not be interpreted to authorize the department to designate critical habitat on private property.

J. Any law, regulation or ordinance of any political subdivision of this state which applies with respect to the taking, importation, exportation, possession, sale or offer for sale, processing, delivery, carrying, transportation or shipment of wildlife species determined to be endangered species or threatened species pursuant to this Part is void to the extent that it may effectively do either of the following:

(1) Permit what is prohibited by this Part or by any regulation which implements this Part.

(2) Prohibit what is authorized pursuant to an exemption or permit provided for in this Part or in any regulation which implements this Part.

K. This Part shall not otherwise be construed to void any law, regulation or ordinance of any political subdivision of this state which is intended to conserve wildlife.

§1905. Retroactivity; importation

None of the provisions of this Part shall be construed to apply retroactively or to prohibit importation into the state of wildlife which may be lawfully imported into the United States or lawfully taken and removed from another state or to prohibit entry into this state or the possession, transportation, exportation, processing, sale or offer for sale or shipment of any wildlife which has been determined to be an endangered or threatened species in this state but not in the state where originally taken if the person engaging in such activity demonstrates by substantial evidence that such wildlife was lawfully taken and lawfully removed from such state. Provided, however, that this section shall not be construed to permit the possession, transportation, exportation, processing, sale or offer for sale or shipment within this state of species of wildlife determined, pursuant to the Federal Endangered Species Act to be an endangered or threatened species, except as permitted by Subsection G of Section 1904 of this Part.



§1906. Endangered species stamps

A. In addition to other methods of funding available for implementation of this Part the commission is authorized to issue and promote the sale to the general public of "endangered species" stamps, which shall be commemorative stamps, and which shall be limited to a maximum price of ten dollars for each stamp purchased.

B. Proceeds from the sale of these stamps shall be transmitted to the state treasurer who shall deposit the funds in a special account to be designated as the "endangered species fund", and which funds shall be used in addition to any other monies available for implementation of this Part.

§1907. Penalties and enforcement

Any violation of the provisions of this Part or any regulation adopted pursuant to the provisions of this Part shall constitute a class six violation punishable under the provisions of R.S. 56:36.

