

House Committee on Natural Resources and Environment

Minutes of Meeting
2022-2023 Interim
August 3, 2022

I. CALL TO ORDER

Representative Jean-Paul P. Coussan, chairman of the House Committee on Natural Resources and Environment, called the meeting to order at 8:38 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Jean-Paul P. Coussan, chairman
Representative Rhonda Gaye Butler
Representative R. Dewith Carrier
Representative Mack Marcel Cormier
Representative Scott McKnight
Representative Buddy Mincey, Jr.
Representative Joseph A. Orgeron
Representative Neil Riser
Representative Troy D. Romero
Representative William "Bill" Wheat, Jr.

MEMBERS ABSENT:

Representative Ryan Bourriaque, vice chairman
Representative Adrian Fisher
Representative Brett F. Geymann
Representative Timothy P. Kerner
Representative Mandie Landry
Representative Rodney Wayne Schamerhorn

STAFF MEMBERS PRESENT:

Robin Stalder, attorney
Brandy Phillips, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Faye Talbot, sergeant at arms

III. DISCUSSION

Representative Riser presented opening remarks and explained the purpose of the meeting was to discuss the proposed chronic wasting disease control area and a potential agreement reached with the Louisiana Department of Wildlife and Fisheries on rules regarding chronic wasting disease control measures.

Oversight hearing pursuant to R.S. 49:968(D)(2) on the Louisiana Department of Wildlife and Fisheries proposed administrative rules regarding chronic wasting disease control measures (LAC 76:V.137)

Mr. Jonathan Bordelon, Louisiana Department of Wildlife and Fisheries (LDWF), 669 Highway 1192, Marksville, LA 71351, (318) 487-5334, spoke for information only on the first detection of chronic wasting disease (CWD) in Louisiana, which was detected in a symptomatic deer in Tensas Parish in January 2022. A sample was sent to the diagnostic lab at LSU where it tested positive for CWD. The sample was then sent to the National Veterinary Services Lab in Ames, IA, where the positive test was confirmed. The CWD Response Plan was then implemented by LDWF.

Representative Riser commented on working to define the CWD control area. He asked how the area will be defined in Madison Parish so that hunters will be able to determine the limits of the control area. He commented that the agreement was that "Turkey Area C" would be implemented as the limit of the control area.

Mr. Joe McPherson, Louisiana Wildlife and Fisheries Commission (LWFC), Quail Drive, no city, state or zip provided, (318) 729-5696, stated that the Notice of Intent (NOI) would accommodate the reduced area in Madison Parish without having to make a change to the initial proposed radius of the control area. Chairman Coussan distributed a handout of the map of the control area, Exhibit A, which is included in the committee records.

Mr. Jack Montoucet, LDWF, no address provided, (337) 278-1879, spoke for information only and clarified that the area was "Turkey Area A" in Madison Parish.

Mr. Cole Garrett, LDWF, 2000 Quail Drive, Baton Rouge, LA 70808, spoke for information only and explained that the initial CWD Response Plan emergency rules were put into place and effective for 180 days, ending on August 3, 2022. In order to shrink the control area to the boundaries proposed in this meeting, another set of emergency rules would be put into place, taking effect August 4, 2022 and covering the next 17 days until August 20, 2022, when the final rule would go into effect.

Mr. Bordelon explained the necessary processes a hunter must go through in regards to the taxidermy of deer harvested within the control area. He explained the difference between the process a hunter had to go through to bring the deer to a taxidermist within the control area and the process to transport the deer to a taxidermist outside of the defined control area. He also spoke about the processes and requirements of the taxidermists in regard to deer harvested inside the control area.

Representative Riser asked whether there was anything in this response plan that would deem a deer ineligible to be scored for record purposes. Mr. Bordelon responded this would not have any impact on official measuring. He then explained the three pathways to getting a deer harvested in the control area mounted. Representative Riser mentioned the need for this information to be clearly identifiable on the website, on the main page, if possible. Mr. Bordelon said it was possible to make sure this happens.

Representative Riser asked, on behalf of Senator Womack, how long these bans and control measures would stay in place. Mr. Bordelon said he does not know how long the bans will stay in place. He explained the amount of samples they are aiming to collect in that area has been increased to 300 per year, which is substantially more than they usually collect. In order to make any judgment on the expected time frame these control measures will stay in place, they need to learn more about the disease. Their goal is to collect as many samples as possible from the control area and surrounding areas to gain as much information and insight into the disease as possible. This area has already been an area of increased surveillance since 2018 due to the area's close proximity to other areas where CWD has been detected.

Representative Riser asked when the information is expected to be reflected on the website. Mr. Garrett said that once the emergency rules go into effect, there would be a press release as well as the map of the control area uploaded on the website. He also stated that the regulations for taxidermy would be on the website before hunting season.

Chairman Coussan asked if the feeding ban included in the response plan covers food plots. Mr. Bordelon said that it does not and that it is defined as the placement of any bait or attractant which could be a mineral or salt. It is the same definition used in the migratory game laws pertaining to baiting.

Representative Mincey asked about the specific case of the CWD positive deer in Louisiana for a better understanding. Mr. Bordelon elaborated on the deer and its condition at the time it was suspected to have CWD. He explained how the deer may have been in the area for a while because the disease is neurological and can cause the animal to be unaware of its surroundings. He explained that the disease can be shed from the deer and bind to soil particles in the area, allowing it to persist in the environment for a decade or more. This leads them to believe there has been environmental contamination in that area. The closest detection to this deer was 25 miles away. He also stated the deer was found on an unprotected side of the river.

Representative Mincey asked if it was a free range deer. Mr. Bordelon said they do believe it was a free range deer but will not know for sure until they receive the results of genetic testing which the department has been working with Texas A&M to complete.

Representative Mincey asked about other testing methods or surveillance outside of the state, if testing can be done at the taxidermist, if there is a time limit on testing after the deer is harvested and how deer pen situations were being handled in regards to testing. Mr. Bordelon reiterated what parts of the deer were needed for testing and the conditions in which the sample needs to be kept to preserve it properly for testing. He also stated LDWF is equipped to collect samples at no cost to the hunter and you can check your results online with the case number assigned to your sample. He said some taxidermists are qualified to collect samples, and in the control area there will be coolers or containers placed this year where samples can be dropped off for collection. He also stated that adult male deer are more likely to exhibit the disease than any other sex or cohort. In reference to deer pens, he said the Louisiana Department of Agriculture and Forestry have their surveillance program to collect samples from deer pens.

Representative Mincey asked if there were any incentive programs to encourage taxidermists to participate in testing and if there are any requirements for taxidermists to test deer sent to them in that area. Mr. Bordelon answered that testing is and has been voluntary. So far, they have been able to meet their goals with voluntary testing. They are urging hunters and taxidermists to test and that resources are being made available to educate hunters on the signs of CWD.

Mr. McPherson further elaborated on pens. He said the head veterinarian with the department reached out and stated there are seven breeder pens and four hunting preserves in the three parishes. There is only one of these that is a CWD certified herd, meaning they test for CWD within that herd. They have only taken 21 samples within that herd since they've been certified. There is a danger of contamination from deer previously in pens. Without this NOI, there is nothing to prevent deer breeders from releasing CWD positive deer into the general deer population. The NOI does prohibit it.

Representative Romero asked Mr. Bordelon if he drew the protocols for the program to be used in Louisiana. Mr. Bordelon stated he participated in the process but the protocols were drawn up with a range of subject matter experts.

Representative Romero asked how the protocols for Louisiana compare to other states. Mr. Bordelon stated they are comparable. He reported there have been CWD detections in 30 states. Some type of restriction(s) have been put on import and export of parts in 45 states. There is a prohibition on baiting in 22 states, although, not all of them are CWD related. There are some restrictions on baiting in 16 other states except for CWD control zones in those states. There are some states that have no restrictions baiting, such as Texas and Kansas.

Representative Romero asked if other states have indicated that these measures have been successful in keeping the disease confined in control areas. Mr. Bordelon said it depends and that their goal is to keep CWD control areas from expanding. Baiting brings animals that normally wouldn't interact together, increasing the risk of CWD positive animals infecting healthy animals.

Representative Romero asked about the validity of the claim that a deer could have been infected for two years prior to showing any symptoms. Mr. Bordelon stated that the minimum incubation period before symptoms present is 16 months, with 16-24 months being the common incubation periods for deer displaying symptoms. He also stated that within this incubation time frame, the deer can have infected a lot of other animals due to the disease's ability to live in the wild indefinitely.

Representative Romero asked if both bucks and does would be tested since the disease tends to be more prevalent in bucks. Mr. Bordelon said they will be testing all ages and cohorts in the control area. Outside of the control area, they are limiting testing to deer that are two and a half years and older since they have a higher tendency, due to limited resources to test. He stated that anyone can request testing from within or outside of the control area.

Representative Romero asked about consequences for not following rules. Mr. Bordelon stated that once the rule is established, it will be a commission rules and regulations violation. It will be a class 2 violation, which carries a monetary fine initially as well as seizure and potential disposal of the deer head being moved out of the area. Baiting is also considered a class 2 violation, carrying a fine of \$200 for the first offense, increasing with each subsequent offense.

Chairman Coussan stated that he had another engagement and needed to leave the meeting early. His departure would cause the committee to lose a quorum so he proposed they entertain a motion at that time pursuant to the revised statutes they were there to discuss.

Representative Riser offered a motion to find the rule acceptable. Without objection, the motion passed by a vote of 9 yeas and 0 nays. Representatives Coussan, Butler, Carrier, Cormier, McKnight, Orgeron, Riser, Romero, and Wheat voted yea.

Representative Riser in chair.

Representative Romero asked Mr. Bordelon if they anticipate the control area growing over time. Mr. Bordelon said there is potential for this area to grow in size with additional detections. At the time of the meeting, there had only been one detection in Louisiana. The department hopes it stays that way. Other states have had initial detections and no subsequent detections for a year or two. Eventually, other positive detections may reveal themselves and, depending where they are located, the control area may expand or a new area may need to be created in another part of the state.

Mr. Montoucet stated that we are surrounded by cases in Texas, Mississippi and Arkansas and we have been able to keep CWD out of Louisiana until this year, when these other states have been

dealing with the disease for a few years now. They are hoping to keep more cases from entering the state. They have spent a lot of money on equipment, additional personnel and providing resources to encourage people to bring samples in to increase testing which they are working on with LSU. They are still waiting on DNA analysis from the deer that tested positive for CWD to find out information on where it came from and guidance on how to deal with it in the future.

Representative Carrier said he's been on a hunting lease in West Texas for the past 25 years and about 10 years ago, they started with CWD and how bad it was in the state, stressing the importance of stopping it at the border. He said it is no longer mentioned in that area and baiting is taking place there. He then asked why the person brought the deer that tested positive for CWD to LDWF.

Mr. Bordelon said it was because the deer was acting abnormal and was in poor condition.

Representative Carrier asked Mr. Bordelon if he thought the deer had the disease for eight and a half years. Mr. Bordelon said he did not think so and all they know is that the deer had the disease for at least 16 months but they are uncertain how long it had the disease beyond that.

Representative Butler asked if there are educational talking points available that can be shared with the committee to help members get the information out in their districts. Mr. Bordelon said there are 12 short videos focused on aspects of CWD they have gotten from Mississippi State University which can hopefully be utilized in getting information out to the general public.

Representative Butler asked if the disease has spread to other species. Mr. Bordelon said it is currently only found in deer species but there is still a lot we do not know about the disease. There has not been any link to this disease and human sickness.

Mr. Montoucet said he has instructed his staff to send a one-pager they have about CWD to members as well as giving the members access to the videos Mr. Bordelon discussed.

Representative Wheat asked if the NOI has regulations on the transport of live deer. Mr. McPherson said it is his understanding that it does. Representative Wheat said he did not hear that spoken to directly and wanted to make sure that this covers the transport of live deer in addition to carcasses because without that, it will be harder to "close the doors" on the spread of CWD.

Representative Wheat asked about pheromone baiting, such as using urine as an attractant. Mr. Bordelon said the NOI is specific to baiting at this time and does not address the use of scents. Scents do have regulations which are that it has to either be synthetic urine or natural deer urine from a herd certified pen and the urine has to have been tested with an amplification test referred to as RT Quick. These are the only attractants that can be legally placed at this time.

Representative Wheat asked about studies on food sources coming from a CWD positive area since the disease can contaminate the environment and soil. He wanted to know if there was any ban on

transporting grain, hay or other food sources from the CWD control area to areas outside of it. Mr. Bordelon stated that there is none that he is aware of. He stated that state wildlife agencies do not have jurisdiction over these crops and commodities.

Mr. Montoucet addressed the committee and distributed a handout, Exhibit B, which is included in the committee records. He said it explains their differences and conversations that need to be had moving forward on this matter.

Representative Cormier asked if there is a way to do a blood test on live deer or is the only way to conduct the test through the methods previously discussed in reference to parts of the deer carcass. Mr. Bordelon said currently, they have to utilize USDA approved tests. He stated there are other tests out there that use amplification but are not USDA approved yet. Some of these tests are very sensitive and used primarily in research settings to detect presence in the environment, soil and plants. He explained they are improving these tests and they may be available at some point, but for now they are relying on the tests that require the brain stem and lymph nodes of a deer post-mortem. There is a method that can be utilized where a tonsil or rectal biopsy can be taken from a live deer and amplification tests be used before moving a deer from one live herd to another. This test is not 100% accurate so there is a possibility that the disease can be missed using this method.

Mr. David Moreland, 18587 Highway 10, Clinton, LA 70722, (225) 978-6552, spoke in support of LDWF taking action to control and contain the spread of CWD. He stated that he believes CWD is a problem that is not going away and a lot of the spread of CWD is coming from deer farms and that is something that they need to keep an eye on.

Senator Womack stated that he thinks the plan they have come up with is the best fit for the time being.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 2 in support. Copies of these statements are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Romero offered a motion to adjourn. Without objection, the motion passed by a vote of 8 yeas and 0 nays. Representatives Butler, Carrier, Cormier, McKnight, Orgeron, Riser, Romero, and Wheat voted yea.

The meeting was adjourned at 10:12 a.m.

Respectfully submitted,

Chairman Jean-Paul P. Coussan
House Committee on Natural Resources and Environment

Date adopted: