

**NOTICE OF INTENT**  
**Department of Agriculture and Forestry**  
**Office of Forestry**

**Forest Productivity Program**  
**(LAC 7:XXXIX.1307, 1311 and 1315)**

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and through authority granted in accordance with Act 591 of 1970 and R.S. 3:4402, notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Forestry, intends to amend and enact the above cited regulation. LAC 7:XXXIX.1307 is being amended to allow private landowners to cost share an two additional services at a higher rate through the Forest Productivity Program. The amendments to Rule 1307 will also remove the services/practices that are not often used or are able to be cost-shared with the introduction of new services/practices and rates. The amendment to Rule 1311 exempts prescribed burning from the list of practices which require the landowner to maintain the land in forestry usage for ten years from the date the department approves the cooperative agreement. This will encourage prescribed burning, which helps reduce the frequency and intensity of wildfires. The amendments to Rule 1315 reduce the forestry practice implementation period from 24 months to 11 months in order to align the program with the state fiscal year.

**Title 7. Agriculture and Animals**  
**Part XXXIX. Forestry**

**Chapter 13. Forestry Productivity Program**

**§1307. Extent of State Participation**

A. - C. ...

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): \$50.00/acre
  - b. Containerized Pine (loblolly, slash or shortleaf, planting and seedling cost): \$60.00/acres
  - c. Hardwood (planting and seedling cost): \$90.00/acre
  - d. Containerized Hardwood (planting and seedling cost): \$110.00/acre
  - e. Labor Only (pine or hardwood): \$25.00/acre
  - f. Labor Only (containerized pine or hardwood): \$35.00/acre
  - g. Longleaf Pine (planting and seedling cost): \$60.00/acre
  - h. Containerized Longleaf Pine (planting and seedling cost): \$80.00/acre
2. Site Preparation
  - a. Light (disking, mowing, or sub-soiling): \$15.00/acre
  - b. Burn (cut-over areas or agriculture lands): \$25.00/acre
  - c. Chemical: \$60.00/acre
  - d. Mechanical: \$100.00/acre
  - e. Post-site Preparation (aerial, ground, or injection): \$50.00/acre
  - f. Herschal Drag: \$40.00/acre
3. Control of Competing Vegetation
  - a. Chemical Release (aerial, ground, or injection): \$50.00/acre
  - b. Prescribed Burn: \$20.00/acre

E. - F. ...

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:

**§1311. Obligations of the Landowner**

A. ...

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. – D. ...

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); LR 42:

**§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:

**Family Impact Statement**

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

- (1) the stability of the family;
- (2) the authority and rights of persons regarding the education and supervision of their children;
- (3) the functioning of the family;
- (4) family earnings and family budget;
- (5) the behavior and personal responsibility of children;
- (6) the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

- (1) the effect on household income, assets, and financial security;
- (2) the effect on early childhood development and preschool through postsecondary education development;
- (3) the effect on employment and workforce development;
- (4) the effect on taxes and tax credits;
- (5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Statement**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- (1) the effect on the staffing level requirements or qualifications required to provide the same level of service;
- (2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- (3) the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Wade Dubea, State Forester, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 6000, Baton Rouge, LA 70806 and must be received no later than 12:00 p.m. on the October 5, 2016. No preamble is available.



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Mike Strain, DVM  
Commissioner of Agriculture and Forestry