

La. R.S. 42:14(E) requires agencies (with certain exceptions) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. Additionally, La. R.S. 42:17.2 was amended to permit certain, eligible public bodies and agencies to conduct open meetings via electronic means (e.g., videoconference or teleconference).

Louisiana Department of Revenue's (LDR) implementation costs are expected to be minimal. Zoom is the predominant video conference software utilized by state agencies. The cost for a commercial Zoom license starts at \$150 per year but may be higher depending on the needs of the meeting. Alternatives such as Skype and GoTo Meeting are also available. Additional features such as captioning and webinar software to provide moderated public participation may pose additional costs. For example, a Zoom Webinars license for up to 500 attendees costs \$690 per year. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website.

The agency currently has sufficient funding to implement the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to have any effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups. To the extent someone is able to attend a meeting via electronic means that might not otherwise be able to, an economic impact may result.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Kevin J. Richard
Secretary
2312#010

Deborah A. Vivien
Chief Economist
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NOTICE OF INTENT

Department of Transportation and Development Professional Engineering and Land Surveying Board

Boundary Surveys—Standards of Practice
(LAC 46:LXI.2903, 2905, 2910 and 2913)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Professional Engineering and Land Surveying Board has initiated procedures to adopt LAC 46:LXI.2910 and to amend its rules contained in LAC 46:LXI.2903, 2905 and 2913.

This is an adoption of a new rule, as well as a revision of existing rules under which LAPELS operates. The new Rule provides for DOTD right-of-way surveys. The revision updates terminology for boundary surveys and clarifies surveying closure requirements for small tracts. The anticipated effective date of this proposed new Rule and these proposed Rule amendments is the date of promulgation.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors Chapter 29. Standards of Practice for Boundary Surveys

§2903. Definitions

A. Any terms not specifically defined herein shall be as defined in the most current publication of *Definitions of Surveying and Associated Terms* as published by the National Society of Professional Surveyors. For the purpose of this Chapter, all the definitions listed that differ from any other source are to be interpreted as written herein.

* * *

Right-of-Way—any strip or area of land, including surface, overhead, or underground, encumbered by a servitude. Rights are typically granted by deed for access or for construction, operation and/or maintenance purposes, according to the terms of the grant.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1064 (December 1990), amended LR 22:713 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1042 (July 2001), LR 30:1725 (August 2004), LR 37:2414 (August 2011), LR 50:

§2905. Classification of Boundary Surveys

A. Types of Boundary Surveys. Four types of boundary surveys, which relate to or define property boundaries, are regulated by these standards of practice. These are property boundary surveys, route surveys, DOTD right-of-way surveys and mineral unitization surveys.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004), LR 37:2415 (August 2011), LR 44:627 (March 2018), LR 50:

§2910. DOTD Right-of-Way Survey

A. Definition

DOTD Right-of-Way Survey—a survey for determining the route of a proposed public road or other linear facilities in order for the Department of Transportation and Development or another governmental agency to acquire ownership of real property, or a public servitude or easement, from the property owner being crossed.

B. Scope and Product. A DOTD right-of-way survey shall, as a minimum, consist of the following elements.

1. The professional land surveyor shall utilize sufficient title information and research as needed to define the tract boundaries.

2. The professional land surveyor shall locate sufficient evidence, on the ground, to determine the location of all boundary lines that will be crossed by the real property, or the proposed public servitude or easement, to be acquired. Installation of new monuments is not required

when defining the limits of the public servitude or easement to be acquired; however, subsequent to completion of construction of the public road or other linear facilities, installation of right-of-way monuments is required when defining the limits of the real property acquired.

3. The professional land surveyor shall prepare a plat(s) or map(s) for those tracts being crossed, showing the alignment of the proposed route and the length of the real property to be acquired or the proposed public servitude or easement across the tract. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14 and 15. These final plats or maps issued to the Department of Transportation and Development or other governmental agency shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the DOTD right-of-way survey complies with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the real property (or public servitude or easement) acquired, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map. These plats or maps shall be known as DOTD right-of-way maps.

4. The right-of-way monuments installed subsequent to completion of construction of the public road or other linear facilities define the limits of the real property acquired. The right-of-way monuments shall be installed in accordance with the current Department of Transportation and Development standard specifications for right-of-way monuments. The professional land surveyor shall prepare a plat(s) or map(s) showing the alignment of the route and the length of the real property acquired as shown on the corresponding DOTD right-of-way map, but in doing so shall be exempt from requirements contained in Paragraph 2 of Subsection B. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 3, 4, 6, 7, 9, 13, 14 and 15. These final plats or maps issued to the Department of Transportation and Development or other governmental agency shall contain a statement by the professional land surveyor certifying its

authenticity (that it represents his/her survey) and stating that the right-of-way monuments were installed and comply with the applicable standards of practice as stipulated in this Chapter. Sufficient information to re-establish the real property acquired, including any found monuments, must be shown at a suitable scale or in a separate detail on each plat or map. These plats or maps shall be known as DOTD right-of-way monument location maps.

5. It is not required that the professional land surveyor who prepared the DOTD right-of-way map referenced in Paragraph 3 of Subsection B be the same professional land surveyor who prepared the DOTD right-of-way monument location map referenced in Paragraph 4 of Subsection B.

6. If requested by the Department of Transportation and Development or other governmental agency, the professional land surveyor shall prepare a legal description of the real property to be acquired and the proposed public servitude or easement for each tract crossed by the proposed public road or other linear facility. The description shall describe the alignment and length of the real property to be acquired and the proposed public servitude or easement and shall comply with those requirements for legal descriptions for property boundary surveys that are specifically contained in §2907.H.6-9. The Department of Transportation and Development and other governmental agencies may require an additional electronic file that generates the legal description, which shall also comply with this Paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 50:

§2913. Positional Accuracy Specification and Positional Tolerances
[Formerly §2909]

A. If radial survey methods, global positioning systems (GPS) or other acceptable technologies or procedures are used to locate or establish points on the boundary survey, the professional land surveyor shall apply acceptable surveying procedures in order to assure that the allowable positional accuracy and/or positional tolerance of such points are not exceeded. Any conversion from meters to feet shall use U.S. Survey Feet.

Condition	A	B	C	D	Remarks and Formula
	Urban Business District	Urban	Suburban	Rural	
Unadjusted Closure (maximum allowable)	1:15,000	1:10,000	1:7,500	1:5,000	Traverse Loop or between Control Monuments (closed traverse)
Angular Closure (maximum allowable)	10"√N	15"√N	25"√N	30"√N	N = Number of Angles in Traverse (closed traverse)
Accuracy of Bearing	± 15 Sec.	± 20 Sec.	± 30 Sec.	± 40 Sec.	In Relation to Source (closed traverse, radial or GPS)
Linear Distances Accurate to: (maximum allowable)	0.05 ft ± ± 0.05 ft per 1,000 ft	0.05 ft ± ± 0.1 ft per 1,000 ft	0.07 ft + ± 0.15 ft per 1,000 ft	0.1 ft + ± 0.2 ft per 1,000 ft	Applies when the Distance is not part of a Closed Traverse (radial or GPS)
Positional Tolerance and Positional Accuracy of any Monument (maximum)	0.1' + AC/15,000	0.1' + AC/10,000	0.1' + AC/7,500	0.2' + AC/5,000	AC = Length of Any Course* (closed traverse, radial or GPS)

Condition	A	B	C	D	Remarks and Formula
	Urban Business District	Urban	Suburban	Rural	
Calculation of area - accurate and carried to nearest _____ (decimal place) of an acre (closed traverse, radial or GPS)	0.001	0.001	0.001	0.001	To 1 acre
	0.001	0.001	0.01	0.01	To 10 acres
	0.01	0.01	0.1	0.1	To 100 acres
	0.1	0.1	0.2	0.3	To 1,000 acres
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	0.2 ft.	0.3 ft.	0.4 ft.	0.5 ft.	Based on Accepted Local Datum (closed traverse, radial or GPS)
Location of Improvements, Structures, Paving, etc. (Tie Measurements)	± 0.1 ft.	± 0.2 ft.	± 0.5 ft.	± 1 ft.	(closed traverse, radial or GPS)
Adjusted Mathematical Closure to Survey (Minimum)**	1:50,000	1:50,000	1:50,000	1:50,000	(closed traverse, radial or GPS)

*Short courses in classes "A" and "B" may generate positional errors of less than 0.01 feet. A minimum course distance of 200 feet shall be used in calculating positional error.

**Smaller tracts may result in a closure less than 1:50,000. Professional land surveyor shall minimize closure constrained by precision of bearing (nearest second of angle) and distance (one hundredth of a foot).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1068 (December 1990), amended LR 22:716 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1046 (July 2001), LR 30:1729 (August 2004), LR 37:2419 (August 2011), LR 44:628 (March 2018), LR 50:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on family formation, stability or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on child, individual or family poverty in relation to individual or community asset development.

Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the *Louisiana Register*: The impact of the proposed Rule on small businesses has been considered. LAPELS has, consistent with health, safety, environmental and economic welfare, considered utilizing regulatory methods that will accomplish the objectives of applicable statutes while minimizing adverse impact on small businesses. The proposed Rule is not anticipated to have an adverse impact on small businesses.

Provider Impact Statement

In accordance with HCR No. 170 of the 2014 Regular Session, the following Provider Impact Statement is

submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide the same level of service or the ability of the provider to provide the same level of service.

Public Comments

Interested parties are invited to submit written comments on the proposed Rule through January 10, 2024 at 4:30 p.m., to Donna D. Sentell, Executive Director, Louisiana Professional Engineering and Land Surveying Board, 9643 Brookline Avenue, Suite 121, Baton Rouge, LA 70809-1433.

Donna D. Sentell
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Boundary Surveys Standards of Practice**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs or savings to state or local governmental units resulting from this proposed rule change. The proposed rule change establishes the DOTD right-of-way survey and provides the definition of a DOTD right-of-way survey and the minimum requirements for scope and product of the survey. The proposed rule change also makes various technical changes. The proposed rule change was approved by the Louisiana Professional Engineering and Land Surveying Board at its October 30, 2023 board meeting.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change has no estimated impact on costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups. The proposed rule change does not change the definition of a right-of-way, but establishes guidelines for the Louisiana Department of Transportation and Development (DOTD) to follow when conducting DOTD right-of-way surveys.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no estimated effect on competition and employment in the public and private sectors as a result of the proposed rule change.

Donna D. Sentell
Executive Director
2312#035

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Bear Hunting Areas, Seasons, Rules and Bag Limits
(LAC 76:XIX.109)**

Notice is hereby given that the Wildlife and Fisheries Commission proposes to adopt a Louisiana Black Bear hunting season for the 2024 hunting season. The department manages the take of resident game, outlaw quadrupeds and migratory birds in Louisiana and this action defines legal participants, sets the legal season bag limits along with legal methods of take and hunting season dates for the Louisiana Black Bear during 2024 hunting season.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final rule.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§109. Bear Hunting Areas, Seasons, Rules and Bag Limits

A. Bear Hunting 2024

1. Hunting only allowed in Bear Area 4 and shall be still hunt only.

2. Bear season will be from the first Saturday in December to the Sunday following the third Saturday in December. Harvest limit is one bear per season.

3. The use of dogs when hunting bear is prohibited.

4. Cubs and females with cubs are not legal to harvest. A cub is defined as any bear less than or equal to 75 pounds.

5. Bear hunting is restricted to bona fide resident hunters who are properly licensed, hunter safety certified, and selected by lottery. Successful applicants will be issued permits. The number of bear harvest permits issued will be determined based on Bear Area specific population estimates and vital rate data acquired at regular intervals. The number of bear harvest permits issued at any given time during the season shall not allow the harvest to exceed the number of female or male bears in any Bear Area that would compromise the long-term sustainability of the Bear Area population.

6. Harvest of bears without a permit is prohibited. Bear hunting permits will consist of three types: Wildlife Management Area (WMA), Private Landowner, and General.

a. WMA Permits will authorize bear harvest for specified WMAs.

b. Private Landowner Permits will be allocated to qualifying private landowners, or their designee, in Bear Areas with an open season for that permit year. To qualify for a Private Landowner Permit, applicants must provide evidence of qualifying acreage (40+ contiguous acres), proof of ownership, and payment of property taxes for property within the Bear Area for which they apply.

c. General Permits authorize hunting on private property, with landowner permission, within Bear Areas with an open season for that permit year. Individuals receiving a General Permit are responsible for coordinating with landowners to gain permission and access to hunting on their property.

7. Permits shall only be issued by lottery. Applicants shall apply to LDWF on department-approved applications prior to each season. Applicants not chosen will be given preference points in following years. Successful applicants are not allowed to apply for another bear permit for two years after being drawn. All applications require a non-refundable application fee. Consult the regulations pamphlet or contact any department office for details.

8. Transferability of bear permits: Only the private landowner permits are transferrable. Transferees must be a properly licensed Louisiana resident age 18 and over. Permits being transferred must be arranged prior to the mandatory training session. A permit may only be transferred one time. The Department of Wildlife and Fisheries shall be notified once a permit has been transferred and provided the transferees name, address, and phone number.

9. Bear hunter training: All successful applicants or transferees will be required to attend a department bear hunter training course prior to going afield. Individuals not attending a department bear hunter training course will be prohibited from hunting. Successful youth applicants must attend bear hunting training with a properly licensed adult. The adult attending the training is responsible for supervising the youth during the bear hunt and must be within arm's reach or within the same stand or blind as the youth.

10. Baiting and scent attractants: Baiting allowed two weeks prior to season opening to the day the season closes. Hunting over specified unprocessed bait, specified processed bait, and the use of a scent lure is allowed. Unprocessed bait is defined as any raw product legal for baiting bears. Legal specified unprocessed baits are raw meat and fish, grains, nuts, and fruits where legal. Specified processed bait is defined as any baked or cooked product legal for baiting bears. Legal processed baits are donuts and like pastries (e.g., cinnamon rolls, honey buns, muffins). Use of chocolate is prohibited as bait or scent. Scent lure is any non-food product that is used as a scent attractant legal for use in Louisiana.

11. Harvested bears must be tagged immediately upon harvest and prior to being moved from site of harvest. All successful bear hunters must immediately contact their