

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Abandoned and Salvaged Recreational Vessel Registration and Titling (LAC 76:XI.311)

The Wildlife and Fisheries Commission does hereby establish protocols on the designation, removal, registration, and titling of abandoned vessels.

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 XI. Boating

Chapter 3. Boating Safety

§311. Abandoned and Salvaged Recreational Vessel Registration and Titling

A. Definitions

Abandoned vessel—any vessel that:

- a. has remained on or immediately adjacent to private property without the consent of the property owner, agents, lessee, or assigns; or

b. has been found adrift or unattended in or upon the land or waters of the state, parish, or municipality for more than 30 days and is found to constitute a hazard or obstruction to the use of the waters of the state or presents a potential health or environmental hazard; or

c. is in a wrecked, submerged, inoperative or partially dismantled condition.

Authority—the federal, state, or local governing authority having jurisdiction over any canal, coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway, whether navigable or not, or on the banks thereof within the state of Louisiana as defined in R.S. 34:843.

B. Procedure

1. Obtaining Abandoned Vessel Information

a. Persons attempting to obtain information regarding an abandoned vessel must request vessel information from the department that includes the following:

i. a detailed description of the vessel, including make, model, and any identifying number, including registration numbers, decal numbers, hull identification number, or USCG documentation number,

ii. the parish, waterway, address, and/or any other pertinent information revealing the specific location of the abandoned vessel, and

iii. photographs of the vessel in the above described location and any and all identifying numbers of the abandoned vessel.

iv. a written statement attesting that the vessel is abandoned as defined in this Section.

2. Notice to Owner(s) and/or Holders of Security Interests

a. If the vessel has a registration number assigned by the department, or any other state, or if there are any other means of identifying the owner and any lienholder, the Authority must make a good faith effort, by certified mail/return receipt, to notify the owner and any lienholder at their last known address.

3. Contents of Notice must:

- a. describe the vessel and include any identifying numbers;
- b. give location where vessel is located;
- c. inform the owner(s) and any lienholder of a right to reclaim the vessel within 30 days;
- d. state that failure to claim the vessel will constitute a waiver of all rights, title and interest in the vessel; and
- e. if ownership is not claimed and vessel removed within 30 days after receipt of the letter, the vessel shall be deemed abandoned.

4. Notice by Publication

- a. If the Authority is unable to determine the last registered owner or the identity of any lienholder of the abandoned vessel, or if the certified mail notice is returned "undeliverable," the Authority shall place a notice, to appear at least one day for three consecutive weeks, in the official journal of the parish where the vessel is located.
- b. The notice by publication shall contain the information required under Contents of Notice and shall be published within 15 days of the return of the certified mail as undeliverable.

5. Removal of Abandoned Vessel

a. If the owner or any lienholder fails to claim the vessel within 30 days after the certified mail or after the initial notice by publication is given, the Authority, or an interested third party approved by the Authority may remove the vessel at their own expense and claim ownership.

6. Application for Registration and Title

a. Once the abandoned vessel is removed, any person in lawful possession of the vessel may apply to the department for registration and title. The application must be accompanied by the following:

i. the completed and notarized affidavit for Registration/
Titling of Abandoned Recreational Vessels;

ii. receipts for certified mail to identified owner and any
lienholder or original copies of the notice of publication as required in Subparagraph 4.a. above;
and

iii. a certificate of Deletion issued by the U.S. Coast Guard if
the vessel bears an official number issued by the Coast Guard or there is other evidence that the
vessel was documented by the Coast Guard.

b. If an applicant has purchased, or otherwise came into legal possession, a salvaged vessel from the Authority as outlined in R.S. 34:843, in addition to all items outlined in Subparagraph 6.a. above, they shall provide a bill of sale, act of donation, or other legal transfer of ownership documents from the Authority.

7. Issuance of Registration and Title

a. Any vessel that has been recovered or salvaged after being deemed abandoned in accordance with this rule and R.S. 34:843 shall be required to be registered and titled before being operated upon the waters of the state.

b. Upon receipt of a completed application and payment of applicable fees, the department shall issue a registration and title in the name of the applicant.

c. All cost incurred in obtaining registration and title shall be borne by the applicant.

8. Abandoned Vessels on Private Property

a. Private property owners, or their designee, may act independently from the Authority when an abandoned vessel is on or moored to their private property.

b. All procedures described above and outlined in R.S. 34:843 must be adhered to by private property owners, or their designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:843 and R.S. 34:852.23.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule is expected to have a positive impact on small businesses engaged in the salvage and recovery of abandoned vessels and on marinas and other small businesses with properties on which abandoned vessels may be situated.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until December 2, 2025 to Captain Jason Russo, Enforcement Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to jrusso@wlf.la.gov.

Kevin Sagrera

Chairman

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

There is no anticipated impact on the Louisiana Department of Wildlife and Fisheries (LDWF) expenditures resulting from the proposed rule changes.

The proposed rule makes the following changes:

- a. Defines the term "abandoned vessels" for the purposes of the rule.
- b. Establishes procedures for local governments and private property owners to obtain information regarding vessels abandoned on their properties
- c. Establishes procedures for sending notices to owners of abandoned vessels.
- d. Allows local governments and private property owners to remove abandoned vessels located on their properties.
- e. Establishes procedures to register and title abandoned vessels to facilitate the transfer of ownership to local governments, approved third parties, and private property owners of the properties on which the vessels are located.

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

The proposed rule may have a moderately positive effect on revenue collections of the LDWF from the payment of boating registration fees for reclaimed vessels.

The proposed rule changes establish procedures for federal, state, and local government agencies to transfer ownership of abandoned vessels situated on properties under their control. The agencies that take possession of the abandoned vessels may derive revenue from the sale of the vessels, gear, equipment, or parts.

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

The proposed rule change is expected to benefit anglers, boaters, commercial fishers, and others who use Louisiana waterways by providing a means to remove abandoned vessels that may present a disruption to safe navigation. The proposed rule change is expected to benefit private owners of

lands and waters on which boats are abandoned by providing them a legal avenue for their removal. The proposed rule changes may provide opportunities to earn revenue from the sale or disposal of vessels, gear, and parts. Private property owners who choose to remove abandoned vessels under the proposed rule change may experience costs related to their relocation. The proposed rule change may provide additional revenue opportunities for marinas, boat yards, and businesses that rent or lease slips or docks to boat owners by freeing up space for other potential customers. Many of the marina owners, landowners, or other businesses that may benefit from the proposed rule change meet the qualifications of small businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have any effect on competition or employment in the public and private sectors.