



# State of Louisiana

## Abandoned and Derelict Vessel (ADV) Legislative and Administrative Review - 2015

NOAA Marine Debris Region:  
Gulf of Mexico



### Definition of a Vessel

The State of Louisiana defines a “vessel” and “watercraft” in the following manner as provided under Title 34, Navigation and Shipping, part 4 concerning Motorboats and Vessels (La. Rev. Stat. Ann. § 34:851.2):

**Vessel:** means watercraft and air boats of every description, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

**Watercraft:** means any contrivance used or designated for navigation on water.

Louisiana’s Oil Spill Prevention and Response Act (Title 13, chapter 19) provides a definition of “vessel”, as it relates to vessels involved in an actual or threatened discharge of oil, under La. Rev. Stat. Ann. § 30:2454(30):

**Vessel:** includes every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, whether self-propelled or otherwise, including barges.

Louisiana statutes also provide a definition for a “vessel” under the Vessel and Motor Titling Act (La. Rev. Stat. Ann. § 34:852.1):

**Vessel:** means every description of watercraft and air boats, including homemade boats, other than a seaplane on the water, used or capable of being used as a means of transportation on water, valued in excess of two thousand five hundred dollars, to be principally operated on the waters of this state and required to be numbered.

### Definition of an Abandoned and/or Derelict Vessel

Louisiana state statutes do not provide explicit definitions for “abandoned” or “derelict” vessels. Louisiana Administrative Codes governing the Office of State Parks (part 9) under Title 25, Cultural Resources, provide the only criteria for when a vessel/boat is considered abandoned. Under La. Admin. Code tit. 25, § 9-307(G), a vessel is considered abandoned if it is:

“left unattended for more than seven consecutive days unless the proper permit or advanced written approval is granted by the site manager.”

### Formal State Program for Abandoned Vessels

The State of Louisiana currently does not have a formal program addressing abandoned and/or derelict vessels. The state does have statutes under Navigation and Shipping (Title 34) that requires the owner of a vessel that is left unattended, junked or abandoned in state waters to present a plan to remove the vessel, and if approved, remove the vessel (La. Rev. Stat. Ann. § 34:843).

Abandoned and derelict vessels that are involved in an actual or threatened unauthorized discharge of oil in coastal waters or on public or private property are addressed under the State’s Oil Spill Prevention and Response Act. Louisiana’s Oil Spill Coordinator’s Office (LOSCO)



does have a formal Abandoned Barge Program that addresses oil-bearing abandoned vessels. This program, which began in 1993, is aimed at minimizing the threat of an oil spill by locating and removing abandoned barges or vessels that pose a high risk for unauthorized discharge of oil. The Louisiana Oil Spill Prevention and Response Act, pursuant to La. Rev. Stat. Ann. § 30:2469, requires the coordinator of LOSCO to locate, identify, mark, and analyze the contents of any abandoned or derelict vessels or structures found within the state; and, if they contain oil or oil based materials, establish a priority for removal of these vessels based on the highest risk to human health and safety, the environment and wildlife habitat. The State, through LOSCO, has established a partnership with the U.S. Coast Guard and the U.S. Environmental Protection Agency to remove abandoned oil-bearing vessels and barges from Louisiana waters through the Joint Operating Procedures (JOP) Program in order to eliminate the threat of potential discharges.

Pursuant to La. Rev. Stat. Ann. § 34:843(D), if a person fails to remove a vessel and violates the provisions contained under La. Rev. Stat. Ann. § 34:843, they can be fined up to \$500 or imprisoned for not more than six months, or both. Under Louisiana law it is also unlawful for a person to leave or abandon a vessel in a wrecked, derelict, or substantially dismantled condition without the consent from the Oil Spill Coordinator's Office, if it is involved in an actual or threatened unauthorized discharge of oil in coastal waters or on public or private lands or at a public or private port or dock (La. Rev. Stat. Ann. § 30:2469(A)). Provisions contained under the Oil Spill Prevention and Response Act do not address penalties associated with violations of La. Rev. Stat. Ann. § 30:2469(A); however, the State may recover the costs of removal from the owner or operator of the vessel (La. Rev. Stat. Ann. § 30:2469(C)).

#### **Designation of Abandoned and/or Derelict Vessels**

Louisiana statutes do not provide explicit definitions for "abandoned" or "derelict" vessels nor do they outline a formal process for the designation of vessels as either abandoned or derelict. However, under the states' administrative codes the Office of State Parks can designate a vessel as abandoned if it is left unattended for more than seven consecutive days without advanced written approval or a proper permit (La. Admin. Code tit. 25, § 9-307(G)).

Louisiana law does require the owner(s) of a numbered vessel to notify the State within 15 days if the vessel is destroyed or abandoned (La. Rev. Stat. Ann. § 34:851.20(G)).

#### **Responsibility for Removal of Abandoned or Derelict Vessels**

The primary responsibility for removing unattended, junked or abandoned vessels in Louisiana lies with the owner. Pursuant to La. Rev. Stat. Ann. § 34:843(A)(1), the owner of any tug, towboat, barge, watercraft, ship or vessel (foreign or domestic) that has been left unattended, stored, junked, or abandoned in or on any waters of the state must, within 30 days of receiving notice, present a plan for removing the vessel to the governing authority with jurisdiction. If the owner is not known or a removal plan has not been submitted within the allotted time frame the federal, state, or local governing body with jurisdiction has the authority to remove the vessel at the owners expense (La. Rev. Stat. Ann. § 34:843(B)(1)).

If a vessel leaks oil or is a threat to do so and falls under the provisions of Louisiana's Oil Spill Prevention and Response Act, the state has, through the Oil Spill Coordinator's Office, both the responsibility and authority to remove the vessel or have it removed (La. Rev. Stat. Ann. § 30:2469). If a vessel is removed under the provisions of this chapter the coordinator may recover the costs of the removal from the owner or operator (La. Rev. Stat. Ann. § 30:2469(C)).



The Louisiana Department of Environmental Quality has jurisdiction over the removal of abandoned vessels pursuant to a delegation of authority by the Governor's Office of Homeland Security and Emergency Assistance and Preparedness under the Louisiana Disaster Act and Act No. 662 of 2006. The Department of Environmental Quality published "The Comprehensive Plan for Disaster Clean-up and Debris Management" in 2014, which can be accessed at:

[http://www.deq.louisiana.gov/portal/Portals/0/permits/sw/Debris%20Management%20Plan%204%208%2015%20\(3\).pdf](http://www.deq.louisiana.gov/portal/Portals/0/permits/sw/Debris%20Management%20Plan%204%208%2015%20(3).pdf)

### **Removal and Disposal Requirements/Guidelines**

Under Louisiana statutes if the owner of any tug, towboat, barge, watercraft, ship or vessel, whether foreign or domestic, which has been left unattended, stored, junked, or abandoned in 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, is required to present a plan to remove the vessel from the waterway or bank within thirty days after receipt of a written notice by certified mail from the federal, state, or local governing authority having jurisdiction to remove the object (La. Rev. Stat. Ann. § 34:843(A)(1)). If the vessel does not pose an immediate danger to life or property, the owner is required to present a plan for the removal of the object to the authority having jurisdiction that considers factors of safety, cost, and efficiency in accomplishing the removal; which must be approved or rejected by the authority within thirty days from the date of the plans submission. If the moored, tied off, unattended, stored, junked, or abandoned vessel does pose an immediate danger to life or property, it must be removed by the owner immediately upon receipt of a written or oral removal notice (La. Rev. Stat. Ann. § 34:843(A)(1)) (note: any vessels that are within 100 feet of a drainage pump discharge station are presumed to be an immediate danger to life or property).

In the event that the owner does not submit a plan for removal of the vessel to the authority, or a plan is not approved by the authority, within the specified time period, the authority may have the object removed at the owner's expense (La. Rev. Stat. Ann. § 34:843(B)(1)). Vessels removed by the authority with jurisdiction in accordance with this section can be junked, discarded, or otherwise disposed of. The authority can also sell, exchange, or otherwise transfer ownership of the vessel to any person, corporation, or entity for any price or consideration which the authority may deem advisable. Any proceeds received from disposing of a vessel under La. Rev. Stat. Ann. § 34:843 must be used to cover the costs of removing the object, with any remaining balance becoming the property of the authority.

If the owner cannot be identified or located, the government entity with authority must publish a notice in the official journal of the local parish (La. Rev. Stat. Ann. § 34:843(A)(1)). The notice must state that the object will be removed and disposed of by the authority at any time after 30 calendar days of publication of the notice at the cost of the owner.

Pursuant to La. Rev. Stat. Ann. § 34:843(B)(2), if the vessel poses an immediate danger to life or property and is not removed immediately by the owner after receiving notice, or the owner cannot be identified, the entity with authority can cause the removal of the vessel at the owner's cost, risk and expense. Vessels taken by a state authority under this provision can be sold, exchanged, transferred or disposed of in any manner and for any price the authority deems advisable. Authorities that remove and/or dispose of vessels pursuant to the provisions contained in La. Rev. Stat. Ann. § 34:843, are not liable or responsible to the owner or other



claimant for any damages to or destruction of the vessel in connection with the removal, storage, sale or other disposition of the vessel.

There are no statutory provisions on how vessels should be removed, although DEQ and other agencies have to comply with all federal, state, and local laws.

**Differences between Commercial and Recreational Vessel Treatment**

Louisiana laws pertaining to abandoned and derelict vessels do not distinguish between commercial and recreational vessels.

**Vessel Size Requirements or Limits**

No size requirements or limits for ADV designation are provided under Louisiana laws.

**Funding Sources**

In general, there is no funding source dedicated to removal and disposal of abandoned or derelict vessels. Louisiana statutes make the owner of an abandoned or derelict vessel responsible for paying all costs associated with its removal and disposal.

Vessels that are designated as hazards by the Louisiana Oil Spill Coordinator, or the Department of Environmental Quality, under the Oil Spill Prevention and Response Act (La. Rev. Stat. Ann. § 30:2469) can be removed using monies from the Oil Spill Contingency Fund, providing that the owners of the vessels cannot be located. The purpose of the fund is to provide immediately available funds for response/cleanup activities related to all threatened or actual unauthorized discharges of oil, natural resources damages, damages sustained by any state agency or political subdivision, and removal costs.

The fund receives monies from legislative appropriations and fees collected pursuant to La. Rev. Stat. Ann. § 30:2485 and § 30:2486, penalties, judgments, reimbursements, charges, interest, and federal funds collected pursuant to the provisions of this chapter. The Oil Spill Coordinator is authorized to use up to \$1,000,000 from the state’s Oil Spill Contingency Fund for vessel removal activities.

**Lead State Agency**

Louisiana does not have a lead agency for abandoned and derelict vessels. In Louisiana the federal, state or local governing authority with jurisdiction takes the lead in removing vessels under La. Rev. Stat. Ann. § 34:843.

The Louisiana Oil Spill Coordinator, in the Department of Public Safety and Corrections, is the lead administrator of abandoned and derelict vessels that fall under the provisions of the Oil Spill Prevention and Response Act (La. Rev. Stat. Ann. § 30:2469).

- Email: through website
- Telephone: 225-925-6606
- Website: <http://losco.state.la.us/index.html>

Louisiana’s Department of Environmental Quality is the lead agency when abandoned or derelict vessels fall under the provisions of the Oil Spill Prevention and Response Act (La. Rev. Stat. Ann. § 30:2469).

- Email: through website
- Telephone: 225-219-5337 or 1-866-896-5337
- Website: <http://www.deq.louisiana.gov/portal/>



**Insurance Requirements for Vessels**

The State of Louisiana does not require vessel insurance.

**Specific Location Factors, Limitations and Additional Information**

In Louisiana, vessels that are involved with an actual or threatened discharge of oil are dealt with through provisions under the Oil Spill Prevention and Response Act. Under La. Rev. Stat. Ann. § 30:2469(A), it is unlawful for a person to “leave, abandon, or maintain any structure or vessel involved in an actual or threatened unauthorized discharge of oil in coastal waters or on public or private lands or at a public or private port or dock, in a wrecked, derelict, or substantially dismantled condition, without the consent of the coordinator”.

Under La. Rev. Stat. Ann. § 30:2469(B), Louisiana’s oil spill coordinator is required to locate, identify, mark, and analyze the contents of any abandoned or derelict vessels found within the state and to prioritize their removal based on the highest risk to human health and safety, the environment, and wildlife habitat. In addition, the coordinator must create a computerized list of these vessels that indicates their location, identity and contents.

Any vessels that meet the description provided under La. Rev. Stat. Ann. § 30:2469(A), can be removed by the coordinator, and any costs associated with the removal may be recovered by the coordinator from the owner or operator of the vessel (La. Rev. Stat. Ann. § 30:2469(C)). If the owner or operator cannot be located the coordinator can utilize monies from the Oil Spill Contingency Fund, established under La. Rev. Stat. Ann. § 30:2483, to remove the vessel. The Louisiana Department of Environmental Quality can petition the oil spill coordinator for the removal of any vessel described in La. Rev. Stat. Ann. § 30:2469(A).

**Prioritization Scheme**

The Louisiana Oil Spill Prevention and Response Act, pursuant to La. Rev. Stat. Ann. § 30:2469, requires Louisiana’s Oil Spill Coordinator’s Office to locate, identify, mark, and analyze the contents of any abandoned or derelict vessels or structures found within the state, and, if they contain oil or oil based materials, establish a priority for removal of these vessels based on the highest risk to human health and safety, the environment, and wildlife habitat.

In addition, abandoned vessels posing an immediate danger to life or property are to be removed immediately by the owner pursuant to La. Rev. Stat. Ann. § 34:843(A)(2).

**Legislation and Administrative Codes**

The laws and administrative codes referenced in this document can be accessed from:

Louisiana Statues (2014):

<http://www.legis.la.gov/legis/LawSearch.aspx>

Louisiana Administrative Code (2015):

<http://www.doa.la.gov/Pages/osr/lac/books.aspx>

These Legislative and Administrative Reviews are intended for informational purposes only. They are summaries and not meant to be legal references, and should not be used as such. See the official state statutes and administrative codes for current state laws and rules and regulations for any legal references.