

# Rules

## RULE

### Department of Conservation and Energy Office of Permitting and Compliance

Administration of the Fisherman's Gear  
Compensation Fund (LAC 43:I.1501-1513)

Under the authority of R.S. 49:214.21-49:214.42 and in accordance with the provisions of the Administrative Procedure Act, R.S. 30:101.4 et seq., the Department of Conservation and Energy, Office of Permitting and Compliance has amended LAC 43:I.1501-43:I.1513 relative to the administration of the Fisherman's Gear Compensation Program. This Rule is hereby adopted on the day of promulgation.

#### Title 43

#### Part I. Office of the Secretary Subpart I. General

#### Chapter 15. Administration of the Fishermen's Gear Compensation Program

##### §1501. Statutory Authorization and Definitions

A. General. The Fishermen's Gear Compensation Program is designed to compensate commercial fishermen whose fishing gear, equipment, or vessels are damaged by underwater obstructions in the Louisiana coastal zone and claims are subject to the requirements of these guidelines and all guidelines must be complied with.

B. Definitions. As used in these regulations the following terms and phrases shall have the definition ascribed to them.

*Charter Boat Fisherman*—any citizen of the state of Louisiana who possesses a valid Louisiana Charter Boat Fishing Guide License and who derives a primary source of his or her income from operating a Louisiana charter boat fishing guide business.

*Claimant*—any vessel owner who files a claim under the provisions of these regulations and R.S. 30:101.1 – 30:101.15

*Commercial Fisherman*—any citizen of the state of Louisiana who possesses a valid Louisiana residential commercial fishing license and who derives a primary source of his or her income from the harvesting of living marine resources for commercial purposes.

*Department*—the Louisiana Department of Conservation and Energy and regulatory authority means the secretary thereof and the personnel appointed or employed thereby who administer the commercial Fishermen's Gear Compensation Program.

*Fishing Gear*—any licensed marine or licensed charter vessel and any equipment, whether or not attached to a vessel, in which are used in the handling or harvesting of commercial marine resources. Crab traps are expressly excluded from the definition.

*Hearing Examiner*—the person(s) employed or appointed by the regulatory authority to conduct hearings, take oral and written testimony from claimants and other witnesses, and make recommendations to the regulatory authority on the validity and payment of claims.

*Obstruction*—any object, obstacle, equipment or device located in state water within the geographical boundary of the Program, set forth in R.S. 49:214.24 whether natural or man-made; provided that this definition shall not be applied to obstructions floating on the surface which could be avoided by a reasonably prudent charter boat or commercial fisherman.

*Primary Source of Income*—that source of revenue earned by a claimant from charter or commercial fishing endeavors which is deemed by the regulatory authority to constitute a fundamental source of such claimant's annual earned income. Annual earned income shall be income earned from all sources reportable on state and federal income tax returns. Any claimant who presents satisfactory proof that at least 50 percent of his or her annual income in the year preceding the year of the claim was earned from commercial fishing endeavors shall be deemed to derive a primary source of his or her income therefrom.

*Program*—the Fisherman's Gear Compensation Program.

*Satisfactory Proof*—as it relates to demonstrating a primary source of income, a copy of state and federal income tax returns together with related financial data. In the case of a claimant being a corporation, a copy of the state and federal corporate tax return shall be submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:515 (August 1980), amended LR 14:545 (August 1988), LR 21:956 (September 1995), amended by the Office of Coastal Management, LR 40:1944 (October 2014), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 52:478 (April 2026).

##### §1503. Geographic Boundary of Program

A. Claims shall be based on damage or loss of fishing gear due to an encounter with an obstruction in state waters located below the northern boundary of the Louisiana coastal zone as set forth in R.S. 49:214.24, and depicted on official maps of the state regulatory authority having jurisdiction over coastal zone management, and extending seaward to the limits of Louisiana's territorial jurisdiction

B. No claim shall be accepted or paid for damages or loss sustained from an encounter with an obstruction which occurs in waters overlying the federal domain of the outer continental shelf or north of the northern boundary of the Louisiana Coastal Zone.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:101.4 and R.S. 30:101.12.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:515 (August 1980), amended LR 11:29 (January 1987), LR 21:956 (September 1995), amended by the Office of Coastal Management, LR 40:1944 (October 2014), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 52:478 (April 2026).

### **§1505. Claim Filing Procedure—Initial Reports**

A.1. Within 90 days of encountering an obstruction in state waters covered by the Program, from which damage or loss to a vessel and/or fishing gear is sustained and for which a written claim will be made for reimbursement from the Program, as otherwise provided in §1509 of these regulations, the charter or commercial fisherman encountering the obstruction shall notify the regulatory authority, orally or in writing, and provide the following information:

- a. claimant's name, address, email address and telephone number;
- b. the name and registration number of the charter or commercial fishing vessel involved;
- c. the Louisiana charter or commercial fishing license number of the claimant;
- d. the location of the vessel and obstruction at the time of encounter by one of the methods described in §1507 of these regulations whenever possible;
- e. the date and time of day that the obstruction was encountered;
- f. identification of the nature of the obstruction; and
- g. a description of the nature of the damage or loss sustained for which a written claim will be made and the estimated amount, in dollars, of the damage or loss, if known.

2. The requirements of the initial notice may be waived in whole or in part by the regulatory authority for good cause shown.

B. Upon receipt of the information required by Subsection A above, the regulatory authority shall establish a file in the name of the charter or commercial fisherman, containing all of the information above. On a map showing all state waters covered by the Program, the regulatory authority shall indicate the location or approximate location of the obstruction, physically and by coordinates, if available.

C. Pending receipt of the written claim, as otherwise required herein, the regulatory authority shall attempt to ascertain the lessees or grantees of rights of state water bottoms proximate to the location of the obstruction on which the obstruction was encountered and furnish their names to the claimant.

D. The regulatory authority may devise procedures for informing charter and commercial fishermen of the location of all obstructions reported. Such procedures may include periodic dissemination of maps containing such information; the placement of buoys or markers at the site of such obstruction; or such other means as the regulatory authority deems reasonable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:515 (August 1980), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 52:479 (April 2026).

### **§1507. Identification of Area of Obstruction**

A. When an obstruction has been encountered by a claimant from which encounter a claim for damages to the Program is made, the claim shall not be accepted unless accompanied by sufficient information by which to locate the area of the obstruction. Such information shall be conveyed on forms furnished by the department when available, or otherwise in a manner sufficiently clear to be usable by the department in charting the obstruction.

1. No future claim shall be filed by a claimant for an encounter with an obstruction at the same location reported by the fisherman on a previous claim.

B. The information referred to in Subsection A of this Section shall include all of the information set forth in this Subsection to the extent possible. Where such information cannot be furnished, reasons for such inability shall be stated instead:

1. common name of the body of water in which the obstruction was encountered;
2. name of the parish in which the obstruction was encountered;
3. the date and time of day when the obstruction was encountered;
4. the depth of the water and the depth at which fishing gear was deployed at the point of encounter;
5. the position of the fishing vessel and the position of the obstruction at the point of encounter, to be specified by using one or more of the following methods of position fixing, using the most reliable method available aboard the vessel at the time of encounter:

a. latitude/longitude coordinates. Provide coordinates in geographic coordinate system (GCS) North American Datum (NAD) 83 latitude/longitude decimal degrees (e.g., N 29° 50.893, W 89° 20.360) or equivalent;

b. distance (range) and direction (bearing) to fixed offshore objects such as lighthouses, light towers, and oil drilling or production platforms. Specify the name of each such object used;

c. distance and direction of fixed aids to navigation and land marks, which are identified on National Ocean Survey Charts, such as radio towers, jetty lights, etc.;

d. distance and direction to prominent landmarks which are not identified on National Ocean Survey charts but are readily identifiable for future reference;

e. distance and direction to floating navigational aids such as buoys. Identify any buoy by name, number, color, type and lightlist number if known;

f. alternate navigation methods may be used if they are available. These include global positioning system (GPS), and similar electronic navigation systems that may be in use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:515 (August 1980), amended LR 21:956 (September 1995), amended by the Office of Coastal Management, LR 40:1944 (October 2014), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 52:479 (April 2026).

### **§1509. Claims—General Form and Content**

A. The Fishermen's Gear Compensation Program shall be limited to the payment of no more than two claims for damage or loss of fishing gear filed by claimants during a fiscal year applicable to the department (July 1-June 30). Claims must be received by the Program within the period indicated. A single claim may not exceed \$5,000, but in no event shall any payment of a claim exceed the amount of gross income earned by the claimant from fishing endeavors in the year preceding the claim. Claims must be completed within 1 year of the incident date. All required claim documentation must be submitted within one year of the incident date or the claim will be closed. Claims shall be submitted by the claimant on

forms furnished by the department and shall contain, in addition to the requirements of §1507 herein, the following information:

1. the name, mailing address, telephone number, citizenship, and occupation of the claimant;
2. the name, address, and telephone number of each person representing the claimant in pursuing the claim;
3. the name of the fishing vessel involved, its type, size, homeport and, its U.S. Coast Guard documentation number and/or state registration number;
4. a statement of the type of fishing operation being conducted and a description of how the encounter occurred;
5. if an amount is claimed, the claim shall include:
  - a. the nature and extent of the damage and loss suffered; a photograph, or series of photographs of vessel damage which must show the claimed damage while still on the vessel, and a photograph, or series of photographs, that show the registration/documentation number and/or name of the vessel; a detailed description of the gear involved and where pertinent, a list of components such as size, type, grade, etc.; In the instance of a total loss of gear, a photograph or series of photographs are required from the place on the vessel where the gear was lost and where the gear would normally be attached, except in the circumstance of a total loss of nets in which the claimant will provide documentation and evidence to support the loss;
  - b. the amount claimed together with proof of ownership of the gear which was damaged or lost on the obstruction. Proof of ownership must include: paid receipts which are completely filled out including the date, full name, address and telephone of the seller along with the claimant's name and/or address together with proof of payment such as copies of money orders or bank cashier's checks for the gear; affidavits; or other evidence. No receipts paid by "cash" will be accepted for gear purchased after the effective date of this rule except for receipts from bona fide businesses in possession of a commercial or business permit/license, which was in effect at the time of the sale or repair, or a notarized affidavit from a business owner or chief executive officer of the business supporting the validity of the sale or repair. Claimants that made or repaired the damaged gear shall submit a notarized statement that he or she made his or her own gear along with paid receipts for the materials. If all damaged gear was original to the vessel when it was purchased or acquired, a copy of the bill of sale of the boat or subsequent notarized statement to the effect that all gear was original to the boat including date vessel was acquired, full name of seller, and sale price must be included;
  - c. the date, place and cost of acquisition of the gear damaged or lost;
  - d. an estimate from a charter or commercial fishing gear repair or supply company, of the present replacement cost of the fishing gear and the repair cost of the fishing gear (if it is repairable). If fishing gear of the type damaged is usually made or repaired by the claimant, an estimate from a charter or commercial fishing gear repair or supply company for the materials required to make the gear together with a notarized statement from the claimant that he or she makes his or her own gear may be used;
  - e. if the fishing gear is repaired or replaced before an award is made under this Part a copy of the invoice or receipt for the repair or replacement of the fishing gear; and the

estimated salvage value of the fishing gear that is not repairable;

6. a detailed statement of the efforts made by claimant to identify, locate and collect damages for his loss from the person financially responsible therefore accompanied by copies of all correspondence related thereto;

7. a claim shall be deemed invalid if the claimant cannot, for any reason, produce the documentation required by this Section within one year of the initial encounter with the obstruction.

B. Written claims required by this Section shall be filed by claimant on or before 60 days from the due date of the initial report of damage or loss required by §1505 of these regulations.

C. The regulatory authority shall include the information received pursuant to this Section in the file established for the claimant. If the claimant's file is deemed to be incomplete or otherwise to contain insufficient information for proper disposition of the claim, the claimant shall be notified in writing within five days of such determination, and the additional information needed shall be requested. No claim shall be processed, nor funds paid, until the regulatory authority has received all information necessary to a proper disposition thereof.

D. Damages or losses which are covered by valid insurance or the federal Fishermen's Contingency Program (50 CFR Part 296) shall not be reimbursable from the Program. No claimant shall include within a claim submitted any amounts for which such claimant has received or is entitled to receive reimbursement under an insurance policy or the federal program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:515 (August 1980), amended LR 21:957 (September 1995), amended by the Office of Coastal Management, LR 40:1944 (October 2014), LR 41:150 (January 2015), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 52:479 (April 2026).

### **§1513. Penalties**

A. The intentional rendering of a financial statement of account, which is known to be false, by anyone who is obliged to render an accounting pursuant to R.S. 30:101.1 – 30:101.15, or these regulations, shall be punishable pursuant to the provision of the *Louisiana Criminal Code*, R.S. 14:70, false accounting.

B. The filing or depositing, with knowledge or falsity, of any forged or wrongfully altered document, for record in any claim or proceeding before a hearing examiner or other administrator of the Program, shall be punishable pursuant to the provisions of the *Louisiana Criminal Code*, R.S. 14:133, filing false public records.

C. The intentional making of a false written or oral statement in, or for use in any claim, proceeding or testimony before a hearing examiner or other administrator of the Program, under sanction of an oath, sworn affidavit or an equivalent affirmation, shall be punishable pursuant to the provisions of the *Louisiana Criminal Code*, R.S. 14:123, Perjury.

D. Notwithstanding the forgoing, evidence of suspected criminal activity discovered during the review of claims made

to the Fund may be reported to the appropriate law enforcement or prosecutorial agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.2.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:513 (August 1980), amended by the Office of Coastal Management, LR 40:1945 (October 2014), amended by the Department of Conservation and Energy, Office of Permitting and Compliance, LR 52:480 (April 2026).

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## RULE

### Department of Culture, Recreation, and Tourism Office of the Secretary

#### Atchafalaya Trace Heritage Development Zone (LAC 25:XI.Chapter 3)

The Department of Culture, Recreation and Tourism has repealed Part XI. Chapter 3 of Title 25 of the *Louisiana Administrative Code*, consisting of Sections 301-309, which provides the policy, purpose, definitions, application requirements, and application review criteria for a tax incentive program for heritage-based cottage industry located in the Atchafalaya Trace Heritage Area Zone. The legislature sunset this program (Act 403 of the 2017 Regular Session) and repealed its enabling legislation (Act 5 of the Third Extraordinary Session of the Louisiana Legislature 2024). The department has repealed rules that provide for the administration of a program for which there is no longer statutory authority. This Rule is hereby adopted on the day of promulgation.

## Title 25

### CULTURAL RESOURCES

#### Part XI. Office of the Secretary

#### Chapter 3. Atchafalaya Trace Heritage Development Zone

##### §301. Statement of Policy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:481 (April 2026).

##### §303. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:481 (April 2026).

##### §305. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:481 (April 2026).

##### §307. Application for Tax Credit or Exemption

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2010 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:481 (April 2026).

##### §309. Criteria for Reviewing Applications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2010 (October 2003), repealed by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 52:481 (April 2026).

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## RULE

### Department of Culture, Recreation, and Tourism, Office of Tourism

Guidelines for Act 455—Matching Funds Program;  
Placement of Litter Receptacles; Welcome Centers  
(LAC 25:V.Chapters 1-5)

The Department of Culture, Recreation, and Tourism has repealed Part V of the Title 25 of the *Louisiana Administrative Code*, consisting of Chapters 1, 3 and 5. The Rule change repeals rules relative to programs that are no longer administered by the department. Chapter 1 (§§101-119) provides rules for the Act 455 Matching Funds Program, a program that has been inactive for more than 20 years. The legislature removed statutory references to the program in 2004. Chapter 3 (§§301-317) provides minimum standards for litter receptacles, a program and responsibility transferred by the legislature to the Department of Environmental Quality in 1995. Chapter 5 (§§501-507) provides rules for reserving designated spaces within welcome centers for private events for a fee. This program is inactive and was only ever applied at the Capitol Park Welcome Center, a building that was transferred in 2020 to the Department of Economic Development to be used for other purposes. Because the rules are no longer necessary or consistent with applicable law, the department has repealed LAC Title 25, Part V, Chapter 1 (Sections 101-119), Chapter 3 (Sections 301-317), and Chapter 5 (Section 501-507). This Rule is hereby adopted on the day of promulgation.