

San Francisco Bay Conservation and Development Commission

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May 8, 2015

TO: Commissioners and Alternates

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SUBJECT: Staff Report and Recommendation on Pending Legislation: Assembly Bill 1323
(For Commission consideration on May 21, 2015)

Summary and Recommendations

The staff recommends that the Commission support Assembly Bill 1323, *Marine debris: removal and disposal*, introduced by Assemblymember Jim Frazier, which would streamline removal of marine debris from the Bay.

Report

Abandoned and derelict vessels are proliferating in state waterways, including the Bay. These boats become unauthorized fill in the Bay that poses a threat to safe navigation and water quality. According to BCDC records, since 1996, over a thousand abandoned vessels have been removed from the Bay. While state law allows public agencies to remove these hazards, the time and cost involved stymies efforts to abate marine debris.

Assembly Bill 1323. Assemblymember Jim Frazier has introduced Assembly Bill 1323 (AB 1323): *Marine debris: removal and disposal* to expedite the removal of marine debris. Current law allows a public agency to remove abandoned derelict boats from state waters. The agency can then sell or dispose of the boat if it has sent notice to the registered legal owners within 48 hours of removal and provided for a post storage hearing. If the owners cannot be contacted, the agency must publish a notice in local newspapers for at least 2 weeks. The owners have 15 days to claim the property. While this provides due process for owners, it is also lengthy and onerous and the result is that more boats are becoming marine debris than are being abated.

AB 1323 would allow a boat to be removed and disposed of after ten days if it: (1) meets the definition of the statute as constituting marine debris; and (2) the value of the boat does not exceed the cost of removal and disposal. The bill defines marine debris as “a vessel or part of a vessel, including a derelict, wreck, hulk or part of any ship or other watercraft or dilapidated vessel, that is unseaworthy and not reasonably fit or capable of being made fit to

used as a means of transportation by water.” Notice must be provided to the owners or placed on boats without discernable registration for at least ten days. Further, marine debris that constitutes a public nuisance or a danger to navigation, health, safety or the environment may be removed immediately. If the owner is not identifiable or the boat is not whole or is demolished during removal, then the marine debris can be disposed of immediately.

Costs incurred for removal and disposal may be recovered from the owner or person(s) who caused the marine debris to be in public waters.

AB 1323 also directs the State Lands Commission to adopt best management practices and requirements for salvage of marine debris.

The bill language can be viewed at:

http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_1301-1350/ab_1323_bill_20150505_amended_asm_v97.pdf

Staff believes that this bill is needed to help public agencies abate marine debris and reduce unauthorized fill in the Bay, and recommends that the Commission support AB 1323.