

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1323

Introduced by Assembly Member Frazier

February 27, 2015

An act to add Section ~~6302.5~~ 524.5 to the ~~Public Resources~~ *Harbors and Navigation* Code, relating to marine debris.

LEGISLATIVE COUNSEL'S DIGEST

AB 1323, as amended, Frazier. Marine debris: removal and disposal.

Existing law authorizes a public agency that removes or causes the removal of wrecked property that is an unseaworthy derelict or hulk, specified abandoned property, or other specified property from a navigable waterway to sell or otherwise dispose of the property if, among other things, within 48 hours after the removal, the public agency has sent notice of the removal to the registered and legal owners and persons known to have an interest in the property and has provided the opportunity for a poststorage hearing. Existing law requires the public agency, if it is unable to locate those persons, to publish, or cause to be published, the notice of removal for at least 2 weeks in succession in one or more daily newspapers circulated in the county. Within 15 days of the date of notice of removal, the property may be claimed and recovered by its registered and legal owners, or by any other person known to have an interest in the property.

This bill would authorize a public entity to remove and dispose of after 10 days marine debris, defined as a vessel, as defined, or part of a vessel that is unseaworthy and not reasonably fit or capable of being

made fit to be used as a means of transportation by water, if that marine debris is floating, sunk, partially sunk, or beached in or on a public waterway, public beach, or on state tidelands or submerged lands, and if the marine debris has no or little value, as provided, and the public entity provides notice, as specified. The bill would exempt from this provision marine debris that constitutes a public nuisance or a danger to navigation, health, safety, or the environment, and would authorize such marine debris to be removed and disposed of immediately, unless the marine debris is whole and the owner of the marine debris is identifiable, in which case the bill would require it to be maintained or stored for 10 days. The bill would authorize a public entity to recover costs incurred for removal and disposal of marine debris from the owner or other specified persons. ~~The bill would prohibit a state or local agency from requiring a permit for removal activities by any state or local government entity if the removal activities conform to the~~ *require the State Lands Commission, on or before January 1, 2017, to adopt best management practices and requirements for salvage adopted by the State Lands Commission, salvage of marine debris, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 6302.5 is added to the Public Resources~~
 2 ~~Code, to read:~~
 3 ~~6302.5. (a) For purposes of this section, “vessel”~~
 4 ~~SECTION 1. Section 524.5 is added to the Harbors and~~
 5 ~~Navigation Code, to read:~~
 6 ~~524.5. (a) For purposes of this section, the following terms~~
 7 ~~have the following meanings:~~
 8 ~~(1) A “vessel” includes every description of watercraft or other~~
 9 ~~artificial contrivance used, or capable of being used, as a means~~
 10 ~~of transportation by water. A~~
 11 ~~(2) “Marine debris” is a vessel or part of a vessel, including a~~
 12 ~~derelict, wreck, hulk or part of any ship or other watercraft or~~
 13 ~~dilapidated vessel, that is unseaworthy and not reasonably fit or~~
 14 ~~capable of being made fit to be used as a means of transportation~~
 15 ~~by water is “marine debris.”~~ *water.*
 16 ~~(b) (1) Notwithstanding any other law, marine debris that is~~
 17 ~~floating, sunk, partially sunk, or beached in or on a public~~

1 waterway, public beach, or on state tidelands or submerged lands
2 may be removed and destroyed, or otherwise disposed of, by any
3 state, county, city, or other public entity having jurisdiction over
4 its location or having authority to remove marine debris or solid
5 waste, subject to the following conditions:

6 (A) The object meets the definition of marine debris in
7 subdivision (a) and has no value or a value that does not exceed
8 the cost of removal and disposal.

9 (B) If there is no discernible registration, hull identification
10 number, or other identification insignia, a peace officer or
11 authorized public employee securely attaches to the marine debris
12 a notice stating that the marine debris shall be removed by the
13 public agency if not claimed or removed within 10 days.

14 (C) If there is discernible registration, hull identification number,
15 or other identification insignia, a notice is attached to the marine
16 debris as described in subparagraph ~~(b)~~, (B), and sent to the owner
17 of the marine debris, if known, at the owner's address of record
18 with the Department of Motor Vehicles, by certified or first class
19 mail.

20 (D) The marine debris remains in place for 10 days from the
21 date of attaching the notice to the marine debris or from the date
22 the notice letter was sent, whichever is later, before being removed.

23 (2) (A) The notice attached to the marine debris shall state the
24 name, address, and telephone number of the public entity providing
25 the notice.

26 (B) A notice sent to the owner shall contain the information
27 specified in subparagraph (A), and further state that the marine
28 debris will be removed and disposed of within 10 days if not
29 claimed, and that the marine debris may be claimed and recovered
30 upon the payment of the public entity's costs.

31 (c) Notwithstanding subdivision (b), marine debris that
32 constitutes a public nuisance or a danger to navigation, health,
33 safety, or the environment may be removed and disposed of
34 immediately, unless the marine debris is whole or not demolished
35 during removal, in which case it shall be maintained or stored for
36 10 days to permit notification of the owner. If the owner of the
37 marine debris is not identifiable, the marine debris may be
38 immediately destroyed or otherwise disposed of.

39 (d) Costs incurred by a public entity for removal and disposal
40 of marine debris may be recovered from an owner or any person

1 or entity who placed *the marine debris in or on* or caused the
2 marine debris to be in or on the public waterway, public beach, or
3 state tidelands or submerged lands through any appropriate legal
4 action in the courts of this state or by administrative action.
5 (e) ~~A state or local agency shall not require a permit for removal~~
6 ~~activities conducted under this section by any state or local~~
7 ~~government entity if the removal activities conform to the~~ *On or*
8 *before January 1, 2017, the State Lands Commission shall adopt,*
9 *at a public meeting and after consultation with interested state*
10 *and local agencies, best management practices and requirements*
11 *for salvage adopted by the commission at a public meeting after*
12 ~~consultation with interested state and local agencies.~~ *of marine*
13 *debris.* These best management practice standards shall be
14 published by the commission on its Internet Web site. The
15 ~~commission~~ *State Lands Commission* may amend the best
16 management practice standards from time to time by the same
17 process, as the ~~commission~~ *State Lands Commission* deems
18 necessary.