

Assembly Bill No. 1323

CHAPTER 645

An act to add Article 3 (commencing with Section 550) to Chapter 3 of Division 3 of the Harbors and Navigation Code, relating to marine debris.

[Approved by Governor October 8, 2015. Filed with
Secretary of State October 8, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1323, 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 agency 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 agency 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 agency to recover costs incurred for removal and disposal of marine debris from the owner or other specified persons. The bill would require the State Lands Commission, on or before January 1, 2017, to adopt best management practices for salvage of marine debris, as specified.

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

SECTION 1. Article 3 (commencing with Section 550) is added to Chapter 3 of Division 3 of the Harbors and Navigation Code, to read:

Article 3. Marine Debris

550. For purposes of this article, the following terms have the following meanings:

(a) A “vessel” includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation by water.

(b) “Marine debris” is 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 be used as a means of transportation by water.

551. (a) (1) Notwithstanding any other law, marine debris that is floating, sunk, partially sunk, or beached in or on a public waterway, public beach, or on state tidelands or submerged lands may be removed and destroyed, or otherwise disposed of, by any state, county, city, or other public agency having jurisdiction over its location or having authority to remove marine debris or solid waste, subject to the following conditions:

(A) The object meets the definition of marine debris in subdivision (b) of Section 550 and has no value or a value that does not exceed the cost of removal and disposal.

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

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

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

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

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

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

(c) Costs incurred by a public agency for removal and disposal of marine debris may be recovered from an owner or any person or entity who placed the marine debris in or on or caused the marine debris to be in or on the public waterway, public beach, or state tidelands or submerged lands through any appropriate legal action in the courts of this state or by administrative action.

552. On or before January 1, 2017, the State Lands Commission shall adopt, at a public meeting and after consultation with interested state and local agencies, best management practices for salvage of marine debris. These best management practices shall be published by the State Lands Commission on its Internet Web site. The State Lands Commission may amend the best management practices from time to time by the same process, as the State Lands Commission deems necessary.