

Testimony Rev1 HB 293.pdf

Uploaded by: Regis Peternel

Position: FAV

As private citizens of Maryland, the residents along Thompson Creek in Queen Anne's County are asking the General Assembly for a positive referral in support of HB 293 State Boat Act – Abandoned or Sunken Recreational Vessels – Identification and Removal.

The problem my neighbors and I face is the actions of irresponsible boat owners mooring in Maryland waters. My testimony is witness to 13 years of irresponsible activity adjacent to the Thompson Creek Public Landing where 24 wooden mooring poles exist.

My neighbors and I have witnessed the arrival, abandonment, and removal of at least 13 derelict boats in the last 13 years. We have witnessed these craft break-free from their moorings, stray randomly with the tide, then damage private piers at the expense of the homeowner. There was an incident of one derelict vessel graffitied with racial slurs. We have witnessed these boats sink while still moored resulting in pollution to the Creek from fuel, trash, human waste, and various floating debris. My neighbors and I have participated in the monitoring of these derelict vessel arrivals, alerted DNR of sinkings and break-aways, and helped clean-up the Creek and Public Landing because of this irresponsible behavior. Tragically in 2022 one death also occurred on one of these derelict vessels while moored in Thompson Creek.

One thing these 13 irresponsible boat owners had in common is they all tied their derelict vessels to privately-owned mooring poles in Thompson Creek. These poles were installed over the years and ownership is not recorded. We believe these irresponsible boat owners need to be held accountable for the risks they pose to the surrounding private property and to the environment of Maryland waters. Accountability in this regard can be improved by supporting HB 293 which will require any recreational boat owner tied to a privately-owned mooring device to prove they have permission from the device's owner.

HB 293 Support Letter.pdf

Uploaded by: Stephanie Jarrell

Position: FAV



**Queen
Anne's
County**

**THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY**

The Liberty Building
107 North Liberty Street
Centreville, MD 21617

e-mail: QACCommissioners&Administrator@gac.org

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
J. Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

County Administrator: Todd R. Mohn, PE

Executive Assistant to County Commissioners: Margie A. Houck

County Attorney: Patrick Thompson, Esquire

January 31, 2024

The Honorable Marc Korman
Chairman, Environment and
Transportation Committee
House Office Building, Room 231
Annapolis MD 21401

RE: HB293 – State Boat Act - Abandoned or Sunken Recreational Vessels - Identification and Removal **SUPPORT**

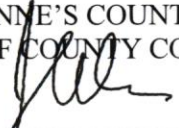
Dear Chairman Korman,

Please consider this letter of support for House Bill 293. This bill would authorize the Department of Natural Resources to remove abandoned or sunken recreational vessels secured to certain apparatuses or left anchored and unattended for more than sixty days under certain circumstances. This bill would also require the Department of Natural Resources to consider and document certain factors when determining whether a recreational vessel is abandoned or sunken under certain provisions of law.

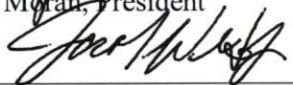
We support this legislation and urge a favorable recommendation.

Respectfully,

QUEEN ANNE'S COUNTY
BOARD OF COUNTY COMMISSIONERS



James J. Moran, President



Jack N. Wilson, Jr.



Philip L. Dumenil



Christopher M. Corchiarino



J. Patrick McLaughlin

HB293_Arentz_Amendment

Uploaded by: Steven Arentz

Position: FAV



HB0293/733821/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

12 FEB 24
15:05:03

BY: Delegate Arentz

(To be offered in the Environment and Transportation Committee)

AMENDMENT TO HOUSE BILL 293

(First Reading File Bill)

On page 5, in line 13, strike “AND”; and in line 15, after “VESSEL” insert “;AND”

(6) IF THE VESSEL PRESENTS A POTENTIAL HEALTH OR ENVIRONMENTAL HAZARD”.

HB293 FWA_SR Testimony.pdf

Uploaded by: Annie Richards

Position: FWA



2/12/24

**Testimony in Favor with Amendments of HB293–
State Boat Act - Abandoned or Sunken Recreational Vessels - Identification and Removal**

To Chair Korman and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT** of **HB293** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland’s Eastern Shore with more than 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education. As the Chester Riverkeeper, I work to protect the river and its tributaries from pollution, including illegal marine discharge, and environmental hazards from sinking or abandoned vessels.

In fall of 2023, an unattended vessel sank in the upper Chester River, just outside Chestertown. This vessel posed a navigational hazard, and its batteries, bilge, and fuel tanks all sank below the waterline, impacting the health of the Chester and shallow water habitats near the sunken vessel. The Maryland Department of Natural Resources (DNR) removed the boat after a period of weeks. However, the damage to water quality and local ecosystems had already been sustained. **This pollution event was entirely preventable as the boat had been at anchor and unattended for close to a year. ShoreRivers supports HB293 for giving authority to DNR to seize a vessel that: “Has remained anchored and unattended in the same location for more than 60 days.**

ShoreRivers also offers the following amendment for the committee’s consideration, to strengthen environmental protections for our waterways:

“FOR THE PURPOSES OF DETERMINING WHETHER A RECREATIONAL 6 VESSEL MEETS THE CRITERIA FOR AN ABANDONED OR SUNKEN VESSEL UNDER 7 SUBSECTION (A)(2)(II) OR (III) OF THIS SECTION, THE DEPARTMENT SHALL 8 CONSIDER AND DOCUMENT:

(6) IF THE VESSEL PRESENTS A POTENTIAL HEALTH OR ENVIRONMENTAL HAZARD.

This language is taken directly from a previous section in the existing regulations for “abandoned vessels or vessels found adrift,” and should be also considered for this legislation.

We commend Delegate Arentz for bringing this legislation forward—we rely on the state’s swift action to remove hazardous vessels and protect the waterways and wildlife habitat across Maryland. Thank you for your consideration, and we look forward to this Committee giving **HB293 a favorable report with our recommended amendment.**

Sincerely,

Annie Richards, Chester Riverkeeper on behalf of [ShoreRivers](https://shorerivers.org).

ShoreRivers

Isabel Hardesty, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper

Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

BaltimoreCounty_FWA_HB0293.pdf

Uploaded by: Elisabeth Sachs

Position: FWA



JOHN A. OLSZEWSKI, JR.
County Executive

JENNIFER AIOSA
Director of Government Affairs

AMANDA KONTZ CARR
Legislative Officer

WILLIAM J. THORNE
Legislative Associate

BILL NO.: HB 293

TITLE: State Boat Act – Abandoned or Sunken Recreational Vessels – Identification and Removal

SPONSOR: Delegate Arentz

COMMITTEE: Environment and Transportation

POSITION: **SUPPORTS WITH AMENDMENT**

DATE: February 14, 2024

Baltimore County **SUPPORTS WITH AMENDMENTS** House Bill 293 – State Boat Act – Abandoned or Sunken Recreational Vessels – Identification and Removal. This legislation would allow the Maryland Department of Natural Resources to remove an abandoned or sunken vessel.

Enabling the removal of abandoned or sunken vessels is a legislative priority for the Baltimore County. The Baltimore County Police Department Marine Unit has documented a persistent issue with individuals leaving abandoned vessels in the waterways of Baltimore County. Current law does not require ownership transfers of vessels to be reported to the state, therefore it is very difficult to determine the owner of an abandoned boat. The law also requires the owner be notified prior to the vessel being removed from the water, even when the vessel is clearly abandoned. HB 293 would aide in streamlining the process of considering a vessel abandoned. HB 293 however does place the burden of vessel removal independently on the Maryland Department of Natural Resources. Baltimore County requests an amendment to the bill allowing DNR to designate another entity to handle the removal of abandoned vessels in each jurisdiction.

Accordingly, Baltimore County urges a **FAVORABLE WITH AMENDMENTS** report on HB 293 from the House Environment and Transportation committee. For more information, please contact Jenn Aiosa, Director of Government Affairs at jaiosa@baltimorecountymd.gov.

Arundel Rivers Testimony HB293 abandoned vessels.

Uploaded by: Elle Bassett

Position: FWA



PO Box 760 Edgewater, MD 21037
410-224-3802 www.arundelrivers.org

Testimony in SUPPORT WITH AMENDMENTS of House Bill 293 – State Boat Act – Abandoned or Sunken Recreational Vessels – Identification and Removal

Environment and Transportation Committee

February 14, 2024

Dear Chair Korman and members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF HB293 with amendments**, on behalf of Arundel Rivers Federation. Arundel Rivers is a non-profit organization dedicated to the protection, preservation, and restoration of the South, West and Rhode Rivers with over 3,500 supporters. Our mission is to work with local communities to achieve clean, fishable, and swimmable waterways for present and future generations.

House Bill 293 will provide a much-needed update to existing abandoned or sunken vessel law by (1) adding abandoned anchored and abandoned moored vessels without owner consent after a certain period of time to the definition of abandoned or sunken vessel, and (2) adding certain criteria for the purposes of determining whether a recreation vessel meets the criteria for an abandoned or sunken vessel.

As South, West, and Rhode Riverkeeper, I often receive reports from concerned citizens about abandoned or sunken vessels within our local waterways. The process of having those vessels addressed or removed by the Department has been frustrating, lengthy, and often non-successful despite the vessel clearly being an environmental hazard, derelict, and abandoned. In one particular example, I was contacted on my *first day* on the job as the South, West, and Rhode Riverkeeper in October 2023 about an anchored partially sunken vessel on the South River that was presenting environmental hazard concerns. Despite my efforts to also reach out to the Department of Natural Resources, Natural Resource Police, and even elected officials, it took 11 months and private donations to eventually have the vessel removed. Most reports of abandoned or sunken vessels that I receive are of anchored or moored vessels, not of vessels abandoned on docks, at marinas, or found adrift.

Arundel Rivers suggests adding an environmental hazard amendment to (K), the criteria list for determining whether a recreational vessel is considered abandoned or sunken. Abandoned or sunken vessels may not only be navigational hazards, but may present environmental hazards as well if they are leaking fuel, oil, sewage, or other containments. Additionally, the vessel may negatively impact aquatic or tidal habitats. Suggested amendment language:

(6) IF THE VESSEL PRESENTS A POTENTIAL HEALTH OR ENVIRONMENTAL HAZARD.

Abandoned and sunken vessels present navigational and environmental hazards, and the current protocols and regulations are simply not sufficient in addressing all potentially abandoned or sunken vessels. Arundel Rivers Federation strongly supports any effort to better protect our waterways. HB293 will give more tools to the Department to adequately assess sunken and abandoned vessels and we respectfully request a **FAVORABLE WITH AMENDMENTS REPORT on HB293**.

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett
South, West and Rhode Riverkeeper
Arundel Rivers Federation

HB293_Ingerson_DNR_UNF

Uploaded by: Lloyd Ingerson

Position: UNF



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 14, 2024

BILL NUMBER: House Bill 293 - First Reader

SHORT TITLE: State Boat Act – Abandoned or Sunken Recreational Vessels – Identification and Removal

DEPARTMENT’S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT’S POSITION

The Department agrees with the concept of removing abandoned and sunken vessels from Maryland waters, as their presence can contribute to the degradation of the environment and present hazards to navigation. The Department believes that the criteria to address these concerns are sufficiently addressed in the current statute. The Department also has legal, constitutional, and practical concerns with the new criteria proposed in this bill. To seize, remove, or take into custody any vessel based upon these criteria would place the Department at risk of depriving a legitimate vessel owner of their legal and rightful property.

Specifically, these concerns are:

Page 3, Lines 1 through 4 – While the Department and other government entities may issue permits to individuals, businesses, or associations to establish moorings or pilings, it has been determined that the permission to do so is not accompanied by any private ownership interest of the apparatus placed. Therefore, there is no true owner or person in control of the apparatus and permission to use the apparatus is not required. Single moorings do not require a permit. Vessels unlawfully tied to docks or piers connected to private property are sufficiently addressed in the current statute.

Page 3, Lines 5 through 6 – The text in this bill does not establish whether 60 days means 60 consecutive days, 60 days per calendar year, or some other time frame. In any case, it would be impractical with current personnel, or any reasonable influx of new personnel, for the Department to monitor vessels anchored in Maryland waters to establish that the vessel has been unattended for the specified period of time. To successfully establish that the criteria had been met would require 24/7/365 surveillance of the vessel. Interpreted to be 60 consecutive days, any movement of the vessel, regardless of how slight, would restart the 60-day clock. Likewise, any visit to the vessel by the owner, regardless of how brief, would restart the 60-day clock. It would be neither practical or efficient for the Department to expend personnel hours in this manner. Interpreting the language to mean 60 days in some time period not specified in the bill would be unfair, as it is reasonable to say that most vessels are unattended for that time period during the course of a summer, and certainly during a year. There are also concerns that this specific criterion would infringe upon the right to freedom of navigation.

Contact: Dylan Behler, Director, Legislative and Constituent Services
dylan.behler@maryland.gov ♦ 410-260-8113 (office) ♦ 443-924-0891 (cell)

Page 5, Line 9 – It has long been the practice of the Department to enforce vessel registration requirements while vessels are underway. The Department does not require vessels tied to piers, docks, moorings, pilings, or at anchor, to have a current vessel registration or display a valid registration decal. That a vessel is not registered or displaying a valid registration decal is not an indicator that the vessel is abandoned by the owner. . This is a practical interpretation and application of § 8-712, COMAR 08.04.03.01 and 08.04.03.02.

Page 5, Line 10 – Legal and constitutional concerns exist with this criterion, as Department personnel would be required, in many cases, to unlawfully enter and search an unoccupied vessel to determine if standing water is present. Practically, most vessels docked, anchored, or moored in the water have some level of standing water present in the bilge. Determining what level of standing water is acceptable would be subjective and lead to inconsistent determinations regarding the status of vessels.

Page 5, Line 11 – There is no base level of condition that would lead to any conclusion based upon this criterion, other than obviously being sunken, which is already adequately addressed in statute. A vessel that may appear to be in poor condition above the waterline, while unpleasing to the eye, may be perfectly sound and able to maintain adequate buoyancy and be free from any environmental concern.

Page 5, Lines 12 through 13 – This criterion could not be applied to all anchored vessels. By federal regulation, adopted by Maryland regulations, a vessel of less than 7 meters in length, when at anchor not in or near a narrow channel, fairway or where other vessels normally navigate, is not required to be equipped with or display an anchor light.

Page 5, Lines 14 through 15 - There is no base level of condition that would lead to any conclusion based upon this criterion. Determining what level of mooring equipment condition is acceptable would be subjective, variable based upon vessel size, constantly changing sea and environmental conditions, and would lead to inconsistent determinations regarding the mooring equipment.

BACKGROUND INFORMATION

Natural Resources Article § 8-721 governs the criteria for determining whether a vessel is determined to have been abandoned, as well as the removal and disposal of abandoned and sunken vessels. This statute was last modified during the 2020 Regular Session of the Maryland General Assembly (HB0143/SB0219).

BILL EXPLANATION

This bill establishes new criteria for determining that a vessel has been abandoned on, or has sunken in, Maryland waters.