

Abandoned and Derelict Vessel Working Group
07 April 2016
Charleston, SC

The second ADV Working Group meeting was convened by DHEC on 7 April 2016. The following document highlights presentations given and major discussion points raised during the meeting.

In attendance:

Mr. Wes Wilson, U.S. ACOE
Ms. Tracy Sanders, U.S. ACOE
Lt. John Downing, USCG Sector Charleston
BM1 Sean Olson, USCG Sector Charleston
PO Patrick French, City of Charleston Police Dept.
MPD Marc Hall, City of Charleston Police Dept.
Sgt. John Gobel, Beaufort County Sheriff's Dept.
J.P. Cooler, Beaufort County Sheriff's Dept.
Sgt. Sean Hethington, Town of Mt. Pleasant Police Dept.
Sgt. Andy Fitch, Charleston County Sheriff's Dept.
Capt. Nelson Brown, City of Georgetown Police Dept.
Mr. Blair Cribb, City of Georgetown Police Dept.
Sgt. Scott Hille, City of North Charleston Police Dept.
Mr. Rick Devoe, S.C. Sea Grant Consortium
Mr. Andrew Wunderly, Charleston Waterkeeper
Ms. Suzi Durant, National Marine Manufacturers Assoc.
Capt. Gary Sullivan, S.C. DNR
Capt. Gentry Thames, S.C. DNR
Dan Burger, S.C. DHEC-OCRM
Sean Briggs, S.C. DHEC-OCRM
Liz Hartje, S.C. DHEC-OCRM

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Dan Burger (DHEC-OCRM) welcomed the ADV Working Group Members. Meeting notes from the previous ADV Working Group meeting (27 January 2016) were distributed and the group was asked to provide comment on any necessary changes or additions. No additional comments were submitted at the meeting and the notes are considered complete.

Presentation 1: Wes Wilson (USACOE - Civil Works) presented on USACOE jurisdiction and ADV procedures. Takeaway messages from the presentation and discussion:

- USACOE becomes involved if the vessel is a navigational hazard (in a high traffic area within navigable channel), or if the vessel would impact a USACOE project (e.g. dredging).
- USACOE has a 5-year contract with Salmons for 24/7 removal (if project is under \$10K).

- Some information gathering is conducted prior to removal, but the agency has a low success rate with finding and contacting owners.

Presentation 2: Tracy Sanders (USACOE - Regulatory) presented on mooring field establishment and management. Takeaway messages from the presentation and discussion:

- A discussion of required federal permits was provided, covering Nationwide Permit #10 and Individual Permits.
- State permits (through OCRM) are also required. In order to obtain, applicant must have upland property (one mooring buoy per parcel required).
- Standard Section 10 permit conditions that may be added to the Individual Permit were covered (e.g. impacts to other properties, lighting, as-built drawings required if outside federal channel, and special conditions for wildlife).
- Anyone can apply for a mooring field.
- “Non-reportables” - there are no restrictions unless within a federal channel.
- When approving permits, is the carrying capacity of waterway considered? No, USACE is strictly permitting structures, though if navigational impacts would occur, the agency will work with applicant.
- Transfer of an issued permit is relatively easy.
- Timeframe of permit only applies to construction and installation. This is typically 5-years, but the applicant can request an extension. Once installed, there is no timeframe.
- The permittee is responsible for mooring buoys only, *not vessels*.
- Is there a map of authorized mooring fields? No, but USACE has a database of issued permits.

Presentation 3: Lt. John Z. Downing (USCG) presented on federal anchorages and special anchorages. Takeaway messages from the presentation and discussion:

- USCG has authority to establish anchorages in navigable waters.
- Special anchorages in South Carolina: Ashley River and Lake Murray are outlined in regulation.
- Vessel less than 20 meters can anchor with no lights or sound signals in a special anchorage area, and there is no timeframe for how long they can stay anchored in this area.
- Others anchorages in the harbor are (non-special) commercial anchorages. Various regulations apply to these anchorages (e.g. not in navigable channel, lighting, and length of stay).
- These commercial anchorages are not heavily used in Charleston.
- By law the COTP can direct any vessel in US waters to any location seen fit.
- These anchorages are not actively managed by USCG, though if reports come in they will investigate.
- Addressing lighting issues at special anchorages may be best at the state or local level.
- Conditions were set in the grant for the marina to expand the Beaufort mooring field (e.g. vessel size and time limit).
- Inclusion of location-specific conditions for special anchorages could be considered (e.g. any mooring in a special anchorage requires a state permit).

- The state could consider providing annual **removal** funding, through a Contribute Funds Agreement, for use when USCG raises a boat to remove hazardous material only. These funds would need to be provided up front, and if not used would be returned.

Presentation 3: Capt. Gary Sullivan (SCDNR) presented on DNR's jurisdiction and ADV procedures, as well as recreational vessel titling and registration. Takeaway messages from the presentation and discussion:

- An overview of DNR's historical effort to document ADV across state was provided. The last survey was conducted in 2008 and a new survey is needed to assess the current situation.
- DNR does not currently have funding available for removal operations.
- An overview of state regulations and definitions was provided.
- An overview of registration and title requirements was provided.
 - If a vessel has no motor, it does not require registration.
 - If a vessel is temporarily staying in the state (180 day time frame), no registration is required; however, the vessel should be covered by a current registration from another state, or documentation or other accepted legal marking method.
 - Any watercraft or outboard motor (5hp or greater), held or principally used in this state must be titled.
 - Only boats or motors exempted under 50-23-30 are not required to be titled.
 - Titling is required once when a vessel is purchased; registration is required every 3 years.
- There are some exemptions to titling (e.g. USCG documented vessel).
- Common problem: possession of a boat with no title. The last owner of the boat is required to notify DNR if the boat has been sold. If they fail to do this, they are ultimately responsible for the boat.
- A legal bill of sale is required for DNR to issue title or an affidavit of support in which the person in possession of the boat provides information on how they acquired it.
- Consider adding S.C. Code of Law 50-23-320 (A)(2) to the proposed informational pamphlet for boaters.

Handouts Provided

- Notes from ADV Working Group Kick-off Meeting (27 January 2016)
- Jurisdictional map illustrating municipalities with ADV ordinances (DHEC)
- USACOE Abandoned Vessel Process Flow chart