

2376-S

Sponsor(s): House Committee on Natural Resources (originally sponsored by Representatives Rockefeller, Doumit, Eickmeyer, Dickerson, Hunt, Lantz, Edwards, Romero, Haigh, McDermott and Jackley)

Brief Description: Concerning abandoned and derelict waterborne vessels.

HB 2376-S.E - DIGEST

(DIGEST AS ENACTED)

Finds that there has been an increase in the number of derelict and abandoned vessels that are either grounded or anchored upon publicly or privately owned submerged lands. These vessels are public nuisances and safety hazards as they often pose hazards to navigation, detract from the aesthetics of Washington's waterways, and threaten the environment with the potential release of hazardous materials.

Finds that the costs associated with the disposal of derelict and abandoned vessels are substantial, and that in many cases there is no way to track down the current vessel owners in order to seek compensation. As a result, the costs associated with the removal of derelict vessels becomes a burden on public entities and the taxpaying public.

Declares that this act is not intended to limit or constrain the ability and authority of the authorized public entities to enact and enforce ordinances or other regulations relating to derelict and abandoned vessels, or to take any actions authorized by federal or state law in responding to derelict or abandoned vessels. This act is also not intended to be the sole remedy available to authorized public entities against the owners of derelict and abandoned vessels.

Provides that an authorized public entity has the authority, subject to the processes and limitations of this act, to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel existing on or above aquatic lands within the jurisdiction of the authorized public entity.

Requires that a vessel disposal must be done in an environmentally sound manner and in accordance with all federal, state, and local laws, including the state solid waste disposal provisions provided for in chapter 70.95 RCW. Scuttling or sinking of a vessel is only permissible after obtaining the express permission of the owner or owners of the aquatic lands below where the scuttling or sinking would occur, and obtaining all necessary state and federal permits or licenses.

Declares that the primary responsibility to remove a derelict or abandoned vessel belongs to the owner, operator, or lessee of the moorage facility or the aquatic lands where the vessel is located. If the authorized public entity with the primary responsibility is unwilling or unable to exercise the authority granted by this act, it may request the department to assume the authorized public entity's authority for a particular vessel.

Declares that the department may at its discretion assume the authorized public entity's authority for a particular vessel after being requested to do so.

Declares that the authority granted by this act is permissive, and no authorized public entity has a duty to exercise the authority. No liability attaches to an authorized public entity that chooses not to exercise this authority.

Increases license registration fees to be deposited into the derelict vessel removal account established by the act.