

Boating and Waterways Commission Follow Up

Sacramento State Aquatic Center, February 5th and 6th, 2025

1) Why is DBW responsible for the SAVE allocation on navigational waters?

RESPONSE: The 1953 Submerged Lands Act (SLA) generally gives coastal states title to the submerged lands, waters, and natural resources located within three nautical miles of the coastline. The waters, seabed, and natural resources beyond these three miles belong to the federal government. California's jurisdiction in the Pacific Ocean extends three miles seaward from the coastline. The California Coastal Commission manages this area, known as the Coastal Zone, in partnership with local governments.

DBW is not 'responsible' and is not the landowner. However, recreational boaters approved and funded the SAVE grant program to remove abandoned recreational vessels, to address this pervasive issue that's caused by bad actors of the recreational boating public. Abandoned recreational vessels create navigational hazards and environmental damage that can cause harm for recreational boaters and through the grant program, boaters have tasked DBW to steward the funding to address this issue within the parameters identified in the Harbors and Navigation Code.

Additionally, recreational boaters requested that DBW apply for the NOAA Marine Debris Program grant which if funded, would provide more funding from the federal government, to remove abandoned recreational vessels and other kinds of debris which may not be fundable under the SAVE grant but can be hazardous to recreational boaters.

2) What does DBW's AIS/AIPCP team mean by working with partners? Who are our partners? What is the outcome?

AIPCP RESPONSE: The Aquatic Invasive Plant Control Program partners with several local, state, and federal entities that provide funding for aquatic weed control. The summary is found below:

Partner	Contract #	Start Date	Current End Date	Sustainability Score	Total Amount
California Department of Water Resources (DWR)	C1870800	7/1/2018	6/30/2025	5	\$32,500,000
United States Fish and Wildlife Services (USFWS)	F23AC03117	10/1/2023	9/30/2028	1	\$546,569
California Department of Fish and Wildlife (CDFW)	C23708000	7/1/2023	4/1/2025	3	\$1,000,000
California Department of Fish and Wildlife (CDFW)	Q2396802	6/4/2024	3/1/2026	5	\$3,000,000
Delta Coves Maintenance Corporation	P23DO004	2/1/2024	12/30/2025	3	\$224,000
Pescadero Reclamation District	C23708004	7/1/2024	6/30/2025	3	\$10,000

The outcome is to reduce the draw from the HWRF for the aquatic weed program where possible through reimbursement contracts and grants.

AIS/QZ RESPONSE: Partners for Invasive mussels: The long-standing interagency team focused on quagga and zebra mussels and led by CDFW continues and is comprised of staff from CDFW, DWR, State Parks/DBW, CDFA, California Department of Transportation, US Fish and Wildlife Service, USBR, US Bureau of Land Management, US Forest Service, US Army Corps of Engineers. Meetings are quarterly.

These same agencies are now meeting to discuss golden mussels. Additional agencies have been added to the team: the State Lands Commission, and local waterbody managers.

There are several other teams working on golden mussels as well, under draft Response Plan, see list below. The Response Plan is expected to be final in March 2025. The expected outcome to be a coordinated interagency response to golden mussels. The draft Response Plan identified and tasked the following teams: Media,

- **Education and Outreach** (Lead by Ramona Fernandez, DBW Deputy Director)
- Containment at Infested Waters
- Prevention at Un-infested Waters
- Monitoring for the Presence of Golden Mussel

- **Partner Engagement (lead by CDFW)**
- Population Suppression
- Science and Capacity Building
- Laws, Regulations, and Policies Funding

3) Why are CBC/BUI tickets being deferred/dismissed at the local level?

RESPONSE: The Division will address this at the May Commission meeting during program updates.

4) What enforcement is happening at the local level? How is it guaranteed?

RESPONSE: The Division will address this at the May Commission meeting during program updates.

5) Who gets the money for a CBC fine?

RESPONSE: The local county that enforced the CBC would receive the fines.

6) What information does the Division have regarding pump outs? Pump out access, number of boats with a working head, etc.

RESPONSE: There is no single source of data that provides the number or location of vessels in California with heads. DBW uses DMV vessel registration reports that identify registered vessels by length and county. This information along with the number of marina slips identified in the California Vessel Waste Disposal Plan, allow us to estimate how many vessels potentially have heads and where they are likely to be located. The criteria we use for this estimation is based on the number of vessels and slips 25' or longer. **In the Calendar Year 2024, there was estimated to be 24,561 vessels.** We do not have access to data for vessels that are documented by the U.S. Coast Guard.

DBW does not regulate pump-outs, water quality, or pump out availability. DBW offers grants to assist marinas with the purchase, installation, operation, and maintenance of pump out facilities. DBW-funded pump outs and dump stations, as part of the grant, must be open and available to the public for at least seven years following installation, which is the average expected useful life of this equipment. Once the seven years have passed, the grantee is free to manage the equipment as they wish. DBW encourages marinas to maintain the services for boaters after the seven-year grant period and to reapply.

DBW has no authority to provide oversight of pump outs not funded by our program. DBW, through its Clean Vessel Act (CVA) grant, and as a benefit to recreational boaters, also funds monitoring and reporting of most of the coastal pump out facilities in California. Pump outs in the network are visited two to three times per year. During monitoring, grantees test the pump out to ensure there are no leaks, ensure signage is correct, fix and replace minor parts, and inform marina operators about our program when pump outs are non-functional. Monitoring reports are updated in the Pump out Nav App.

The Pump out Nav App allows boaters to report when pump out facilities are down. The app notifies the marina operator, so that marina operators can fix the issue. The app also informs other boaters when a report has been filed so they know there may be a problem and don't waste precious recreational time going to a non-functioning pump out.

The Pump out Nav App allows users to conveniently report non-working units and flag other problems in real-time. A series of press and report icons are available to report common issues such as no power, low vacuum, leaking, broken parts, and no access. Users can also enter a specific description of the problem and/or upload images as can be seen in the attached screenshot. Any complaints should be provided directly through the app.

Regarding dumping in the water:

Harbors and Navigation Code (HNC) Section 776 requires marinas to follow regional water quality ordinances in making pump out services available. California Health and Safety Code (HSC) Section 117515 states, "no person shall place, deposit, or dump any human excreta in or upon the navigable waters of this state, that are within any marina, yacht harbor, fresh water lake, or freshwater impoundment, from any vessel tied to any dock, slip or wharf that has toilette facilities available for the use of persons on the vessel. Any violation of this article is a misdemeanor." Dumping violations should be reported to the local environmental health department and violations are enforceable by state and local peace officers. Additionally, it is against federal and state law to discharge untreated sewage anywhere within the three-mile territorial limit (including lakes, rivers, reservoirs or coastal water within three miles offshore) or even treated sewage into any designated No Discharge Zone (33 CFR 140.3 and 33USC 1251 et seq.). Fines of up to \$2,000 can be imposed for illegal

discharges (CWA §312 (j)). It is not illegal to dump properly treated sewage in harbors and rivers that do not support interstate traffic.

7) How was behavior changed because of the marketing campaign ads?

RESPONSE:

- 89% of powerboaters said the boating safety campaign ads would influence them to wear a life jacket, compared to 78% amongst paddlers.
- 89% of powerboaters said they wear a life jacket “always” or “most of the time” when boating, compared to 77% of paddlers.
- 61% of powerboaters recalled seeing or hearing boating safety/life jacket messages, compared to 41% with paddlers.
- 87% of powerboaters said the Clean Vessel campaign ads would influence them to look for a floating restroom, pump out or dump station, or use the Pump out Nav App.
- 88% of powerboaters said the California Boater Card campaign ads would influence them to get a boater card.

8) Is the Division focusing on tourism offices as a resource a way to be more equitable, are we engaging with chambers in certain regions of CA? What is the proximity of billboards? Where are they?

RESPONSE: The Division will update at the May Commission meeting during program updates.

9) What hashtags is the Division currently using?

RESPONSE: #SaveTheOnesYouLove and #SaveTheWatersYouLove

10) How is funding appropriated for public safety? Is it equitable?

RESPONSE: The BSEE grant eligibility criteria requires the applicant agency to employ at least one boating safety law enforcement officer defined in California Code of Regulations, Title 14, Division 4, Chapter 1, Article 4.5.2 as trained personnel authorized and retained to perform on-the-water **boating safety and boating law enforcement** activities. Additionally, the Recreational Boating Safety (RBS) grant annual performance report requires that DBW provide data on the number of sworn officers and boating safety-related citations issued with these grant funds. In 2023, DBW became aware that fire protection and lifeguard agencies were often a county's designated boating search and rescue/safety responders who could also benefit from the BSEE grant funding

opportunity. At that time, we adjusted the grant eligibility criteria to include safety agencies that do not employ sworn officers with the condition that they have an active MOU with their local law enforcement agency who will respond when needed to handle boating safety violation enforcement duties.