

## **A Summary of Regulatory Authorities for Abandoned Vessel Removal in South Carolina**

With 2,876 miles of coastal shoreline, South Carolina's coast offers great opportunities for boating, fishing and recreation. Each year, over one million residents and 15 million visitors enjoy the life style our coast offers. Unfortunately, not everyone is mindful that their activities can contribute significant amounts of debris to our marine environment, which diminishes the beauty of our coast and creates hazards for animals and humans. Marine debris is any man-made object discarded, disposed of, or abandoned that enters the coastal or marine environment. This includes everything from abandoned vessels to trash on our state's beaches.

For many years, federal, state and local government agencies, have undertaken and supported a variety of marine debris-related removal activities based upon legislated responsibilities. However, the general public has lacked a basic understanding of Agency responsibilities and resultant removal activities. Below is an explanation of the roles of each responsible federal, state or local governmental Agency.

**The Federal perspective:** Based upon federal statutes, three federal agencies possess a role with the issue of marine debris and abandoned vessels. The U. S. Army Corps of Engineers (USACE) maintains our country's federally maintained waterways and when an obstruction occurs, the Agency is responsible for the removal. It is important to note the majority of the country's waterways are NOT federally maintained. The U. S. Coast Guard (USCG), a division of the Department of Homeland Security is responsible for the removal of fuels, fluids and other potentially toxic substances that could emanate from marine debris that is located in any of our country's waterways. It is important to note the Coast Guard responsibility is not limited to federally maintained waterways. Lastly, in the aftermath of a presidentially declared disaster, the Federal Emergency Management Agency (FEMA) is responsible for the removal of all debris that is created by the disaster, including marine debris. In the event of a declared disaster, FEMA's authority would supersede that of the Corps of Engineers and the Coast Guard.

**The State perspective:** Based upon state statutes, two South Carolina state agencies possess the authority and responsibility to address the issue of marine debris/abandoned vessels. The South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource

Management (DHEC-OCRM) has the authority to require the removal of all marine debris and abandoned vessels within the state’s Tidelands Critical Areas (salt water). Left unattended, marine debris and abandoned vessels are considered permanent, unauthorized impacts which cannot be authorized. DHEC-OCRM has the authority to initiate a civil enforcement process to require the removal. The South Carolina Department of Natural Resource’s authority resides in the boat titling and licensing process. When boat titles are not obtained within a reasonable amount of time or expire, SCDNR considers these vessels illegally operational and possesses the authority to require the removal of vessels from public waters.

**Local government perspective:** Dependent upon local ordinance, respective local governments may possess the authority to require the removal of abandoned vessels from public lands located within the respective local government’s corporate boundary. Some examples include the City of Folly Beach, the Town of Mount Pleasant, the City of Charleston and others. Each local government rules will vary.

Keeping our coastal environment clean is not only Agency responsibility, it is everyone collectively. Together, we must protect our coastal heritage by being more aware of the negative impact our litter and lost fishing gear can have on our environment and to take steps to remove debris.

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# SC Federal and State Agency Jurisdiction - Abandoned Vessels and Marine Debris

