

RESOLUTION of the
Greater Farallones National Marine Sanctuary Advisory Council

To adopt all regulatory recommendations of the Vessel Incidents Subcommittee, except for the recommendation regarding reasonable anchorage limits on Tomales Bay, and forward them to Greater Farallones National Marine Sanctuary Superintendent

At its meeting on August 18, 2022, the Greater Farallones National Marine Sanctuary (GFNMS) Advisory Council made minor edits to the regulatory recommendations of the Vessel Incidents Subcommittee. The council passed a resolution to adopt the edited regulatory recommendations and to forward the recommendations to the GFNMS Superintendent for consideration.

Attachments: GFNMS Advisory Council: Vessel Incidents Regulatory Recommendations

cc: Maria Brown, Superintendent, Greater Farallones National Marine Sanctuary

This resolution was passed with majority vote by a quorum of primary members (or alternate members serving in place of primary members) at a public meeting on August 18, 2022 held via Google Meet. Council discussion regarding this resolution can be found in Meeting Highlights documentation at https://farallones.noaa.gov/manage/sac_meetings.html.

The council is an advisory body to the sanctuary superintendent. The opinions and findings of this letter/publication do not necessarily reflect the position of the sanctuary and the National Oceanic and Atmospheric Administration.

I. **Recommendation for Greater Farallones National Marine Sanctuary (GFNMS)**
Prohibited Activities:

- Propose to add following language (**BOLD Red type**) to CURRENT § 922.82 (a) (14) Prohibited or otherwise regulated activities.

(a) The following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:

(14) Deserting a vessel aground, at anchor, or adrift in the Sanctuary; **an anchored vessel may be considered deserted if the owner of a vessel does not provide to the Sanctuary sufficient evidence that the vessel is seaworthy and secure within 30 days¹ of the Director's notification (or request).**

Recommendation Background: The council recommends elaborating on the prohibited activity of deserting a vessel aground, at anchor, or adrift in the Sanctuary to address clarifying the term deserting and placing a time bound notification on owner/operator action to show seaworthiness of vessel to reduce potential harm to Sanctuary resources especially in the estuarine environment posed by derelict or abandoned vessels.

II. **Other Regulatory Recommendations:**

- **GFNMS Vessel Desertion Checklist:** The council recommends that GFNMS make a Vessel Desertion Checklist with V.I. Subcommittee and Advisory Council input to help identify vessels at risk to be provided to enforcement partners similar to one used by MBNMS but include items specific to estuarine environment to address vessel incidents in Tomales Bay and Bolinas Lagoon.
- **GFNMS add Definition of Marine Debris:** There is no current definition for marine debris in either ONMS or GFNMS regulations. The council recommends that one be added to GFNMS definitions which utilizes NOAA's definition (any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes) but also includes language similar to ***Harbor and Navigation code Article 3 550(b)*** which states that "marine debris" includes a vessel, including a derelict, wreck, hull, or part of any ship or other watercraft or dilapidated vessel, that is unseaworthy and not reasonable fit or capable of being made fit to be used as a means of transportation by water"

¹Other potential language to consider: "...an agreed upon number of days..."