



**Public Hearing on Abandoned and Derelict Vessels (Boats)
Committee on Game & Fisheries
Pennsylvania House of Representatives**

**Testimony by Captain Evan Clark
on behalf of the Pittsburgh Safe Boating Council**

April 12, 2024

Good morning Chairs Kulik and Maloney, committee members, and staff. My name is Evan Clark and I'd like to thank you for the invitation to speak today.

As a member and past Treasurer for the Pittsburgh Safe Boating Council, I'm here representing the Council on this important issue related to abandoned and derelict boats along our Commonwealth's waterways and especially here in the Pittsburgh region.

I work for Three Rivers Waterkeeper as our local Waterkeeper. We are a local, and internationally affiliated, non-profit with a mission to protect everyone's rights to clean water that is fishable, swimmable, and drinkable.

I have a United States Coast Guard 100-ton inland master Captain's license, and also serve as a part-time Captain of the local Explorer riverboat operated by Rivers of Steel.

Over the last 17 years I've been involved with the Allegheny Cleanways organization and our group of tireless volunteers and together we've cleaned up over one million pounds of trash in Allegheny County.

I have lived, worked, and traveled on thousands of miles of rivers around the entire Mississippi River Basin including the Allegheny, Monongahela, and Ohio Rivers.

I would also like to thank the Pennsylvania Fish and Boat Commission under the leadership of Executive Director Timothy Schaeffer and Deputy Executive Director Laurel Anders as they work to address this abandoned boats issue. Within the last six months the Fish & Boat Commission solicited a survey on this topic in which I led a committee of the safe boating council in providing a response to this survey.

I'd also like to recognize both Michael Hills, Vice President of the Pittsburgh Safe Boating Council, Owner of the Freedom Boat Club, and Manager of the Station Square Marina, and who is with us today, as well as Hannah Hohman with the Three Rivers Waterkeeper, who both served on this committee and helped in drafting our survey response.

Much of my testimony today is derived from our shared experiences, research, and work in preparing the survey response.

Abandoned and Derelict Vessels Impact Our Quality of Life

We see Abandoned and Derelict Vessels (sometimes referred to as ADVs) in Pittsburgh and throughout the region. They are a problem on land, abandoned at marinas for owners to deal with, as well as on city streets, in alleys and over hillsides, and of course we find them in the water both abandoned as a disposal technique and left derelict in the public spaces around Pittsburgh's Point area to avoid paying for dockage.

These boats harm our riverfronts for residents, visitors, fishermen, and boaters. This is especially problematic as these rivers recover from decades of blight, abuse and neglect, and we are still culturally working towards finding a way back to embracing, caring for and valuing our refound wealth in these once dead rivers.

Abandoned boats in the focal center of the region negate many peoples and organizations' years of hard work. They pose a threat to our rivers' ecosystems. Many leak fuel, oil, debris and other hazards into our rivers where in the Ohio valley, five million people source their drinking water. They also pose a hazard to commercial navigation and the critical working infrastructure of our lock and dam system. Further, these boats, abandoned or derelict in crowded public spaces near sports venues and our convention center pose a possible public safety threat, from being an attractive nuisance, to a possible tool for terrorism.

Often these ADVs end up getting tied to the North Shore wall in Pittsburgh near Acrisure Stadium and PNC Park where they sit year round until nature takes its course, flood events can claim them (as we've seen in the past week), they start to deteriorate, they can freeze in winter, and inevitably they sink. There are not generally understood best practices for owners to dispose of these boats, and owners who buy boats "cheap" are often surprised by the disposal cost, and unable to pay for best practices. Lack of insurance often compounds this issue. This "method of disposal" has few or no actual consequences to responsible parties as our laws lack teeth and

precedent for use and other legal, infrastructural and jurisdictional issues get in the way of results.

We also commonly see abandoned boats all throughout the rest of the region; the majority sit on land but the toughest to deal with are the ones on the rivers and near their banks. These range in size from small canoes and kayaks to 80 foot-long passenger vessels. Many of these boats are traceable back to known owners but that, paradoxically, legally make them even harder to deal with. If they had no markings or clear history, and if the resources were there, they could be gathered, cut up and dumped.

Interested parties ranging from land owners, riverfront beautification and stewardship focused non-profits, marina owners, concerned citizens, municipalities and law enforcement all are stymied in their efforts to deal with these boats as taking them on costs significant time, money, and pose a very uncertain legal liability.

Especially since for a non-governmental entity to “take them on” basically requires the person, or organization to take full-ownership and liability for a boat that has significant and rapidly declining negative value and could cause challenging, at best, environmental issues. Crucially there is rarely motivation for our three or so well-equipped salvage companies in the area to touch these boats, due to these legal and financial reasons.

What You Would See Nearby Along the Three Rivers Today

Here are a few specific examples of ADVs that are on the rivers right now. There are many more, fourteen by my last count in the county, as I speak but these boats represent a general cross section of our issues.

Sideways Boat:

- There is a large, approximately seventy-five foot abandoned steel excursion boat on the Allegheny River laying on its side across from Lock Wall One Marina that has been there for decades. Apparently stuck in a lawsuit dating back to 20024 between a salvage company and the vessel’s owner.

Foam filled pieces of barges:

- Within fifty feet of the “Sideways Boat” are a few, approximately thirty-foot square sections of a cut up steel foam filled barge, one of these pieces, last week in high water, floated down and got lodged on the upstream side of Pittsburgh Public Safety's floating boathouse housing their River Rescue boats. If they push it off their landing it will float downstream, and likely end up like another foam filled steel barge that was lodged in Emsworth lock and partially halted their operations a few years back.

Voyager:

- Less seen is another approximately eighty-foot wooden stripped hull, an ex-navy YP (yard patrol) boat, converted to educational/excursion boat. Roughly twenty-five miles up the Monongahela and one-hundred feet from the shore. The last owners sold it to a now out of business marine operator who then apparently beached it, removed anything of value and left it in the rivers floodplain, where, due to it being a wooden boat, could refloat in flood conditions and cause havoc on its way downriver.

Stacked Boats on Brunot Island:

- There are two boats stacked up, twenty-two and eighteen foot fiberglass hulls, clearly dumped allegedly by a local marina owner, one in the other, on the main channel shore of Brunot Island in the first miles of the Ohio River.

Burnt Boat behind Davis Island:

- There's a fiberglass boat, located in the back channel behind Davis Island on the Ohio, roughly twenty-four feet which was dumped in 2022. It now has been burnt to the waterline after sitting sunk for half a year.
 - Another one that was there last year seems to have washed away, possibly into the dam a mile downstream.

Boats at Pittsburgh's Point:

- There are two boats at the moment on the North Shore Riverwall in Pittsburgh on the Allegheny River, one is sunk but still tied to the wall, it has been sunk and raised 3 times now, and the other is still afloat.

Personal Perspective

I'd like to highlight three of my many individual experiences with the ADV issue for the Committee:

1. In 2016, while working with Allegheny Cleanways we cut up a twenty-foot fiberglass boat stuck upstream from the Monongahela Wharf south of downtown. It was a nightmare and a good lesson in the need for expensive heavy equipment with skilled operators to handle any riparian boat disposal job.
2. Some quick research and calls that I made in 2023 indicate that an average twenty-three foot boat in our area could be pulled from the water, ground up, and landfilled for as little as \$2,000 a piece - if the work was done in batches of 6 or more in a straightforward salvage and disposal job. On the other hand, the same boat could cost \$50,000 to deal with, or much more. Sinking in a critical area can make the salvage job an expensive priority, leaking fuel and oil places a burden on emergency services who sometimes aren't even available or under-equipped, issues around ownership are notoriously hard to

resolve, and then storage or other complicating factors could drive the costs up exponentially as well. On top of all these factors, costs associated with longer boats usually increase on a per foot basis by a factor of three.

3. This summer I will be working on a project in my role as Three Rivers Waterkeeper with the non-profit, large- scale river cleanup organization, Living Lands and Waters, to remove cars from the bottom of the river in the Pittsburgh pool. We will have divers, police and Living Lands and Waters experienced operators using a long reach excavator on a barge pushed by their towboat. We will lift cars onto the barge and have local police verify the VIN information on the cars and they will be sent to the scrapyard “simple as that”. I would like to remove boats too, but I am concerned that it won't be possible unless we are enabled with some good solutions to deal with potential ownership issues.

Possible Solutions

As I've described, and as I'm sure others will or could testify, this is a very complicated issue. Lastly, based upon my experience, I'd like to offer these thoughts and suggestions to further spark conversations by this Committee, the Pennsylvania Fish and Boat Commission, public and private partners, and the boating community.

In the Short-Term:

- Consider creating a local pilot program in Pittsburgh to dispose of ADVs which could also help with the study of aspects of the work required, and test feasibility for ideas. This is most cost-effective and easier in the Pittsburgh region due to interested local groups to partner with, many types of well known ADVs, well-equipped salvors, and ease working in mainstem rivers as opposed to shallow rivers or small lakes where infrastructure is limited and less use causes issues to occur more infrequently. And, of course, the ocean/harbors/Great Lakes depths and adverse conditions.
- Guarantee payment and help handling legal liability issues for salvors - this could set precedent and realistic expectations for a larger program to eventually design and implement.
- Search for incentive and solutions to help owners deal responsibly with boats at end of life, Carrots before sticks
- Study disposal costs and techniques.

- Continue the work of assessing best practices and applicability in other states.
- Further clarification of laws:
 - Specifically, there seems to be an issue around boats tied to land. Are they considered “on waters of the Commonwealth” or the “navigable waters of the United States”? This is something that we have heard complicates enforcement of laws around our “Point of Pittsburgh”.
 - Study laws to find possibilities of real penalties for abandoning and dumping boats and opportunities to recoup costs for salvage and disposal.
- Develop an educational program for the public and marina owners about costs of disposal and techniques.
- Investigate insurance laws as a possible tool.

In the Long-Term:

- Review existing laws, amend, or create new laws with additional teeth.
- Continue and promote a larger education and outreach campaign.
- Create a permanent program and fund to deal with abandoned boats funded from boat registration, like they do in Florida, and also from fines as well as recouping salvage costs from responsible parties.
- Support for salvage businesses to guarantee their payment and clearly and simply handle legal liability issues for salvors.

Chair Kulik and Maloney, this concludes my statement. On behalf of the Pittsburgh Safe Boating Council, we thank you for putting a spotlight on this issue and holding this hearing today. I appreciate the opportunity to testify and would be glad to answer any questions you may have. Thank you.