

Comments by the  
National Marine Manufacturers Association  
Before the Georgia Department of Natural Resources  
Regarding Development of Regulations Implementing HB 201

On behalf of the National Marine Manufacturers Association, I am writing to recommend that the Georgia DNR establish a regulatory framework that responds to the stated goals of HB 201 while also avoiding unnecessary regulatory control over where and when boaters anchor in Georgia's estuaries. By way of introduction, NMMA is the leading trade association representing the recreational boating industry in North America. Its member companies produce more than 80 percent of the boats, engines, trailers, accessories, and gear used by boaters and anglers throughout the United States and Canada.

Boating is big business in Georgia. It generates approximately \$4.3 billion in economic activity and supports 638 businesses and 15,000 jobs. There are about 332,000 registered boats in Georgia and Georgians spent about \$632 million on new boats, engines, trailers, and accessories in 2018.

Just as important for this discussion, however, Georgia is a major thoroughfare and destination for out-of-state boaters who choose to spend a few weeks at anchor in Georgia or travel slowly through the state. In fact, some boaters have little choice but to delay their trip. Because of years of poor maintenance and silting, Georgia's section of the ICW has two of the shallowest stretches in the entire 1,100-mile-long waterway. This leaves some boaters with no choice but to wait overnight for high tide.

For several years we coordinated closely with regulators to address the issue of illegal holding tank discharges and derelict vessels. Particularly in Florida, recreational boat manufacturers, dealers, and owners were instrumental in enacting a new law allowing law enforcement to take action when a boat is near-derelict. Essentially, law enforcement can use these powers to identify those vessels that have problems with key capabilities, including propulsion, holding tanks, lighting, and dewatering. These legal powers allow for an effective response to this problem with minimal restrictions on anchorage rights or time at anchor.

Our experience is that all users and regulators of a state's waters must be involved in the writing of laws and regulations in order to make beneficial and enforceable changes that still maximize a boater's ability to use the waterway. To that end, I encourage the Georgia DNR to consider additional public hearings on any revisions that may be made following public input gathered June 17 in Brunswick.

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As for illegal discharge, NMMA is aware of how difficult it is to apprehend a person who is illegally dumping sewage, even though existing federal and state law demand that boaters properly treat and discharge their sewage. HB 201 claims that boaters frequently illegally dump untreated sewage in state waters. Unless these regulations provide an enforcement mechanism that makes it possible for law enforcement to catch boaters who are illegally dumping their untreated sewage, it is difficult to determine what, if any, benefit these proposed regulations provide.

NMMA recognizes that HB 201 and its mandates will become state law on January 1, 2020. However, we request that the regulations needed to implement the new law be written and considered in a deliberate, multi-step process of gathering input from boaters, counties, cities and individual businesses who may be harmed if fewer boaters stop in their areas. After adjustments are made based on this input, the public should have another opportunity to air its concerns in multiple areas of the state.

Unfortunately, HB 201 was enacted, and these regulations were drafted with very little input from the boating public. This imbalance of input resulted in HB 201 mandating several unworkable requirements, and Georgia DNR being tasked with administering them.

NMMA strongly opposes many provisions in the draft regulations under discussion. In particular, we offer the following concerns and suggestions.

- The draft regulations and HB 201 require the state to prohibit anchorage everywhere except in designated anchorages. We believe the proposed regulations should be amended to require just the opposite. Anchorage should be allowed in estuarine waters by default, with restrictions put in place only to prevent hazards to navigation, and near boat ramps, in-water structures and areas deemed to have a specific need for protection, including shellfish beds. These restricted areas should be clearly marked or included in charts. We support a standard setback of 75 feet from in-water structures, shore and 150 feet from sensitive areas such as oyster beds. If more restrictions are required, they should be vetted in a transparent, public process that provides adequate time for the public to comment and for official consideration of public concerns.
- We strongly object to even the concept of treating anchorage in Georgia's public waters like a hotel. We know of no state that charges boaters by the day to anchor in its waters. We do not believe this permit scheme will be enforceable given the severe shortage of on-water patrols and other resources. We expect it will be extremely costly and difficult for the state to provide sufficient education to transient boaters to create even minimal compliance with these fees.
- HB 201 goes to great length to create criminal penalties for a boater to not purchase and properly display an anchorage permit and/or to fail to retain records proving the use of a pumpout facility. Therefore, a person who anchors for a week in a lesser-used portion of a Georgia estuary faces a criminal penalty for failure to purchase a \$20 sticker.

- We find it very curious that the legislature established a fee on boaters but did not designate that the revenue should be used for the benefit of boaters. It appears to simply be a tax on boaters that will be paid into the state general fund, where it can be appropriated to support any state government activity.
- While we believe the boating lifestyle should include the ability of a boater to live aboard their boats at anchor, we also recognize that preventing boats from becoming derelict may require a limited exception to that practice. Requiring a boat to relocate at least one nautical mile every 90 days for a minimum of seven days would cause the owner to demonstrate the boat's seaworthiness.
- Georgia's marinas should not be required to maintain a record of pumpouts, for what appears to be a way to cross-check the validity of a boater's records. This excessive mandate places an unfair and costly burden on the businesses, and provides no benefit to the State, the environment or boaters.

NMMA greatly appreciates the opportunity to comment on these draft regulations and would welcome an opportunity to provide further information. Please contact Lee Gatts at [lgatts@nmma.org](mailto:lgatts@nmma.org) with any questions or concerns you may have.