

# Kitsap County Derelict & Abandoned Vessel Removal Program

Meeting #2



August 14, 2024

# Facilitators

**Brittany Gordon**

*Natural Resources Coordinator*

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**Kirvie Mesebeluu-Yobech**

*Environmental Programs Planning Supervisor*

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# Housekeeping

- Zoom attendees
  - Mute microphone when not speaking to minimize noise
  - Send message to Caitlin if you have Zoom issues
  - Use raise hand function to speak
  - Turn on video when possible
- In-Person attendees
  - Turn name tag vertical to speak

**Wi-Fi: Community Wi-Fi**

**Password: Beaky.Buzzard.1942!**

# Review Agenda

- 1:00 Introductions, Review Agenda
- 1:10 Project Charter Updates
- 1:15 Results from Current Process Mapping Activity
- 1:25 Current Process Feedback with Troy Wood (DNR)
- 2:05 *10-Minute Break*
- 2:15 Work Session – Barriers and Challenges
- 2:45 Report Out and Group Discussion
- 2:55 Round Table Updates
- 3:00 Adjourn

# Round Table - Welcome and Introductions

- Name
- Agency



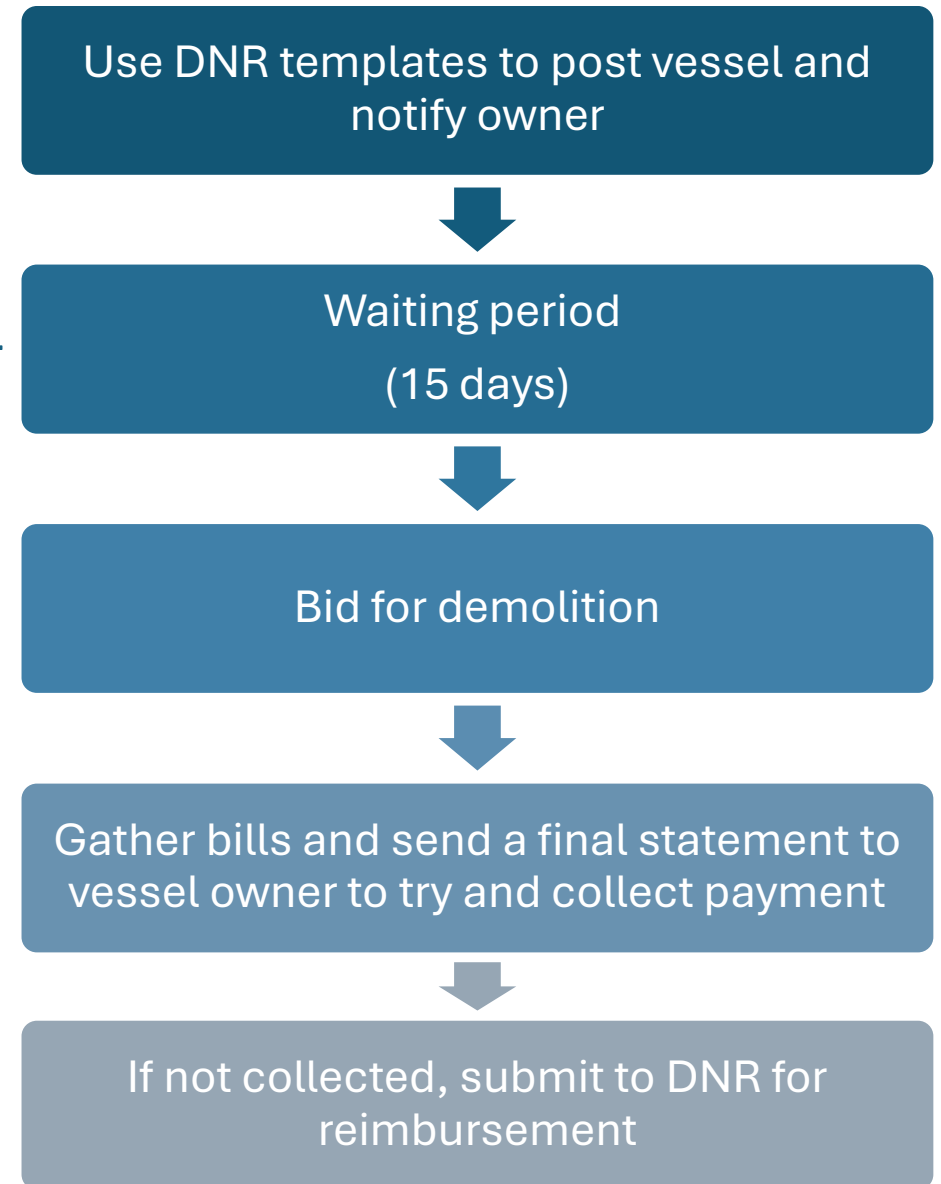
# Charter Update

- In problem statement, added species of conservation need and added recreational shellfish harvesters
- In scope, added language for prevention and education
- Added contact at USCG. Reached out to US Navy but still awaiting contact for PSNS Port Operations.
- Reached out to Cities' Planning & Public Works Departments
- Added in scope reference to definitions of Abandoned & Derelict Vessels in RCW.
- Updated names and job titles as needed



# Ports

- Port decides if vessel goes to auction or demolition.



# Law Enforcement

- Is vessel in imminent danger of sinking or breaking free and creating a hazard?

## Additional notes from this group:

- In 2022, KSO made an effort to map vessels using Google.
- DNR also maps vessels, and they go on the FEMA Emergency Response map.
- Tribal registered boats do not fall under KSO jurisdiction but do fall under DNR jurisdiction.
- Posting a vessel is challenging or impossible if vessel is drifting or sunken.
- County has no dock to put derelict vessels. KSO takes to a dock and posts there and on DNR website.
- Permits are required for demolition - HPA if on beach/tidelands, NPDES permit for boatyards (SEPA required for this).
- DNR does not reimburse for disposal of upland boats.
- **Need** - budget for marinas and Ports to dispose of vessels so they do not have to put them up for auction.

Vessel reported via Kitsap1 or from code compliance. DNR also contacts Kitsap Sheriff's Office when they receive a derelict vessel report.



KSO verifies vessel location, ownership, and whether derelict.



KSO works with DNR to prioritize how to respond.



Follow RCW 79.100 custody process



# Washington Department of Fish and Wildlife

- Often for sunken vessels that must be removed from beach.

Customers request HPA to remove vessel  
(often an emergency)



- Determine best method for removal.

Area Habitat Biologist conduct site visit

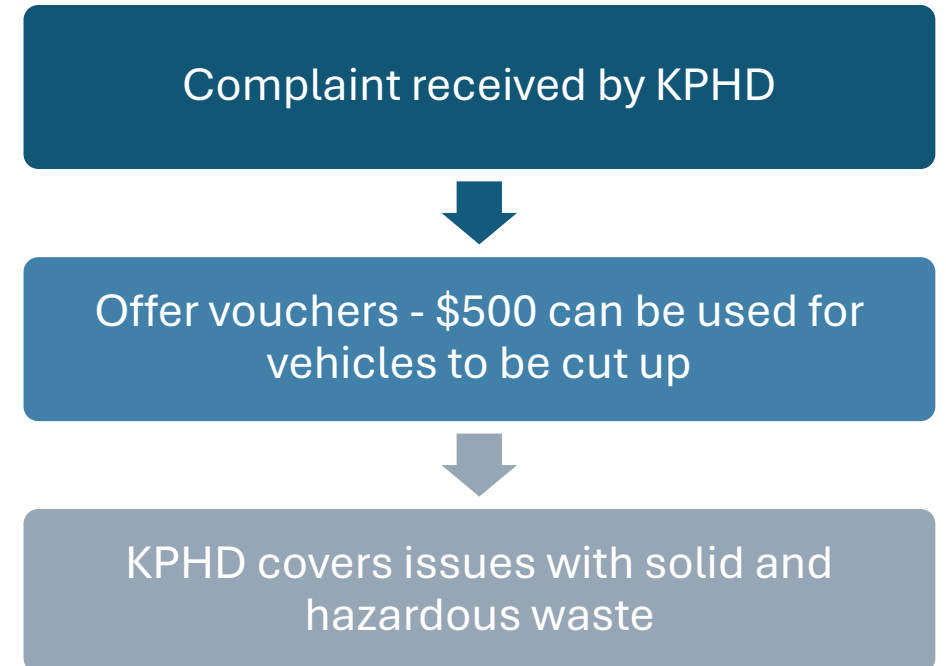


Issue permit



Follow up for compliance

# Public Health District



# Ports, Law Enforcement, KPHD

- Vessels on private tidelands use Vessel Turn In Program (VTiP).
- Have DNR take ownership if on public waterways.

- Poulsbo uses state enterprise bid process for disposal/demolition
- Bainbridge Island obtain 3 bids before removal/repurpose (does not auction vessels)
- Kingston Marina - after 2 months of no moorage payment, provide notice, wait 90 days before going to auction (RCW 53.08.320)



# Washington Department of Natural Resources

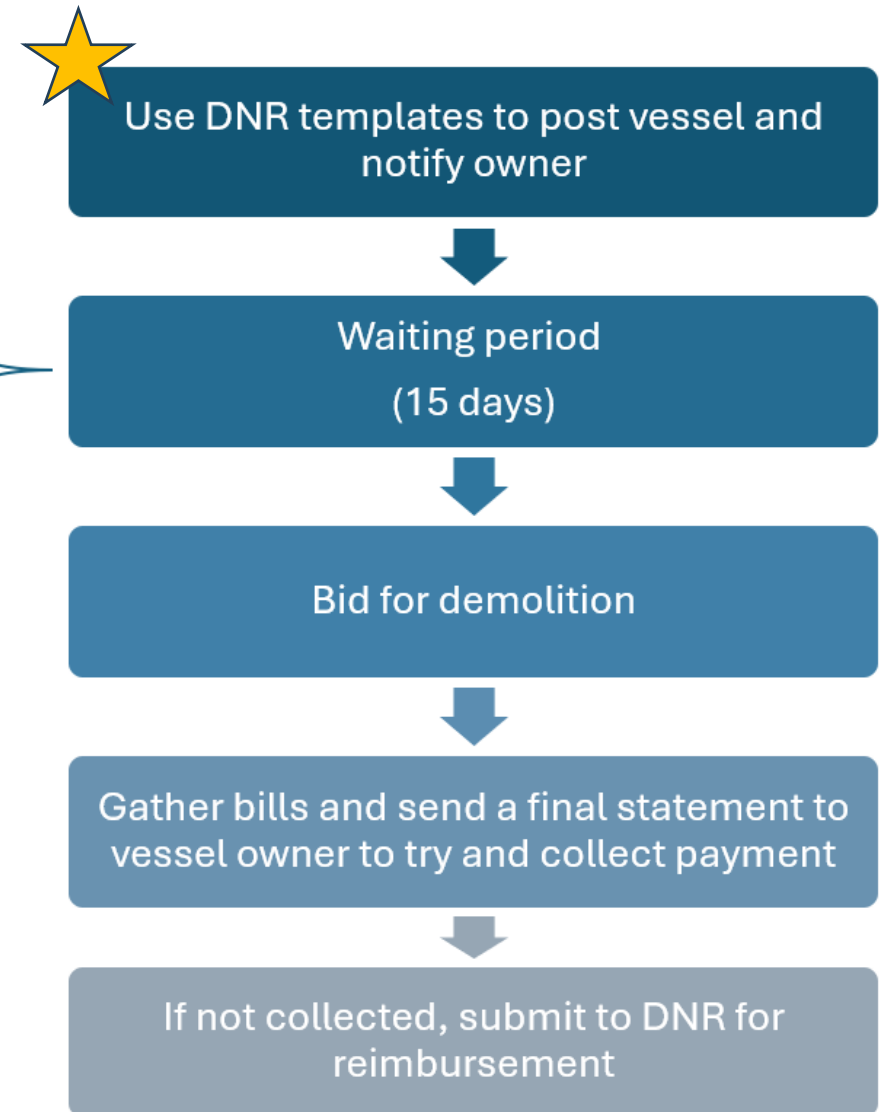
## Derelict Vessel Removal Program August 2024



# Ports

- Ports must determine if the vessel was tenant or is a transient vessel.
  - Tenant they must use RCW 88.26
    - Custody process is about 55 days.
  - Transient they can use RCW 79.100
    - Custody process is close to the outline here.

- Port decides if vessel goes to auction or demolition.



# Law Enforcement

- LE – under RCW 79.100 any vessel is within the programs scope except vessels over 200 feet.

- Is vessel in imminent danger of sinking or breaking free and creating a hazard?

## Additional notes from this group:

- In 2022, KSO made an effort to map vessels using Google.
- DNR also maps vessels, and they go on the FEMA Emergency Response map.
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- DNR does not reimburse for disposal of upland boats.
- **Need** - budget for marinas and Ports to dispose of vessels so they do not have to put them up for auction.

← inaccurate

Correct – vessels must be in the aquatic environment

Vessel reported via Kitsap1 or from code compliance. DNR also contacts Kitsap Sheriff's Office when they receive a derelict vessel report.



KSO verifies vessel location, ownership, and whether derelict.



KSO works with DNR to prioritize how to respond.



Follow RCW 79.100 custody process

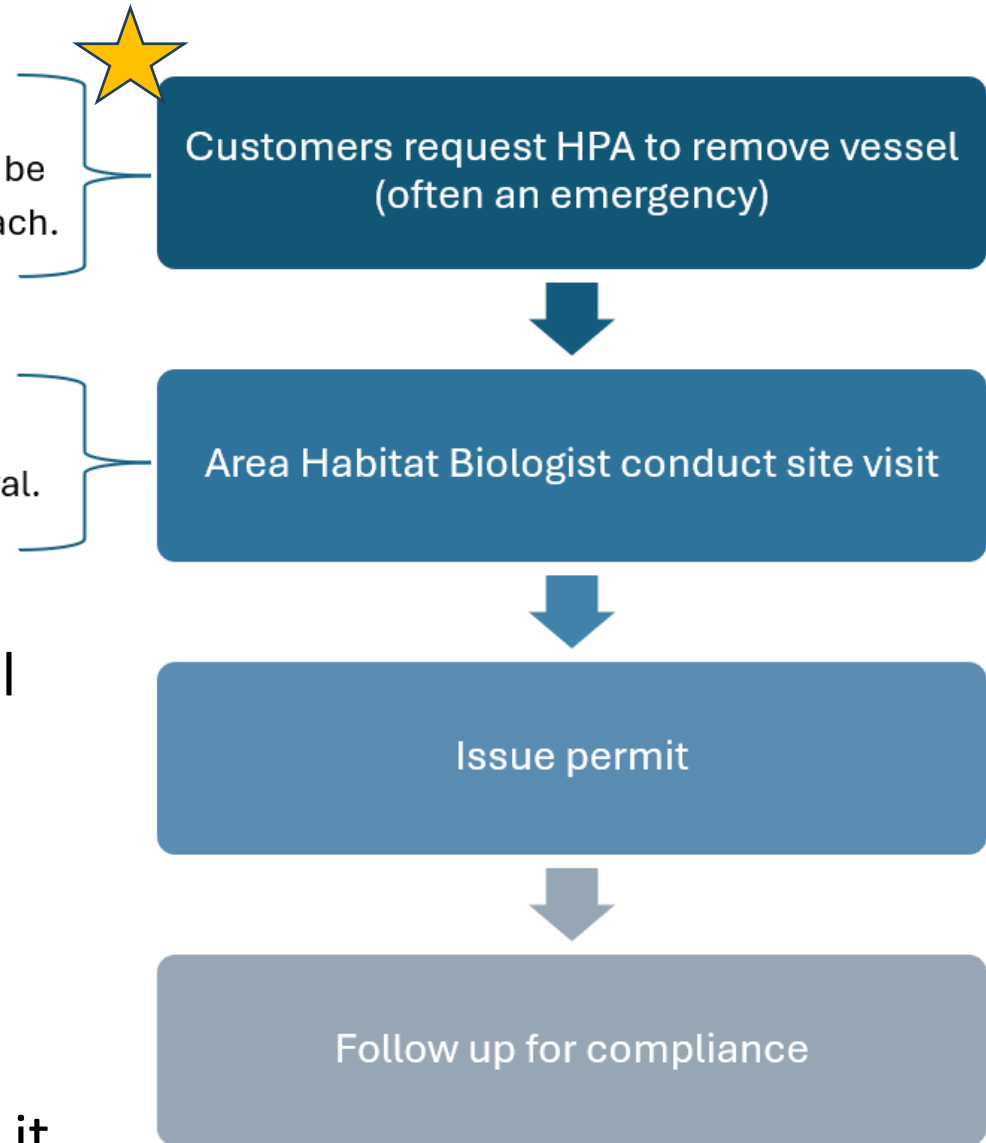


# Washington Department of Fish and Wildlife

- WDFW can act as an Authorized Public Entity and use RCW 79.100 for the removal and disposal
- WDFW can be reimbursed for ALL costs associated with the removal and disposal
- ANY Authorized Public Entity can use DES contract #16122 to hire a pre-vetted contractor for the removal and disposal all it takes is an email.

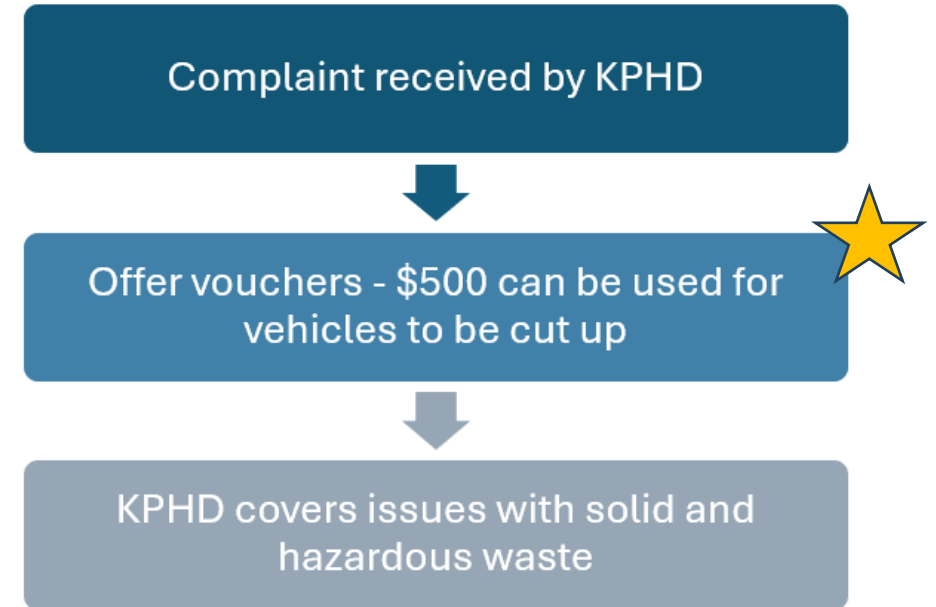
- Often for sunken vessels that must be removed from beach.

- Determine best method for removal.



# Public Health District

- Can the DNR get vouchers too?
- Please encourage responsible disposal by recommending they find a NPDES (Ecology's Clean Water Act) permitted facility to do the cutting up.
  - An WDFW HPA permit is required for any cutting up of a vessel near shore.
  - A general vessel deconstruction permit may be required by Ecology for near or in water cutting up.
- ANY Authorized Public Entity can use DES contract #09321 to hire a pre-vetted contractor for spills of hazardous substances.
- KPHD can act as an Authorized Public Entity, If they are with the County.





# Ports, Law Enforcement, KPHD

- Vessels on private tidelands use Vessel Turn In Program (VTiP).
- Have DNR take ownership if on public waterways.



- Poulsbo uses state enterprise bid process for disposal/demolition
- Bainbridge Island obtain 3 bids before removal/repurpose (does not auction vessels)
- Kingston Marina - after 2 months of no moorage payment, provide notice, wait 90 days before going to auction (RCW 53.08.320)

- Please see the following slides for a better understanding of what each agency can do.



# Who Has Removal Authority under RCW 79.100?

- The **primary responsibility** for the vessel itself belongs to the vessel owner; however, the responsibility for removal belongs to the owner, operator or lessee of the moorage facility; including leased aquatic land from DNR.
- Authorized public entities (APEs) may remove a vessel and may qualify for reimbursement (RCW 79.100.010(3))
- APEs are defined as: DNR; WDFW; WA State Parks; the parks and recreation commission; a metropolitan park district; a port; or any city, town, or county with ownership or jurisdiction over the aquatic lands where the vessel is located



# Derelict Vessel Removal Account (DVRA)

- Funds come from vessel registrations and watercraft excise taxes and are exhaustible each biennium.
- How to access those funds
  - **RCW 79.100.040** the Derelict Vessel Removal Act
    - For use by only **Authorized Public Entities**, may seek reimbursement in accordance with RCW 79.100.100.
  - **RCW 79.100.160** the Vessel Turn-in Program (VTiP)
    - Free disposal – paid for by DNR using DVRA funds
      - **WA Residents** (must be the vessel's owner or have the legal right to disposal of the vessel) can apply to the VTiP.
      - **Private Marinas** can use **RCW 88.26.020** then apply to the VTiP
  - **RCW 53.08.320** Port Moorage Facilities (for abandoned tenant vessels, including boatyards)
    - **Port Districts** through reimbursement for disposal cost in accordance with RCW 79.100.100(1)(d).



# RCW 79.100.010 Definitions

(1) "**Abandoned vessel**" means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is:

- (a) Not known or cannot be located; or
- (b) known and located but is unwilling to take control of the vessel.

For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(5) "**Derelict vessel**" means the vessel's owner is known and can be located, and exerts control of a vessel that:

- (a) Has been moored, anchored, or otherwise left in the **waters of the state** or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;
- (b) Has been left on private property without authorization of the owner; or
- (c) Has been left for a period of seven consecutive days, and:
  - (i) Is sunk or in danger of sinking;
  - (ii) Is obstructing a waterway; or
  - (iii) Is endangering life or property.



# What is the Custody Process (79.100)?

1. Is it **Abandoned** or **Derelict** as defined by RCW 79.100.010?
2. Contact DNR and ask for a bookmark!
3. Post the vessel
4. Post to the DNR website “Notice of Intent to Gain Custody”
5. Send the last known owner a letter stating your intent to gain custody within **5 days**
  - Owners are responsible for all costs incurred

Custody = ~15 days

Appeals deadline = 30 days after custody

- RCW 79.100.040(3)(b) emergency temporary possession
  - Must contact USCG or DNR prior to taking.
  - Must follow custody process after making the vessel safe.



# What is the Custody Process under RCW's 53.08 or 88.26?

- Both require:
  - Notices
    - Letters stating the debt owed
    - Letters stating the auction date and how to prevent the sale
  - Auction
    - Please set a minimum bid to encourage responsible vessel use
      - Remember you have an option for being reimbursed for disposal costs not having to pay them in the first place
- Time
  - RCW 53.08 is about 55 days
  - RCW 88.26 is about 100 days



**Vessel Turn-in Program**  
360-902-BOAT (2628)

**Has your Dream Boat become a Nightmare?**

Is your boat in poor condition?

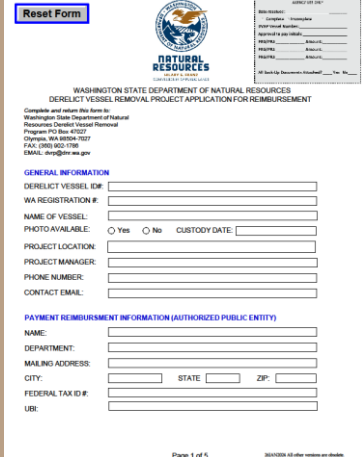
Is it less than 45 ft?

Are you a WA resident?

➤ The Vessel Turn In Program (VTIP) is managed by the Department of Natural Resources (DNR) to help prevent boats from becoming derelict or abandoned and to keep pollution out of our marine habitats.

➤ If you would like to dispose of your old boat legally but do not have the financial resources to do so, you can see if you qualify by reviewing the Eligibility Criteria, or go to our website to learn more:

<http://www.dnr.wa.gov/programs-and-services/aquatics/derelict-vessels/vessel-turn-program>



**Reset Form**

**DERELICT VESSEL REMOVAL PROJECT APPLICATION FOR REIMBURSEMENT**

Complete and return this form to:  
Washington State Department of Natural Resources  
Derelict Vessel Removal Program  
PO Box 45222  
Olympia, WA 98504-1027  
FAX: (360) 652-3786  
EMAIL: [derip@dnr.wa.gov](mailto:derip@dnr.wa.gov)

**GENERAL INFORMATION**

DERELICT VESSEL ID# \_\_\_\_\_  
WA REGISTRATION # \_\_\_\_\_  
NAME OF VESSEL: \_\_\_\_\_  
PHOTO AVAILABLE:  Yes  No CUSTODY DATE: \_\_\_\_\_  
PROJECT LOCATION: \_\_\_\_\_  
PROJECT MANAGER: \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
CONTACT EMAIL: \_\_\_\_\_

**PAYMENT REIMBURSEMENT INFORMATION (AUTHORIZED PUBLIC ENTITY)**

NAME: \_\_\_\_\_  
DEPARTMENT: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
FEDERAL TAX ID #: \_\_\_\_\_  
UBI: \_\_\_\_\_

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**THANK YOU!**

**Derelict Vessel Removal & Vessel Turn In Program**

**DVRP@dnr.wa.gov**

**360-902-BOAT**

**Questions?**





**Break  
(10-minutes)**



# Working Session - Identify Barriers & Challenges (45 Minutes)

- **Goal:** Identify top 5 barriers & challenges in each derelict vessel sector (Ports, Law Enforcement, Other) (20 Mins)
- Briefing from each group (10 Mins)

# Breakout Groups

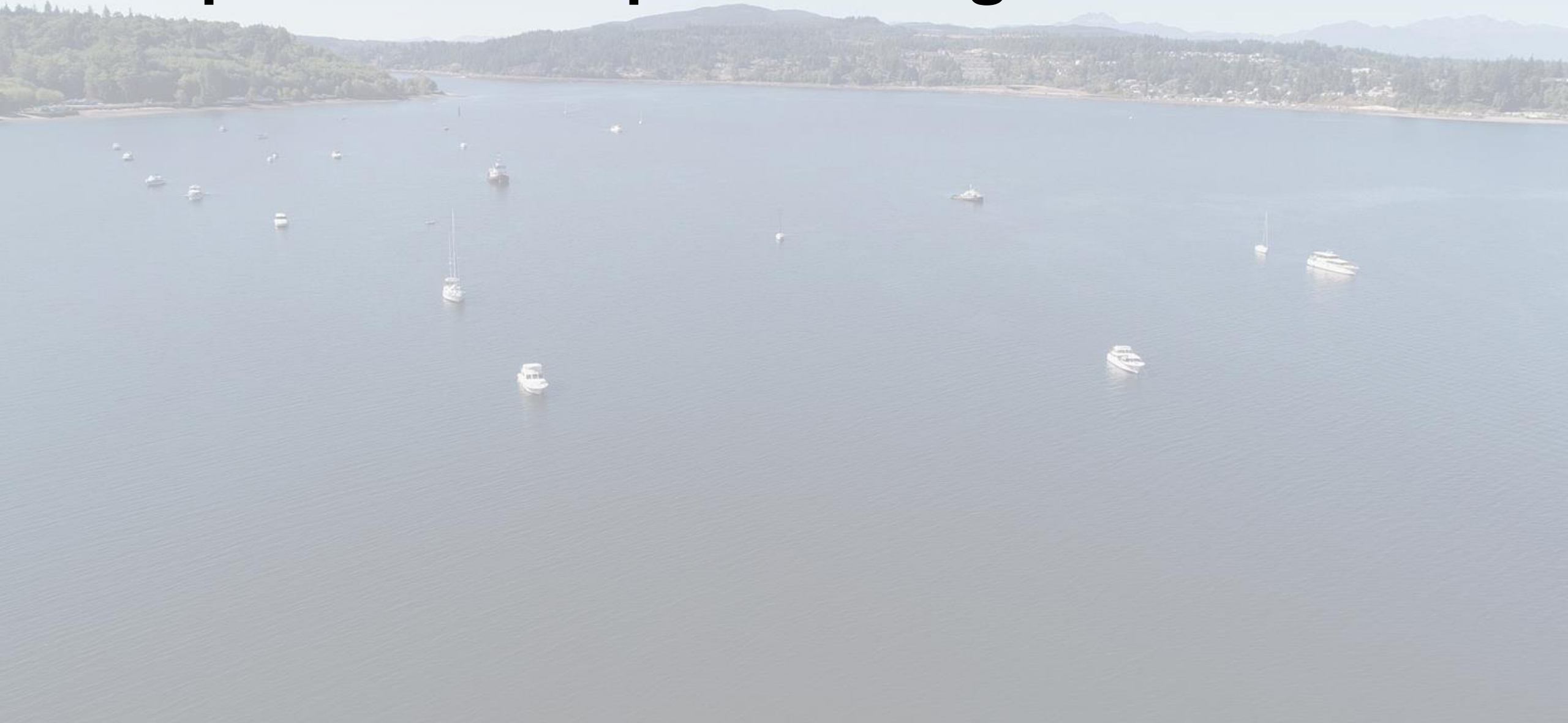
## FIRST (Individually)

- List ~5 barriers / challenges you face in derelict & abandoned vessel prevention & removal
- Use sticky notes
- Save these- we want to collect and capture all barriers/challenges, even if they don't make the group's top 5.

## SECOND (In Group)

- Everyone read their 5 barriers/challenges
- As a group, identify top 5 barriers/challenges to focus on first
- Write these top 5 on the flip chart to share with larger group
- Collect and turn in all sticky notes to be saved for future use

# Report Out on Top 5 Challenges



# Thank you!

## **Program Webpage:**

<https://www.kitsap.gov/dcd/Pages/Derelict-Vessel-Removal-Program.aspx>

## **Project Manager:**

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