

Derelict Vessel Meeting #3
Meeting Notes and Summary

September 11, 2024

Attendees:

Caleb Resse, Kathy Garcia, Troy Wood, Tami Griffey, Thomas Jury, Ray Scott, Travis Merrill, James Strode, Robert Ballard, Rashmi Ballard, Jonathan Raine, Kirvie Mesebeluu-Yobech, Brittany Gordon

Zoom: Gary Anderson, Ellen Ross-Cardoso, Steve Brown, Alan Iwashita, Lindsay Wourms, Evan Dobrowski

Brittany reviewed agenda.

Round table updates:

Port of Silverdale- seeking a new administrator

DNR- received NOAA marine debris grant of \$1M that will allow DNR to do some work on federal lands that they didn't have

USCG Puget Sound sector- Jeff Zappen is local and back in his position after having a different position for a few years

Review Challenges & Barriers Identified at Meeting #2

(see slideshow for details)

Funding

Up-front costs: DNR can only pay after services have been rendered.

DNR can guarantee/bookmark funds if you contact them prior to vessel removal. This is recommended getting toward the end of the biennium.

Capacity: DNR staff can help with technical assistance, provide templates, walk you through the process, how to use DES contracting for bid process

Boat storage costs- once posted, all costs associated with vessel are reimbursable.

Solution: revolving loan fund

**Questions- are storage costs covered from posting or custody? Once boat becomes derelict, ports can start charging moorage to be reimbursed.

If you start a custody process and the boat leaves, you can still be reimbursed by DNR.

Vessel north of Harper- Private property owner would need to approve County or DNR to enter and remove the vessel.

Port of Bremerton- putting in for bookmarked funds is very simple process.

USCG has environmental funding available to clean up oil spills/hazardous products, but the vessel remains (applies to both sunken and floating vessels)

Complex Process

Identifying ownership- you don't have to identify ownership, you have to do your due diligence by checking with USCG and DOL sites. APEs can call the USCG office for last registered owner. If you might go to the Pollution Control Hearings Board, you'll have to show the last registered owner. If you can't find a last registered owner, the boat can be declared abandoned, which allows you to remove it.

Posting vessel at anchor or sunken vessels- DNR has put posting on a buoy and anchor it on the vessel for sunken vessels. Anchored vessels- may need to borrow a boat or get a ride from law enforcement, etc, or you can hire BoatUS to take you out to post vessel and those costs are reimbursable.

Private lands- DNR can help if there is a threat to SOAL.

Coordination- once vessel meets definition of abandoned & derelict, report to DNR and it will stay in their database forever. DNR can track number of times a vessel has become abandoned or derelict. As for tracking vessels that may become abandoned and derelict, share that info with DNR but it won't be put in database until they meet the definition. Send postings to DNR.

USCG responds to vessels as a search and rescue case. USCG is required to take boat to "safe haven," which is a public entity dock. Responsibility is to protect navigation.

Jeff is going to share this info internally to improve coordination.

Is USCG willing to help with any of the administrative burdens for the public entities when they bring boats to safe havens? They don't currently get funding for that type of work.

USCG SARS manual state they need to take vessels to "safe haven." DNR has asked USCG to take them to public docks because private marinas don't have the same tools for D/A Vessels that public entities have.

If the USCG delivers a boat to a public dock, call DNR and DNR will help

One potential solution: USCG could notify DNR when they bring a boat to a public dock. We could also identify which docks are best to bring vessels to.

USCG doesn't necessarily know if the vessel is derelict & abandoned.

Damage to Port facilities by vessels delivered by USCG or USNavy.

Potential solution: Notify USCG and Navy to take vessels to docks with deeper water where they will not ground at low tide

Coordination & Tracking

Communication system between Ports would be helpful.

Could USCG contact Port before bringing vessels. USCG could try to contact Port in advance. Ports may have emergency numbers. USCG could potentially add this into response matrix. There are only 2 public ports in Mason County.

BoatUS received \$10M from NOAA. They are trying to build a national tracking database for abandoned & derelict vessels.

Troy- check Florida's derelict & abandoned boat system. In Florida, their Fish & Wildlife department handles vessels. They use Google Maps but it is accessible only by law enforcement. Contact Michael Moore at Boat US regarding the Florida system.

Private tidelands- who would be the appropriate APE?

Solution- develop SOP for determining the APE for private tideland vessels. Only reimbursable if it is a threat to SOAL.

Enforcement

USCG gets contacted about vessels anchoring where they shouldn't. The federal rule is that if a vessel pulls anchor, it has "moved." The 5-mile rule is a state rule.

Solution- USCG can communicate the state rule internally so they can communicate that to the public.

State law- if you don't move 5 miles every 30 days, state anchorage rule applies. If you post a vessel and the owner moves 5 miles, it breaks the custody chain and the clock starts again at the new location with a new 5-mile radius.

You have to be able to prove they didn't move 5 miles for it to hold up to PCHB.

Another rule is boat can only be in same 5-mile area for 90 days in any 365 day period.

In abandoned vessel definition. Includes live-aboards, which are not allowed on SOAL.

This is also in WAC regarding anchorage. WAC is redundant with RCW but not as thorough.

Education/Outreach

Risks

Once vessel is posted, DV fund is opened, so if there are costs to mitigate risks, those are reimbursable.

When you've posted the vessel, you can take some actions to make it safe. Once you gain custody you can do more to remove hazardous materials etc.

Lack of Coordination

Suggestion: Private app- MyCoast- DNR has layer for abandoned & derelict vessels. You can make a report on MyCoast to DNR. Free to post a vessel.

Solutions

The technical advisory committee walked around the room and made notes suggesting potential solutions for the barriers & challenges identified above.

Funding

State Revolving Loan Fund for upfront costs- DNR. Requires statute change/ legislative funding.

Voucher incentive program (VIP) for small quantity generators- KPHD will reimburse 50% up to \$500 to help relieve an environmental threat. Commercial business.

Action item: Brittany send that form out with meeting materials

Complex Process

Solutions: search DOL or call USCG to search last registered owner. Reach out to USCG national documentation center for official documentation.

Under DOL rules- owner is supposed to report sale of vessel on DOL website. Law enforcement would enforce DOL rules.

Vessels on private tidelands- identify APE for vessels on private tidelands. This group could develop an SOP on how to determine APE for private tidelands.

This group to help improve coordination with USCG Puget Sound Sector

USCG & Navy could update protocol to bring boats to deeper water facilities so they don't ground. USCG could contact DNR when dropping off a vessel.

Tracking- info from DOL is not allowed to be publicly disclosed. Be cautious what is publicly available.

Enforcement

Tracking database (DCD; we may need a sub-group to advise on what that looks like/includes)

Streamline process for prosecutors to prosecute these cases.

Consider civil penalties to avoid needing prosecution

Risk

Once posted, DNR can reimburse for risk management actions.

DNR statute indemnifies APE for damage from these vessels

Coordination

Local list of potential derelict vessels

Communicate history of vessel postings.

Need for tracking database.

Update USCG and Navy protocols to notify DNR when dropping off a boat.

One statewide APE- this exists, both DNR and WDFW. But only jurisdiction over SOAL, not in port districts or private tidelands.

Most of these crimes are criminal and have to go through criminal court- if you went with civil authorities, you could run it like traffic court.

Legislative change- WPPA for legislative change- Tim Schmertzler is the legal rep.

Recreational Boating Alliance of WA

Northwest Marine Trade Association

Adjourned