Kitsap Derelict & Abandoned Vessel Removal Program Kick Off Meeting

Technical Advisory Committee (TAC)

Meeting Notes & Summary

June 27, 2024 | 1:00-3:00 PM
Kitsap County Commissioners' Chambers
Hybrid via Zoom

Action Items:

For TAC Members:
• Review program charter and send edits/comments to Brittany
• Review RCW 58 and RCW 79.100 if not already familiar

For Project Staff:
• Recruit Navy and USCG
• Recruit State Parks
• Revise Program Charter and distribute for comments
• Review RCW 58.03 and 79.100
• Document current processes from work session
• Upload draft charter, presentation slides, and meeting notes to project webpage
• Update contact list
• Follow-up email with meeting notes, charter, slides

Attendees and Introductions:

Kirvie Mesebeluu-Yobech - Kitsap County DCD. Supporting management of the Derelict and Abandoned Vessel Removal project.

> Project history: In 2021, the West Sound Partners for Ecosystem Recovery (WSPER) identified pressing environmental pressures. Derelict Vessel was identified as a huge pressure on our marine ecosystem and a challenge for local jurisdictions and entities to address. Kitsap County submitted a grant application for National Estuary Program funds and was awarded funding. We have been working with partners to develop the scope of work and now we are finally kicking off this project.

Scott Diener - Kitsap County DCD, Manager for Planning & Environmental Programs

Jason Hedstrom - Kitsap County Sheriff Marine Unit, Sergeant

Travis Merrill - Port of Allyn, Executive Director, security aspects of the Port. Posts abandoned & derelict vessels

Adam Samara - WDFW Area Habitat Biologist. Role is to issue HPAs permitting vessel removal that is not covered by general permits (such as for sunken vessels).

Lindsay Wourms - WDFW Assistant Regional Habitat Program Manager. Role in Permitting.

Daryll Trask - Port of Poulsbo, Maintenance Manager

Caleb Reese - Port of Silverdale Commissioner

Jim Aho - Port of Illahee Commissioner. Vessels occasionally tie up in Illahee area but have moved on after posting.

James Weaver - Port of Bremerton, Marine Facilities Director

Kathy Garcia - Port of Bremerton, Operations Manager. Completes/submits paperwork and manages derelict vessels.

Troy Wood - DNR Derelict Vessel Removal Program Manager

Gary Anderson - Port of Bremerton Commissioner

Thomas Jury - Kitsap Public Health District

Tami Griffey - Kitsap Code Compliance. Recipient of abandoned & derelict vessel complaints.

Robyn Dally - Port of Brownsville, Port Manager.

Patrick Murray - WDFW Enforcement Division.

Ellen Ross-Cardoso - Port of Keyport Commissioner.

James Strode - Port of Manchester.

Caitlin Newman - Kitsap County Public Works Solid Waste Division, deals with illegal dumping. Kitsap previously operated a VTIP (vessel turn in program) event.

Amelia Palmer - Kitsap County Public Works Solid Waste

Renee Johnson - Kitsap County West Sound Partners for Ecosystem Recovery (WSPER). Works with partners on the East Kitsap peninsula for salmon recovery and ecosystem recovery.

Jonathan Raine - Kitsap County DCD GIS analyst- will be helping with tracking tool and other GIS needs.

Will Sapp- Kitsap Sheriff's Office, Lieutenant

Carl Borg - Kitsap County Homeless and Housing Program Manager

Steve Brown - Kitsap Public Health District (KPHD), Solid & Hazardous Waste Program Manager.

Alan Iwashita - Port Orchard Police, Deputy Chief. Purview over Marine Unit

Shawn Ziemann - Poulsbo Police, Sergeant. Supervises Marine Patrol and derelict vessels in Liberty Bay

TJ Quandt - Port of Kingston, Director of Operations and Real Estate. Previously worked with Port of Olympia and Port Townsend.

Jon Bingham - Bainbridge Island Police, Full time marine officer.

Denis Ryan - City of Port Orchard Public Works Director.

Evan Dabrowski - WA Department of Ecology, Marine Specialist, deals with stormwater and discharge zones.

Eric Anderson - WDFW Enforcement, Captain. Runs Aquatic Invasive Species program and manages dive team. Works with derelict vessels on WDFW lands.

Lena Hunt- Port of Keyport Commissioner. Worked with Troy on VTIP program.

Tim Schermetzler - CSD Law - serve many Ports in Kitsap and across the state. General counsel for WA Public Ports Association.

Rudy Baum - Kitsap Public Health. Program Coordinator for Healthy Environments Program.

Amy Jankowiak - Ecology, Stormwater Compliance. Vessel deconstruction permit, no discharge zone, and other vessel interaction.

Brad Trout - Kitsap Sheriff's Office, Deputy

Brittany Gordon - Kitsap County Department of Community Development, Project Manager

Ryan George - Suquamish Police Department

Project and Timeline Overview

(Led by Brittany; see slides)

Project Charter

(Led by Kirvie; see slides and draft project charter for review)

Defines project scope and sets boundaries.

Living document - as we develop the program, we are free to update the Project Charter so it serves us well. The project charter includes the project purpose, problem, aim, deliverables, scope, expectations, and technical advisory committee members.

Kitsap Public Works suggested adding definitions of derelict & abandoned. (DNR definitions may be used). Can include vessels on land in certain circumstances. Definitions are in RCW.

To use Vessel Turn In Program, vessel must not meet derelict & abandoned vessel definitions. DNR works with owner or person with authority to remove.

Suggestion for partners to hear more about difference between VTIP and DV program.

Suggestion to include copy of DNR program for reference - this is in RCW 79.100.

Project charter problem statement needs to address specific problems, including:

> Private tidelands - the County can be the authorized removal entity. DNR only has jurisdiction over State-Owned Aquatic Lands (SOAL).

Security risk - some boats have broken loose and floated to PSNS (Puget Sound Naval Shipyard)

Administrative challenges - boats travel and leave jurisdictions (>5 miles) and are hard to track. If the vessels move within 30 days of posting, they are no longer abandoned at that point and must be re-posted.

If program will use DNR definitions, we need to get full understanding of nuances there. Kitsap may not want to be locked into those definitions.

It is unclear on how this program will fully function. This advisory committee will determine.

Private tidelands - authorized public entity can work to remove derelict or abandoned vessels on private tidelands.

Jurisdictional authority - Port of Bremerton operates in 3 different jurisdictions. Each law enforcement agency has their own personnel, procedures, etc. As boat drifts, this changes each time. Having Kitsap County serve as an overall jurisdiction that all entities could report to would be helpful. Navy and USCG drag derelict vessels to nearest facility.

Model ordinance that all jurisdictions could adopt that would help improve consistency as vessels move across jurisdictions.

DNR priorities are on the state level. With a local program in Kitsap, we will not be competing as much with statewide priorities.

Legislative changes at the state level could be very helpful. For instance, a notice of derelict vessel in one jurisdiction could apply in other jurisdictions.

Nautical miles over water vs over land is a nuance.

Suggest recruiting State Parks for technical advisory committee.

**add fish and fish of conservation need to the list with shellfish in the problem statement

Brittany responded - the Project Charter is intended to state a high-level overview of the derelict & abandoned vessel problem. We will document these problems and challenges identified for future discussion and incorporation into program resources. However, these will not all make it into the project charter.

Scope Discussion

Education and prevention should be a part of the scope.

Vessels are not derelict until they meet the definition for derelict vessel in RCW 79.100.010.

Identifying risk factors for a boat becoming derelict/abandoned is a need.

Scope needs to include prevention.

Include fresh waters. **Include vessels on uplands and that qualify for VTIP.

Include vessels that have people living on them.

End scope at disposal and reimbursement.

If a vessel moves beyond 5 miles, it's not derelict.

Auctioning vessels is a major issue.

Question - have commissioners championed this? Answer - Yes, Commissioners have been briefed on this project and provided support to move forward with project.

Process Work Session

The Technical Advisory Committee (TAC) split into 4 groups to document the current process being used for tracking and removing derelict & abandoned vessel. Below are notes from each group:

Ports:

Use processes in RCW 53.08.320 and RCW 79.100.

1. Use DNR templates to post vessel and notify owner,
2. waiting period,
3. go to bid for demolition,
4. gather bills and send a final statement to vessel owner to try and collect,
5. if not collected, submit for reimbursement to DNR.

To dispose of a vessel or to auction a vessel - Ports decide this on their own, no formal process for making that decision. May ask, is the vessel sea-worthy? Port of Bremerton has seaworthy defined in their rules and regs but not every port does. DNR suggests considering if the vessel operates as intended in "seaworthy" definition.

Law Enforcement:

1. Vessels reported via Kitsap 1 or from code compliance. DNR also contacts Kitsap Sheriff's Office (KSO) when they have a derelict vessel.
2. KSO verifies vessel location, ownership, and whether it is derelict.
3. KSO works with DNR to prioritize how to respond - is it in imminent danger of sinking or breaking free and creating a hazard?
4. From there, follow RCW 79.100 custody process.

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.

Miscellaneous organizations group:

Washington Department of Fish and Wildlife (WDFW), Kitsap Public Health District (KPHD), Port of Illahee.

WDFW-

1. Customers come in requesting HPA to remove a vessel (often an Emergency),
2. Area Habitat Biologists make a site visit,
3. Determine best method for removal,
4. Issue permit,
5. Follow up for compliance.

This is often sunken vessels that must be removed from the beach.

KPHD –

1. Come in as a complaint.
2. Can offer vouchers (small change voucher up to $500, junk vehicle affidavit. Can be used for vehicles to be cut up).
3. If owner has a solid and hazardous waste issue, that is often covered by KPHD enforcement.

Virtual group (mixed Ports, law enforcement, and KPHD):

1. Vessel reported.
2. Verify location (public vs private tidelands).
3. Verify ownership.
4. Contact last registered owner and post vessel.
5. Impounded after 15 days.
6. Owner has 30 days to appeal.
7. Agency has ability to auction or demolish (RCW 79.100).
8. If not purchased at auction, demolish or solicit contractor bids for disposal. City of Bainbridge - obtain 3 bids before removal/repurpose. Poulsbo - use state enterprise bid process.
9. Kingston Marina - after 2 months of no moorage payment, provide notice, provide 90 days before going to auction (RCW 53.08).
10. Vessel removed.
11. Submit for reimbursement.

**Vessels on private land use VTIP Program.

**Have DNR take ownership if on public waterways.

Chats from Zoom:
- Tim Schermetzler - For consideration – legislative changes at state level? If someone in port of Silverdale has a derelict vessel and they went to Illahee, they would have an issue in Illahee now.

- TJ Quandt – consider adding a drain on local resources to the charter. Derelict vessels can spur responses from multiple agency any time they drag anchor. Including CG helicopter responses, Marine Patrol, etc.
- Jon Bingham – I feel like there is a discussion being missed. Correct me if I am wrong, the reason the 5-mile rule is in place is to show the vessel is not abandoned or derelict. It is clearly able to be moved if it goes further than 5 miles.
- TJ Quandt – I agree with that statement Jon. If a vessel is moving under its own power, it would be considered seaworthy and not abandoned or derelict. I think it would be difficult to have a vessel carry a derelict status if it is on the move.
- Jon Bingham – Bainbridge Island does not auction vessels anymore because it has been a problem where they come back.

<u>Meeting adjourned at 3:00</u>