



Washington State's Derelict Vessel Removal Program

Ports, Harbors and Marinas



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Agenda

- Why remove derelict vessels?
- WA DNR's Derelict Vessel Removal Program
- Current Status of the DVRP
- Legislation
- Prevention



Why Remove Derelict Vessels?

- Improve water quality (from antifouling paint, oil, fuel and other hazardous materials)
- Improve aesthetics
- Reduce hazards to responsible boaters

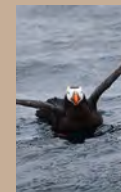


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HOW IS WILDLIFE IMPACTED?

Chemical	Source on Boat	Risk to Orca
Polychlorinated Biphenyls (PCBs)	Electrical transformers, capacitor fluid, wiring, former military vessels	Reproductive impairment, skeletal abnormalities, immunotoxicity, endocrine disruption
Polybrominated diphenyl ethers (PBDEs)	Flame retardants: on all boats for fire protection. In large quantities on larger (commercial) vessels	Endocrine disruption, impairs live and thyroid
Dibutyltin (DBT)	Antifoulant pesticide in vessel paint	Immune system disruption
Polychlorinated naphthalenes (PCNs)	Vessel insulation, wiring, capacitors, engine oil additive	Endocrine disruption
Polychlorinated paraffins (PCPs)	Flame retardants, paints, sealants, additive in lubricating oils	Endocrine disruption



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Derelict Vessel Removal Program

September 2016

- Small part of the Dept of Natural Resources
- Work closely with the rest of our agency
 - State and Federal agencies
 - Ports, counties, cities, local LE...
- Address problems presented by abandoned and derelict vessels in our waters
- Not a response organization



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Derelict Vessel Removal Program

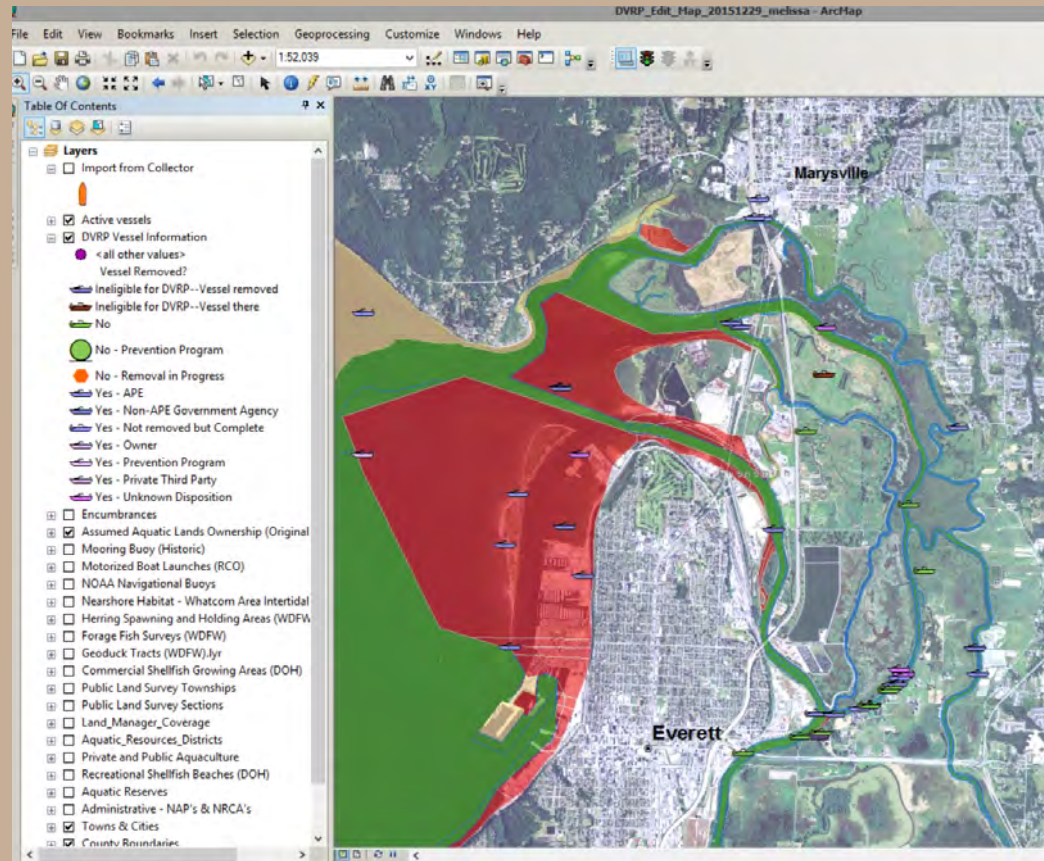
- Authority
 - Remove and dispose of vessels up to 200' long.
 - Due process met through 30-day custody.
 - Immediate emergency authority if owner is unwilling or unable to step in.
- Funding
 - Derelict Vessel Removal Account
 - Recreational boater registration and commercial vessel starting 1/2015
 - One time funding sources: Jobs Now Act

Derelict Vessel Removal Program

- Inventory
 - Database for all derelict/abandoned vessels reported since the Program began.
 - Vessel listed by priority category.
- Guidance & assistance
- National model



Database



OBJECTID *

DVRP Number *

APE Conducting Removal

Vessel Name

Vessel ID

County Name

Year Built

Boat Length

Hull Type

Propulsion

Vessel Make

Vessel as Built Type

Current Vessel Use Type

Current Vessel Use Sub Type

Hull Color

Superstructure Color

Trim Color

Vessel Reported Status

How vessel secured

Vessel Current Status

Vessel Occupied

Fuel Type

General Location

LATITUDE

LONGITUDE

Location Coordinate Source

Land Ownership

Water Depth(ft)

DNR Removal Priority

Date Reported

Reported By

Reporters Phone #

Reporters Address

Description of Incident

Vessel Removed?

DVTF Identifier

Qualifies for DVRP

Vessel Disposition

Disposal Fuel Amount

HRA needed for DNR

Type of HRA

Notice Provided to WDFW

WDFW Staff Name

HRA Notice Date

Method Notice Given

WDFW Region

Waterbody

Method of Removal

Custody Date

Vessel Older than 50 Years

Historical Review Status

Historical Review Completed

Historical Completed Date

Historic Review by Who

DNR Finance Project Code

Biennium Completed

Qtr Completed

Total Removal Cost

Amount Reimbursed

Date Reimbursed

Reported to Licensing Agency

Licensing Reported Date

Licensing Reported to Whom

Editor Name

Edit Date

SHAPE *



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Priorities

Priority 1	Emergencies	<p>Vessels that are in danger of sinking, breaking up or blocking navigation channels or that present environmental risks such as leaking fuel or other hazardous substances.</p> <p>Category includes but is not limited to vessels that meet the temporary possession criteria or that will meet those criteria if owner stops taking or fails to take action.</p> <p>Examples include: vessels adrift, sinking, dragging anchor, badly anchored/moored, pumps barely keeping up with water intake, beached and breaking up, sunk in a navigation channel, presenting environmental risk such as leaking fuel or other hazardous materials, etc.</p>
Priority 2	Non-emergency existing threats to human health, safety and environment	<p>Vessels, floating or sunken, which pose an existing or probable future—but not immediate—threat to human health, safety and the environment. These vessels are likely to become Priority 1 vessels after a minor change in circumstances.</p> <p>Examples include: vessels sunk near a boat launch; vessels beached near a public access area; vessels abandoned & unattended in an area of high current or vessel traffic; vessels that need to be pumped continuously to stay afloat and are not tied to shore power; vessels sunk where they may be a hazard to small vessel navigation (e.g., sunk just under the surface); vessels in advanced state of deterioration and/or dismantled—particularly those with fuel on board.</p>
Priority 3	Vessels impacting habitat and not already covered in prior category	<p>Any vessel, floating or sunken, that doesn't meet one of the previous categories but still poses a direct threat to any of the elements of the natural environment, including vessels that impact:</p> <ul style="list-style-type: none"> Any plant or wildlife species listed on a state or federal endangered, threatened, proposed, sensitive, candidate, concern or monitor list. Essential Habitats where listed species have primary association, such as spawning areas. Any other plant or animal species protected by local, state, or federal agency. Aquaculture practices and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or saltwater areas. Marine protected areas, restoration areas or aquatic reserves. (A vessel can potentially impact these areas without being located within its boundaries.) <p>Examples include vessels: in close proximity to shellfish beds or public beaches, sunk or abandoned in or near a marine reserve, aground on surf smelt or sand lance habitat, creating barriers to fish passage, etc.</p>
Priority 4	Minor navigation or economic impact	<p>Vessels, floating or sunken, that don't meet one of the previous categories but pose an economic impact such as blocking a marina slip, public park buoy or guest dock or vessels in trespass in a planned buoy field, private mooring buoy, etc.</p>
Priority 5	Other abandoned or derelict vessels	<p>Vessels that meet the definition of abandoned or derelict, but do not satisfy any of the criteria listed above. These vessels may be sunk at depth; floating but well-kept and attended vessels in trespass, etc.</p>



Goal: To reduce the number of derelict and abandoned vessels in the waters of the state.



- Success: 675 Vessel removals completed by ~50 Agencies from Jan. 2003 to Sep 2016.

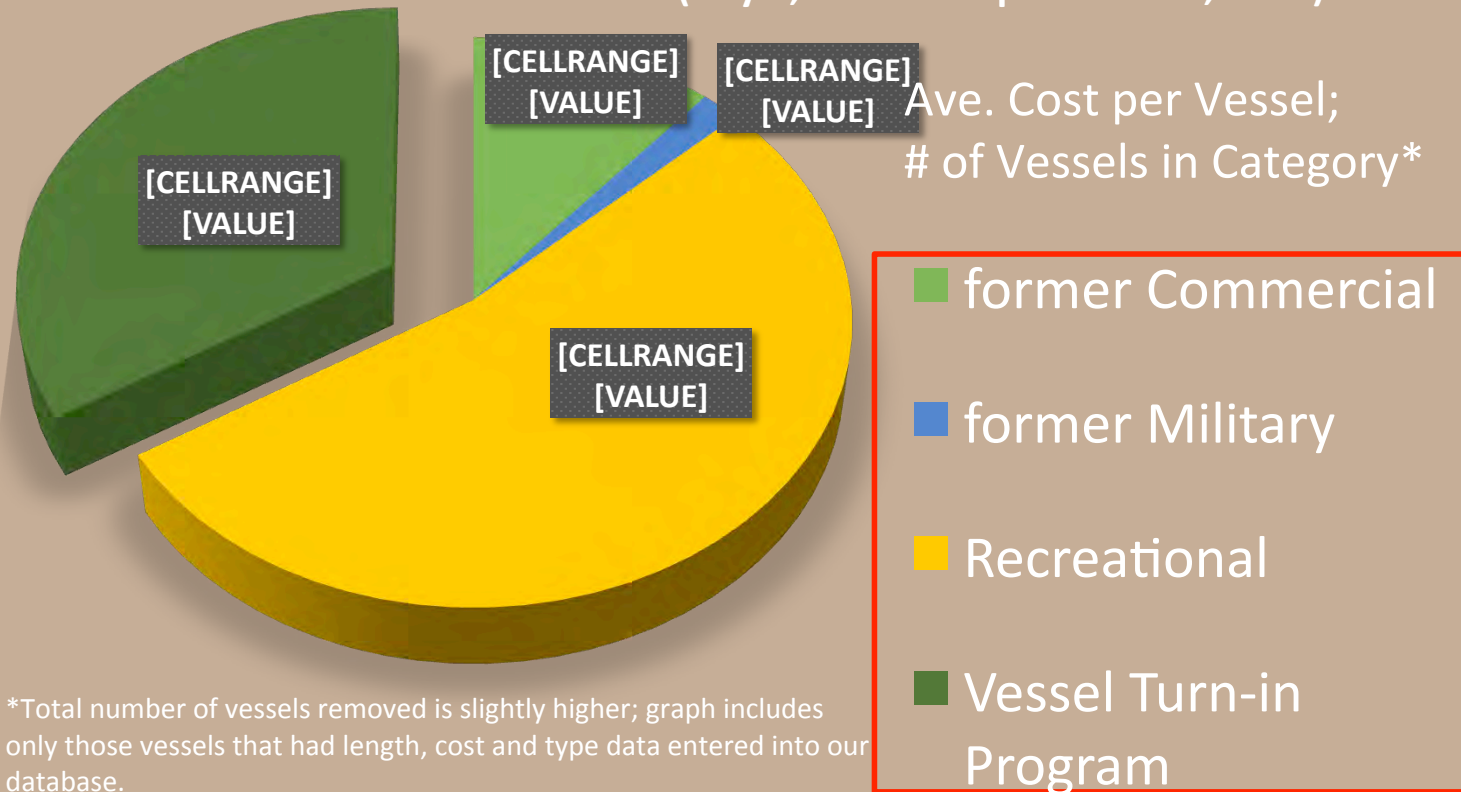


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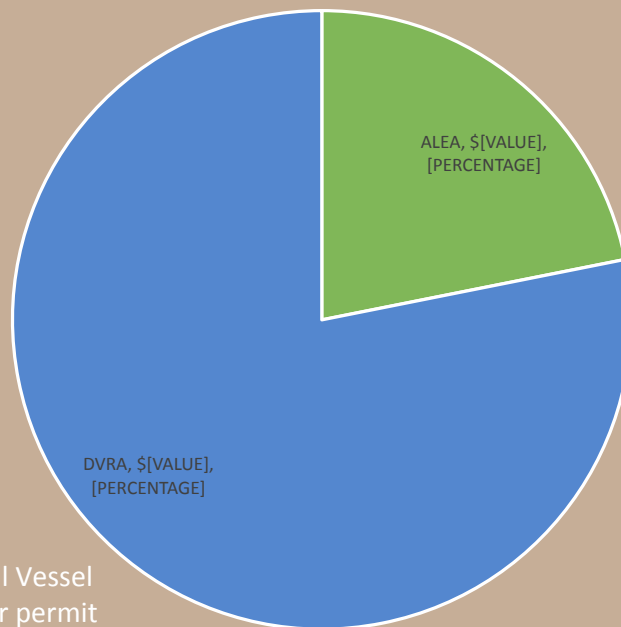
Vessels Removed by Vessel Type

(July 1, 2013 to September 16, 2016)



Funding

15-17 DNR Appropriation by Account



ALEA Sources:
Geoduck sales
Lease revenue

For 15-17: \$2.47 million
For 13-15: \$7.29 million
(\$4.828 Million in one-time
from bond and ELSA acct)

DVRA Sources:

\$3 per Recreational Vessel
\$5 on Vessel Visitor permit
\$1/ft on certain Commercial Vessels



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2013/2014 LEGISLATION: A FOCUS ON PREVENTION

- State Representatives Hansen and Smith championed House Bills 1245 (2013) & 2457 (2014). The Legislature passed these prevention-focused bills which:



LEGISLATION continued

- Created a voluntary vessel turn-in option;
- Gave Ecology boarding authority - spill potential;
- **Updated vessel registration laws;**
- Required sellers of big old boats to **provide buyers with a marine survey and added restrictions on the sale of old, large vessels (>65' and older than 45 years);**
- Limited agencies' ability to sell agency-owned vessels **that were in poor condition;**



LEGISLATION continued

- Made a group to reduce fiscal/ecologic burdens of DV's
- Made permanent a \$1 surcharge on recreational boat registration fees. Created a new annual “derelict vessel removal fee” of \$1/ft on certain commercial vessels.
- **Added insurance requirements for marinas and their tenants.**



Lady Lillian
Greys Harbor Marina



Persistence
Greys Harbor Marina



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RCW 79.100.150

Transfer of certain vessels— vessel inspection

- (1) Seller must obtain a vessel inspection:
 - (a) Greater than 65 feet in length and more than 40 years old
- (2) If not seaworthy and the value is less than the sale, may not transfer:
 - (a) Repaired prior to transfer; or
 - (b) sold for scrap, restoration, salvage, remove state waters
- (3) Provide a copy to purchaser and DNR.
- (4) Must be a formal marine survey by a third party.
- (5) Other forms of vessel inspection, such as United States coast guard
- (6) Failure - secondary liability if later abandoned or becomes derelict
- (7) Nothing prevents a vessel owner from lawfully disposing of any vessel lawfully.



RCW 79.100.170

Transfer of ownership marine insurance policy

- (1) Purchase vessel >65 feet in length and >40 years old must secure insurance.
Proof to (a) Purchaser and (b) DOI and DOR
- (2) Seller must ensure insurance prior to sale or Secondary liability
- (3) The marine insurance must satisfy:
 - (a) cover 12 months following the transfer;
 - (b) coverage of at least \$300,000;
 - (c) coverage for the vessel if it sinks or cause pollution
- (4) The purchaser may satisfy through multiple policies
- (5) DNR may, allow posting of security with a financial institution
- (6) Fails to secure insurance or cancels prior to the 12th month, is guilty of a misdemeanor



RCW 88.26.030 – Private moorage insurance

RCW 53.08.480 – Port moorage facilities

(1) Every moorage facility must:

(a) maintain insurance coverage for facility;

(b) Require, as a condition of moorage, all vessels other than transient vessels to provide proof of marine insurance to the moorage facility.

(2) Required insurance maintained by facility & vessels:

(a) Coverage at liability limits of \$300,000 per occurrence; and

(b) Include, general, legal, and pollution liability coverage

(3) May purchase multiple policies as necessary

(4) Enters an initial or renewal moorage agreement after June 12, 2014

(5) Incurs secondary liability for all vessels located at the moorage facility that meets the definition of derelict vessel or abandoned vessel



Access to AVRA

“...Any moorage facility operator that DNR has determined has failed to satisfy the [insurance] requirements ... is not eligible for reimbursement from the derelict vessel removal account...”

Found in:

RCW 79.100.130 Authorized public entity - contract requirements

RCW 88.26.030 Insurance requirements - private moorage facility

RCW 53.08.480 Insurance requirements – port moorage facilities



How do vessels become derelict or abandoned?

- Confusion over ownership/bad sale
- Owner's intentional actions
- Owner negligence
- Uninsured accidents
- Bankruptcy
- Owner's death, old age, or mental illness
- Downward spiral of sales leading to above



Data collection

1. The name of the legal owner of the vessel;
2. A local contact person and that person's address and telephone number
3. The owner's address and telephone number;
4. The vessel's hull identification number;
5. If applicable, the vessel's coast guard registration;
6. The vessel's home port;
7. The date on which the moorage began;
8. The vessel's country or state of registration and registration number; Proof of vessel registration, or an affidavit that the vessel is exempt from state vessel registration requirements
9. Maintain records for at least 2 years



Owner Accountability



Forus (Benton County)



Helena Star (Pierce County)



Deep Sea (Island County)

Total judgements:
\$1,990,989



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Authorities - Local

- Code enforcement
- Abatement of Public Nuisance (RCW 7.48.140)
- Vessel registration enforcement
- Enforcing Anchorage/Moorage laws
- On the water presence noting problems before they become major
- Derelict vessel removal & disposal



Risk Factors

- Vessel sitting low in the water
- Lack of upkeep
- Violates anchorage WAC
- Missing/Expired registration
- Grounded in low tide
- In trespass – private, State, Federal
- Bird habitat
- Dragging anchor
- Bilge pump constantly running
- Evidence of stripping



Tools

RCW 79.100 Derelict vessels

RCW 79A.60 Regulation of Recreational Vessels

RCW 88.02.420 Moorage providers

RCW 79.100.150 Transfer of certain

RCW 79.02.300 Trespass, waste, damages — Prosecutions

WAC 332-52-155 Anchorage

WAC 308-93-275 Abandoned vessels



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Prevention

- Owner contact
- Identify potential vessels at risk
- Educate & Document vessel ownership
 - DoL only keeps records for 6 years
 - Registration enforcement
 - Anchorage laws
- Insurance requirements
 - Vessel owners and marinas
- Report vessel to DNR
 - Enter into database for tracking and removal



Vessel Turn-in Program

- Has your dream boat become a nightmare?
- If you own a boat that's in poor condition or no longer functions but is not legally derelict or abandoned, you might be eligible for DNR's Vessel Turn-in Program (VTIP)
- Program is allotted only \$200,000 per biennium by statute. (the program is on hold until next biennium when we get another infusion of funds because we spent the \$200K allowed for this biennium)

May 1, 2014 to June 30, 2015
40 = Total Vessels Destroyed

July 1, 2015 to Sept 15, 2016
35 = Total Vessels Destroyed



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Thank you

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