

Ad-hoc Alaska Abandoned & Derelict Vessel Task Force Meeting Summary – Final

Wednesday, June 17, 2015

10 AM – 4 PM

Anchorage, AK

ACTION ITEMS are in RED

A participant list is included at the end, including emails and phone. **Please let Rachel know if there is anything that needs to be corrected on that list.**

Introductions and Overview

Participants went around the table to introduce themselves and their engagement in ADV issues around Alaska. Steve Russell has a new position with ADEC with the title of 'Interagency Coordinator'. In this role he will continue to be active in ADV issues and on the Task Force.

The original one-year Task Force Goals and products were reviewed.

- 1) Increase coordination and understanding for dealing with ADV between agencies/stakeholders
- 2) Create an AK ADV Manual to establish best practices and templates for dealing with ADV
- 3) Create a web-based database for understanding the scope of ADV statewide

And the current Task Force goal, set during the March 2015 meeting, was stated as:

- Have a suit of ADV recommendations suitable and ready for interested legislators by fall 2015.

END OF MEETING UPDATE: The group agreed from the discussion through the day that this was too optimistic of a timeline, and given the scope of work this timeline will be pushed back to 2016.

Goals for the meeting were set as laid out in the agenda:

- 1) Ensure Task Force goal(s) are on-target
- 2) Discuss case studies & current issues to help inform continued efforts
- 3) Continue to review ADV Report & make progress towards our current goal

Case Studies: Orusararmiut Native Council, Tribal Response Program presentation on Steamboat Slough

Rachel briefly updated the group that she updated the Pacific Producer case study in the AK Case Studies document after a conversation with the Kodiak Harbormaster. The updated version is on the ACH website for ADV issues.

Curt Mann from ONC presented a slideshow on Steamboat Slough to the group. The biggest concerns for the community regarding the barges in SS are fisheries and navigation, and concerns for life, health and safety of people transiting the slough year-round. During open water, and especially around Shank's Ark, there are no navigational aids and so people boating are in a dangerous situation - especially when there are other vessels traveling at the same time in the area. **There is an immediate need for navigational markers around the Shank's Ark.** Impacts on habitat and fish passage are also big concerns, with anecdotal declines in redds and other fish in the Slough.

ADNR representatives confirmed that they have issued two new permits (to Crowley and AK Logistics) for barge storage in SS. There is a 14 day public comment period for new permits. You can sign up to get geographically-specific permit notices from ADNR, however you can't specify what kind of permits you want to know about (i.e. you'll get notices for ALL ADNR permitting activities within that area, not just those pertaining to water). **Can someone from DNR (Clark, Jusdi, Wyn?) provide information to the group on how to sign up for receiving public notices?**

A concern was raised by Rose from ONC about the proposed Donlin Gold Mine, and the increase in barge traffic for that project. Wondering what the industry's role would be in preventing continued accumulation/abandonment of equipment and barges in the area. (note that transit to Donlin would be via the Kwethluk River, and not through Steamboat Slough)

The group discussed water and sediment sampling activities to-date. A community member called ONC with a report of a sheen on May 8, 2015. When Curt went out the next day he didn't see any evidence of a sheen. ONC is collecting water quality data with a YSI meter (DO, pH, conductance, temperature). Curt noted that this winter they took a sample above the barges that had a pH of ~12, and downriver there was a pH of 4. This seems very anomalous and was a one-time occurrence. No sediment sampling has been done at the site.

There are specific regulations under the USCG for oversight/assessments of abandoned barges over 100 gross tons. Jade had discussed this with someone at the NOAA ADV workshop who works with barges a lot, and there was general agreement that it is unlikely any of the barges in and around SS are over 100GT.

Erika (NOAA) noted that there is funding for coastal resiliency and ecosystem restoration efforts through NOAA. To her knowledge there have been no applicants for these funds to deal with/remove ADV in SS. For this round the turnaround time is short (applications due July 1) and the match requirements are 2:1, making a large removal project at this point probably not feasible. Steve noted that a rough estimate for total removal was \$8-10 million. A salvor had quoted him \$25,000 just to come out and do an assessment of the area.

Curt also showed parts of two videos taken in SS. There were some technical difficulties. **Rachel will post the video and slideshow on the ADV website so folks can review.** Generally folks agreed that the video was very powerful in demonstrating the scope of the issue in SS.

There was some further discussion on DNR permitting. New permits for SS are for seasonal storage, and indicate a specific location for a barge to be stored. Pete (Bethel Harbormaster) noted that it can get crowded, and then barges move around. Clark from DNR said that it is the owners responsibility to adhere to the permit conditions and store their barge in the permitted location. ADNR only permits anchoring – they are not permitting tying up to anyone’s land. Upland landowners have a legal right to access navigable water, and DNR should not be issuing permits for locations that would block access. ADNR requires bonding as a condition of these permits. Feedback to DNR included the need for a process for public input on bad locations, etc. and then if there are permitting violations DNR should respond in a timely manner.

There is a general need for seasonal storage in the region. Many of the barges never received permits from DNR, it was just standard practice to store/leave barges in the SS area. A defined ‘parking lot’ area was discussed that could be created to have dedicated spots that would be available for storage, such that if a company abandoned a barge/equipment they would be limiting access for others to store in the future.

Wyn provided an update that ADNR is currently looking at prosecution for abandoned/derelict barges in SS under civil or criminal rules. It is a slow and complicated process. One challenge is that in some cases there is no connection to legal ownership. Carol Holly (with ADEC Environmental Crimes) is the prosecuting attorney.

Curt offered to take anyone out by boat to SS if they come to visit. Steve asked Rose for a schedule of Council meetings, as he would like to come out and continue engaging with the community on this issue.

NOAA Workshop Overview

Wyn and Jade provided an overview of their experience at the 2-day national ADV workshop held by NOAA Marine Debris Program (MDP) in April. Two goals of the workshop were to share information on ADV between states, and provide feedback and information for a national ADV “info hub” online which NOAA MDP is currently developing. All presentations from the workshop are available via a link that Wyn sent out earlier. **If you need access, please let Rachel or Wyn know.**

Take-home messages included:

- States with better/clearer legislation are doing better with preventing and dealing with ADV. There seems to be a pretty direct correlation there.
- Most states don’t have a big pot of money to deal with/remove ADV, but there is a lot of success with having just one or two statewide coordinators and good legislation to back them up. Having a statewide ADV point person is a huge pro-active step. Melissa Ferris in WA is a great example of this kind of success.

- Following on that note, having some seed money to get a program started is a bigger issue than coming up with a large pot of money.
- Many states are shifting their focus from clean-up/removal to prevention. They are finding this to be far cheaper and more effective. Voluntary vessel turn-in programs (VTIP) are increasingly popular and states are finding them to be less expensive than dealing with a vessel after it sinks. There were some questions about VTIP, and Wyn clarified that the owner is responsible for removing all hazmat materials and then the state takes the vessel. There is a section for VTIP in our draft ADV Report, however the idea has not been further fleshed out. There is a challenge in Alaska with road accessibility and logistical challenges that are beyond those faced in other states. The point, however, is really to emphasize prevention prevention prevention.
- Interactive databases were a focus of the workshop. A priority is to get a handle on the problem. Wyn spent a lot of time talking with folks from FL, WA, Georgia and others on their databases & technology. He has worked with ADNIR IT folks to get some pilot ideas started for Alaska, and will have a presentation from them this afternoon.
- Insurance was discussed, with liability coverage emphasized as the most important. Even after a policy is canceled, you can go after the liability. Erika asked if anyone ever goes to the insurance company **before** a vessel sinks. Folks said a lot of vessels that become/are ADV don't have any insurance. However if a policy is canceled you can sometimes get in the 30 day notice window (happened with Pacific Producer) for engagement.
- NOAA MDP is doing a national ADV statute review, which they'll post on the ADV info hub when it is live.
- Emphasis was placed on title registration (in some states mandatory), insurance requirements, and inspection requirements on certain high risk vessels with secondary liability.
- In addition to a statewide coordinator, WA also has a dedicated ADV prosecutor.
- Inclusion of ADV response in Unified Plans important. Steve wasn't sure how this would fit into Alaska's subarea plans, as we only address oil spills and pollution threats. Other states consider a much larger swath of hazards. **Wyn (and Steve?) will take a look at other state's Unified Plans to get an idea of how they incorporate ADV and report back to the group.**
- NOAA MDP will update their 2009 ADV meeting proceedings to incorporate feedback gathered at this 2015 workshop on ADV Program development and implementation.
- Wyn provided NOAA MDP with the Alaska draft case study document. **Wyn will provide them with the updated version.**
- Consistent ADV talking points would be helpful for folks to have and use during incidents that receive media attention. **Wyn has drafted some and will work with Jade/ADEC to get some final talking points for the group to review.**

- NOAA funding was discussed again. Jade noted that multi-state proposals are far more competitive, and the Pacific States Task Force may be a good venue to discuss this issue further. Steve is now the contact for the PS Task Force.

Wyn/Jade will update the group when they are notified about products coming out of the NOAA workshop, including the info hub, statute overview, and proceedings.

Lunch break from 12:30-1:30PM.

After lunch the group thanked Wyn and Jade for attending the NOAA ADV workshop and bringing back so much great information. Chris (EPA) shared information from the national federal permit for scuttling vessels for the benefit of the group. Although it's not necessarily easy to get a permit, it's definitely possible. Both EPA and USCG have to agree that a vessel is clean enough to transport for scuttling, and there are a number of other BMPs and requirements – including that the scuttling has to happen more than 12 miles from land and in over 50 fathoms of water. Alaska averages one or two vessels scuttled per year. Rachel will post the resources Chris provided to the group on the [ACH ADV page](#). Steve noted that in talking to salvors about the Steamboat Slough barges, the transport just to and from Bethel for scuttling would cost more than the salvage activities themselves. So there's always an economic reality question.

ADV Recommendations/Draft Report

The group decided to not form a 'subgroup' for discussing statewide ADV program development. The federal partners (EPA, USCG, NOAA) are at the table to give their technical advice and experience. This has been the case from the beginning and will not change and as such, the group will continue to meet as a whole (open to people joining/leaving out of participation as able/interested) for ongoing discussions about state statutes & ADV program development.

Holly (BHBC) presented a very careful and conservative draft of revisions that would help with clarity on state statutes chapter 30.30 – the Abandoned & Derelict Vessel Act which was passed in 1970, when the ADOT had full jurisdiction over harbors throughout Alaska. The Task Force has discussed far more substantive changes that would help bring our statutes up to better present-day relevance, but to start the group reviewed current statute.

Holly took the group through a table comparing the way 30.30 addresses vessels defined as “abandoned” differently than “derelict”. In her experience, this is very difficult to navigate for municipalities and others trying to deal with ADV. Consider having just one definition of ‘derelict’ vessels, with abandonment being one definition. Different processes should then be spelled out for a vessel that is a clear and present danger versus one that is in violation of the law, etc. but is not creating an immediate danger.

The group stepped through the current 30.30.30, discussing minor suggestions for revisions. There was some discussion about the ‘customary use’ clause under ‘abandoned vessels’, and members agreed that the customary and needed practices of storing vessels on beaches, etc. in certain areas around the state must be preserved. This could be done under a clear ‘Safe Harbor provision’ that would be less vague than the current clause.

There was some discussion about the impoundment process, and the hesitation on the part of the state to impound/take custody of ADV. Holly noted that the statute can include language to help clarify what “taking custody” means (re: liability, etc).

It is important to make sure the statute fairly addresses due process throughout. This is important for legal clarity as well as preserving individual rights for vessel ownership.

Holly laid out two possible paths for the Task Force – one to go forward with piecemeal changes to the current statutes, and the other to address all of the issues we have brought forward in one big package as a full re-write of 30.30. This is a larger task, but the group agreed likely preferable. Everyone agreed that fall of 2016 is a more reasonable timeline, allowing the group time to discuss and develop a suite of recommendations that is comprehensive for the legislature to work with.

Holly will take the Task Force feedback and draft statute sections as a starting point for the group to work with.

ADV Reporting & VOC Listserv

Frank Hutto and Kyle Graff from the ADNR GIS office came to present three different options for ADV reporting that they have drafted following Wyn’s return from the NOAA ADV workshop. These options included a mobile application, desktop/online reporting and ArcServer GIS. They noted there is not a functioning database at this point, but that it is something they are working on.

Task Force members were enthusiastic and supportive of this direction and gave a green light for ADNR staff to continue moving forward on database/reporting development.

Some notes from the conversation:

- Multi-agency access should be possible
- Questions arose regarding quality control and access. An administrator is needed to maintain quality data. Rachel will share meeting minutes and a database memo outlining earlier Task Force conversations on this topic. Hopefully that will help clarify the top concerns/questions to address in the development process.
- Great idea to have capacity for public input on ADV that doesn’t go directly into the database (quality control/duplication concerns) but alerts agencies for follow-up.

Wyn will lead the charge with the ADNR IT/GIS folks to continue working on a statewide ADV database/interactive map for multi-agency use, hosted at DNR.

Jusdi (DNR) was not at the meeting, but she did set up a listserv for sending out Vessel of Concern Report Forms.

Moving Ahead

Our next meeting will focus exclusively on state statutes. Federal agency representatives are invited (and encouraged!) to continue attending as technical advisors. **Rachel will send out a Doodle poll for mid-August availability.**

Alaska Ad-hoc Abandoned & Derelict Vessel Task Force

June 17, 2015 Anchorage Meeting

Participant List

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