

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

Tuesday, March 10, 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. Issues that were raised in brief included: chronic/legacy vessels, Alaska's aging fleet, harbors kicking out ADV and ending up on state lands, limited agency authority, and prevention is a key need.

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

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

- 1) Review and discuss Task Force activities and products to-date
- 2) Review, discuss and modify the draft ACH Report on ADV
- 3) Discuss options for moving ahead

Joint Agency Vessel of Concern Reporting Form

Following introductions and overview, the group began by discussing the Vessel of Concern reporting form developed by the Task Force during the May 2014 meeting and the draft cover sheet developed by Rachel. Both were considered to be good working documents, with the intended users being local, state and federal agencies – not the general public.

Rachel encouraged members to engage their staff and co-workers in using this form as part of protocol in the field when ADV are encountered.

With Emily leaving DNR, there is no one actively 'receiving' these forms at this point. A challenge is that they are not being otherwise distributed, except to the DNR email address. The group discussed what would be most useful and decided that an interim step (prior to an accessible/online database) is to

create a listserv for VOC form distribution to relevant and interested parties. **Jusdi will work with IT folks at DNR to develop a VOC listserv with the following guidelines:**

- Some kind of header in the emails that shows the region of concern to help sort
- Listserv participation is limited to agencies and direct stakeholders. This is public information, but this is not intended to be a public notification system
- Ideal to have an email alert with a link to a Wiki page that holds all forms received

Other items brought up to note in the longer-term development of a database include:

- Care to not duplicate cases. Mapping ability is very important, and should help with this concern.
- Multiple reports from moving VOCs, while somewhat redundant, may be helpful in the long-term for enforcement action down the line if necessary
- There should be some capacity for the public to submit VOC reports, but any information must be vetted through an appropriate agency.

Wyn will learn more about other state's databases and tracking systems for VOCs and ADV during the NOAA ADV meeting in April down in Alabama and will report back to the group at our next meeting.

Rachel will work with Jusdi to gather a list of interested parties to sign up for the listserv. Please send names, agencies and email addresses to Rachel to sign up.

Newsletter

The group briefly reviewed the ADV Task Force newsletter written and distributed by Rachel last summer. It was agreed that these are useful and informative, helpful for building support and engagement in this issue over the long-term.

The previous newsletter was distributed via email to: the Assoc. of Harbormasters & Port Administrators, all members of the Alaska Legislature, Task Force members, the Alaska Office of Boating Safety, offices at the US Fish & Wildlife Service, US Forest Service, the Alaska Municipal League, SEACC, SEAPRO, SE Conference, ANCSA Regional, Assoc. of Village Council Presidents, Cook Inlet and Prince William Sound Regional Citizens Advisory Councils, Southeast Alaska Conservation Council, Prince William Soundkeeper, and the Governor's Office. Alaska's federal delegation was NOT included in the distribution list, but could be in the future.

One suggestion was to include a coloring page for kids in the newsletter. **Rachel will look into this.**

Rachel will draft a newsletter for the group to review and for distribution this spring. If you have topic suggestions, please send them her way! Rachel will also add the USCG Auxiliary and the federal delegation to the distribution list. All Task Force members should distribute ADV newsletters to whomever they feel should receive them!

ADV Case Studies

Rachel asked the group for feedback on the case studies reviewed during the September 2014 meeting. She has received requests for sharing these with others, and wanted to make sure they were ok to go out.

The group discussed and agreed upon the following case study packet:

- Rachel will develop a cover page, introduction and table of contents
- ADV
 - Leading Lady & Kupreanof
 - St Harold
 - M/V Seabird
 - Sound Developer
 - Steamboat Slough
- VOC
 - Pacific Producer
- Remote Salvage
 - St Joseph
- Houseboats
 - This was brought up later in the meeting, but Doug and Sarah agreed they could put together a case study on abandoned/derelict houseboats that is a fairly large issue down in SE.

Task Force members will send Rachel updates on cases as relevant. Rachel will put together the final Case Study packet for distribution as requested, and for posting on the ACH ADV webpage.

ADV Report

Rachel began this discussion by reviewing the introduction of the report, and clarifying this is very much a draft in the works. Below are the summarized notes and action items from this effort.

Participants. Rachel will update the participant list.

Scope. Rachel needs better numbers on current database and VOC reports to help fill out this section. If there are enough GPS coordinates, she may try to create a map. Jusdi will take a look at what she has and help pull together these numbers.

ADV Program. To bring something to the legislature, there should be drafted suggestions they can sink into and discuss. It was agreed that, as the landowner, ADNR is the most likely and best state agency to house an ADV Program. The report will be amended to directly state this. We will also work with a subgroup of this Task Force, comprised only of state and local representatives, on drafting legislative language that would meet this goal, following our next full Task Force meeting. Wyn will have more information from other states following the April NOAA ADV meeting in Alabama.

Funding for ADV Removal & Program. Building a fund over time was agreed to be a good idea. Wyn mentioned the difference between raising money and redistributing wealth – if there is wealth to redistribute to address ADV that would be great. The group reviewed the ideas put forth in the draft report. Rachel will delete the suggestion to require state registration of USCG documented vessels. Potentially add a small fee associated with transferring ownership of a vessel, not for the money per say but to raise the engagement level of new owners and potentially help stop people from ‘collecting’ vessels that turn into ADV (it is currently far easier to own a boat than a car or even a boat trailer). Property taxes are only collected at the Borough-level – could the Boroughs pay some funds back to the state? Unlikely. Although ‘earmarking’ of fees and other charges isn’t allowed under the AK Constitution, in practice it is common for the legislature to include statutory language that suggests the direction of money into specific funds. Language should be developed for an ADV Fund as part of the development of an ADV Program. Fuel tax felt the most fair to a number of Task Force members, as it builds a fund based on vessel size and use. Refined oils are being targeted right now for a number of taxes in the legislature. Is there any federal funding available? Through the Pacific States Task Force, the governors of WA and OR sent a letter to the federal delegation several years ago asking for more federal help with ADV. Rachel will look into any follow-up from this. Holly will look into federal funding for vehicle registrations from a fuel tax in Chapter 5. Rachel will continue to follow-up on potential NOAA/Army Corps mitigation funds for ADV work.

Database. The group decided that an interim, stop-gap database was probably not a good use of time. Wyn will learn more about other state databases during the April ADV meeting in Alabama. For now we’ll work with distribution of VOC forms, with a more robust database as a longer-term project for ADNR.

Insurance. Washington’s 2014 legislation tied their vessel owner insurance requirement to any vessels mooring at a public or private facility. There may be some legal restrictions on blanket vessel insurance requirements, which should be explored further. Many harbors do now require insurance, but they don’t often require proof unless asked, as enforcement would be nearly a full-time job. A question was raised on the limit of liability in Alaska vs. other states, given the potential for incredibly high costs for salvage. Another question raised had to do with when a policy can be canceled. Some municipalities have looked into insurance coverage for ADV, but the question remains how you write a useful policy. DNR has done a ‘fund to leave’ in some instances (i.e. utility lines left on state land) – so the RP/insurance pays as if leasing the land for a length of time and this fund can help pay to solve other problems. A question about insured vessels in WA coming up to AK – their insurance should follow them. However some concern was expressed about vessels coming to AK to register instead of WA as they tighten down their requirements. The group agreed insurance is an important topic to continue discussing, to draft potential language including what is insurance for, what are the limitations, etc. This really works towards prevention of ADV in the long-term.

Secondary Liability. The group reviewed the WA statutes on secondary liability when it comes to high risk/high cost vessels – in WA those that are greater than 65’ in length and more than 45 years old. The idea here is to help reduce the irresponsible transfer of high risk vessels into the hands of those least able to deal with them responsibly. It was noted that the Sound Developer was bought for \$100 at a

federal marshal auction. It's important to make clear that whoever has the last signature – whether it be on a bill of sale, moorage agreement, etc. that person is the owner. The group discussed the definition in Alaska of a 'high risk' vessel. Many smaller vessels on state lands in remote areas is a big deal. There needs to be more discussion about what constitutes a 'high risk' vessel. Hull type is a consideration. All of Alaska can be considered 'high risk' waters.

Full enforcement of current regulations. Rachel will change to read '...current law.' DNR needs statute that gives them the mechanisms for fining and enforcement of ADV and trespass on state lands. Currently this needs to go through a criminal proceeding but should be put into the hands of the agency to make it more clear cut and workable. 30.30 does currently lay out a *daily* fine for trespass, but it's not clearly daily and it must go through the AG's office for criminal prosecution, meaning there is an entire political process engaged as well. Once there are more tools available, there needs to also be education for employees on the tools available and their practical utilization. It was noted that if we don't prosecute cases, even if there is little cost recovery possible, we lose overall because there is no enforcement.

Require titling for vessels. Concern was raised about expanding government here, as money and staffing would be required to carry out this suggestion. It was agreed this could be something of interest down the line, but it was of secondary importance at this point.

Reporting Requirements for VOC. Rachel will change to remove the word 'requirements'. This is mostly a recommendation that agencies & stakeholders incorporate the VOC reporting form into their operating procedures and training.

Outreach. Rachel will draft a newsletter. The USCG Auxillary should be wrapped in to discuss ADV in their safety classes. Concerns were raised about public safety around ADV, especially in Steamboat Slough.

Scrap & Salvage Best Practices Guide. DEC tried to develop something similar for vehicles and it was a tough process. It may be something for municipalities to take the lead on for more success, as there is more regional special waste guidance than statewide. Many communities (especially in SE) don't accept vessels in their landfills. It would be good to get help from Solid Waste on this issue, and would be a good potential side-project with grant funds. There is a real need to address disposal, but with care. If the answer is that there is no good answer, illegal dumping and dangerous/illegal disposal may increase. Rachel will follow-up with Solid Waste and some other waste management groups around the state to gauge interest and report back to the group at our next meeting.

Distinguish between 'traditional use/common storage' and vessel graveyards. The current language doesn't limit the penalty of criminal trespass, but in a brief discussion at the end of the day the group agreed it would be worth tightening up this language in 30.30.

Create a mechanism for cross-agency communication of permit compliance. There is actually a mechanism, but it's not convenient and it's rarely done in practice. Something to consider down the line of how to make this a less cumbersome job so that it's actually done.

Create a flow chart for managing ADV from discovery through disposal. Make sure to include checking with the State Historical Preservation Office (SHPO) here. The group agreed this was an excellent idea to move forward with.

Revise AS30.30 to incorporate updates for clarity and improvement. At the end of the meeting, Rachel and Holly presented some work that had been done to make changes to 30.30 to better clarify and improve the statutes. This includes more clarity for due process when impounding vessels that are either considered abandoned or derelict. Holly brought a draft table that outlines how our current statute treats vessels differently if they are considered ‘abandoned’ or ‘derelict’ and that this language may be very confusing and difficult to interpret. Earlier, USCG had noted that they have their own set of mandates, process and definitions for dealing with ADV. The CFR doesn’t use the term derelict – only ‘abandoned’ and it is defined as a vessel moored, stranded, wrecked or unattended for more than 45 days. **Rachel will continue to work with Holly and bring forth further suggestions at our next Task Force meeting.**

Topics in the ADV Report NOT covered at all during this meeting for lack of time: Coordinated permitting for vessel removal, increase trespass violations, restrict DMV licenses & registrations for ADV violations, restrict commercial fishing licenses & permits for ADV violations, revoke state contractor status for ADV violations, and develop a statewide vessel turn-in program.

Moving Ahead

The group agreed to keep with current momentum and plans to meet again in late-June. This meeting will focus on continued development of recommendations and products for improving the prevention and management of ADV in Alaska. The current goal is to have a suite of ADV recommendations suitable and ready for interested legislators by fall 2015.

Alaska Ad-hoc Abandoned & Derelict Vessel Task Force			
March 10, 2014 Anchorage Meeting			
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