

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

Tuesday, September 30, 2014

10 AM – 4 PM

Anchorage, AK

**ACTION ITEMS are summarized at the end of the summary.**

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.**

## Overview

One-year Task Force Goals were reviewed and again agreed upon by the participants.

- 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

## Joint Agency Vessel of Concern Reporting Form

Following introductions, the group began by conducting an overview of the Vessel of Concern reporting form developed by the Task Force during the May meeting, based on the OR/WA joint agency VOC form.

Emily & Jade filled out VOC forms for 15 discovered vessels in Port Graham Bay. Emily has received a handful of others over the summer. Not being widely used by Task Force members - not part of standard operations (yet!). It was suggested that we have a one-page introduction to the form to make the purpose and directions more clear, including spelling out the goal of getting these into a common database. Rachel will develop that and send it out to the group for feedback.

Erika suggested an ADV Task Force presence at the Alaska Forum on the Environment. She will follow up with Rachel & Emily for some representation. Rachel and Bryan will be going to the AK Assoc. of Harbormasters & Port Administrators meeting in late-October and will encourage Harbormasters use the VOC form. Many agreed that having a database where people could see that their reporting was going somewhere would help a lot in getting participation.

## Database Update

Emily gave an update on the development of an online database for ADV/VOC through ADNR. She has talked with the IT folks and it sounds do-able (similar to trails maps, icons that can be clicked and show basic information & photos). Need to understand potential costs and timeline. She will talk with them

and get back to the group. Likely this will be a database that is updated by ADNR staff, using the VOC forms, and only updated quarterly or so. It would be good to check with IT to see if it's possible to create a form that can update the database by staff more regularly when a VOC form comes in, or more information on a case is discovered.

As part of the information gathering for legacy ADV, a few resources were brought forth by the group. NOAA has a snapshot look of ADV, but not a lot in AK (Peter), there is a refuge manager for USFWS who has a database of ADV on refuge lands in AK (Erika), there is a 600+pg table online that has AK shipwrecks (Chris). Rachel will follow up and try to get all of these resources on the Alaska Clean Harbors ADV webpage. As resources become available/known, please send them to Rachel for posting online.

Vessels underway/of concern vs. vessels abandoned and/or derelict. Often these are the ones that need to be shared between agencies/stakeholders. Lori offered that Holly could review this question from a legal standpoint. Rachel will follow up with Holly and get back to the group. For now, Emily agreed to send out the VOC forms to the Task Force as she receives them.

Rachel will send a reminder to Task Force members to utilize the VOC forms, and ask their staff to as well, this fall and again in the spring.

Chris gave a brief overview of EPA's jurisdiction for ocean dumping under the Ocean Dumping Act. A potential tool for dealing with ADV that are intentionally dumped below the MLLW (with the exception of within 'closing lines'). More information on this jurisdiction is at:

[yosemite.epa.gov/r10/ecocomm.nsf/Oceans/vessel-disposal](https://yosemite.epa.gov/r10/ecocomm.nsf/Oceans/vessel-disposal)

In 10 years, Chris knows of no enforcement actions under this law, and EPA has authorized 10 or so scuttlings of vessels in 10 years.

Above MLLW would be in the ACOE jurisdiction, and possibly could use 404 permits as a tool, if dumping a vessel is considered 'filling'.

### ADV Case Studies

The group then went on to discuss each case study listed below. An additional case study (St Joseph) was submitted but inadvertently was not sent out to the group. Rachel will send it out following this meeting, and it will be included in the final report.

- F/V Leading Lady & F/V Kupreanof
- Pacific Producer
- St Harold
- M/V Seabird
- Sound Developer (touched upon)
- Steamboat Slough

Below are the main issues and brainstorming that came from the group through discussing each of these case studies. Specific information on each can be found in their background narratives.

Vessel owners 'have a plan'.

Response can be delayed by vessel owners (RPs = responsible party) giving assurances of plans to deal with their vessels. While this sometimes works out, often it just delays response.

Insurance is very helpful in response. Currently insurance is required by a number of entities in various circumstances, including by many harbors around the state for moorage, although can be difficult to enforce. This could be used as good rationale for the state to require insurance. More information is needed on vessel insurance options.

Funding is a major barrier to complete response. While the Fund can cover the costs of mitigating immediate oil/hazardous materials clean-up, it generally does not cover any vessel removal (unless that's the cheapest way to remove the pollution threat). There is currently no other source of funding.

State agencies are not generally utilizing the full scope of their authority, due to funding limitations and staff capacity. Sometimes/also lack of political will and not wanting to take on the associated liability.

It's not uncommon for ADV to start as 'hot potatoes', bouncing from harbor to harbor and clearly identified as a Vessel of Concern. Right now the best everyone does is pretty much hope the buck doesn't stop on their land.

Some municipalities (CBJ) have set contractors and agreements to deal with ADV. This can help remove ADV quickly and more cheaply than waiting for a larger problem to arise.

Alaska has an aging fleet of vessels that are no longer actively 'working'. Fisheries buy-back programs along the West Coast have removed vessels from operating in any active fishery. All vessels arguably have two timelines to consider - one which is the lifespan of its active working ability. The other is the total lifespan of the vessel and its component materials. The latter is often much longer than the former. This is the gap where most of our ADV originate.

We lack a 'cradle to grave' plan for vessels.

Responsible Parties (RPs) are able to just disappear with little consequence to abandoning a vessel and running up a huge bill in response & disposal, especially once the vessel is taken into custody by the state or federal agencies. A Captain of the Port (COTP) order can help keep the RP on the hook, and may also be a tool to stop the continuing voyage of VOC. If worded such, a COTP can require plans for the full dismantling of the vessel, or return to a seaworthy condition before releasing the vessel.

Very aggressive action for cost recovery can be successful (Sound Developer/City of Cordova). However,

you can't get blood from a stone. That's to say, if all you can get is an annual PFD, it's going to take a long time to recover costs and likely there are other entities trying to garner that PFD.

Citizen backing is critical for advancing pro-active changes for preventing ADV and improving the state's ability to respond to those that already exist. There has to be political will to move this forward.

ADV beget ADV. In areas where vessels have been historically abandoned, more are often left there over time. This is different than 'traditional use' or common storage for active vessels. This is more akin to a junkyard-effect, or a neighborhood where if there is one broken window, chances are tomorrow there will be two etc etc. (COME UP WITH BETTER ANALOGY HERE!)

Even if there was funding, there can be a lot of barriers to effective removal. Sign off from State Historical Preservation Office (SHPO) depending on the age of the vessel(s), permit(s) from several potential state & federal agencies including ACOE and ADF&G. It would be great to have these all coordinated to make vessel removal efforts more timely/efficient.

It's not always clear who to call/contact and the correct course of action for dealing with VOC/ADV.

Taking possession of a vessel can be a very sensitive issue - private property/takings by the government.

Unattended vessels (and vessels that cannot be underway by their own power) are often a red flag. Many harbors have underway policies to ensure vessels can move on their own volition. Hard to enforce. (Bryan)

Permits for moorage over 14 days by ADF&G in Critical Habitat Areas and by ADNR on any state land. Hard to enforce, hard to know when a vessel has been in the same place for over 14 days. ADNR can require bonding & insurance. No real enforcement of these permits.

Within an agency, compliance with other permits is required. This is contingent upon staff capacity to check with others - it's not a very easy/straightforward process (especially outside of the same physical office location). Other state agencies are not consulted at all.

Generally speaking, risk and costs are higher with older and larger vessels. WA state has more strict regulations for vessels that are over 40 years old and greater than 65' in length (CHECK ON THIS).

Vessel disposal is different for wood, fiberglass & steel vessels. Good contractors are necessary.

Funding is critical. Potential funding options include garnished bonds used for other clean-ups, mitigation funds (ACOE possibility?)....answers to this question of where the funds would come from may be out of the scope of this Task Force. Currently our effort is aimed at identifying the scope of the problem, including some estimates of costs, and brainstorming possible solutions. There are others more versed in the potential funding sources that need to be brought in to better understand this

extremely critical question.

#### **IDEAS TO FLESH OUT FURTHER:**

- Connection with DMV for ADV violations. Restrictions on licenses & registrations for driving, boats, fishing. Also check with CFEC (Commercial Fishing Entry Commission)
- Garnish PFDs (may already be done? when can this go into effect? what priority does it take for different entities looking to recover costs?)
- Property liens (what is the current practice for cost recovery by the state?)
- State/federal contract ineligibility for ADV violations
- Secondary liability with vessel transfers
- Public outreach/education on the costs and problems with ADV

#### **NEXT STEPS (summarized from the above action items):**

- Rachel will send out meeting summary for review
- Rachel will develop a one-pager to go with the VOC reporting form
- Emily will check with DNR IT folks to get an idea of a timeline for a database.
- Rachel will work with Holly to flesh out some of the ideas discussed during this & prior meetings, and will work on a draft report outlining suggestions stemming from the efforts of this Task Force.
- Rachel will complete the table of other state programs and their funding mechanisms and send out to the group for background information.
- Teleconference in November for interested members with insurance agency representatives to better understand options here. Bryan, Emily & Sarah will give Rachel some contacts that would possibly be helpful here.
- Draft report from Rachel to the group by December, focused on state & municipal response to ADV and a menu of suggestions that could improve/save money in the long-run
- follow-up meeting in February, in conjunction with AFE timing would be ideal & possibly good time to engage more rural communities, private stakeholders, etc. for feedback?
- Draft a newsletter following the November elections (to ensure correct distribution!)

## Alaska Ad-hoc Abandoned & Derelict Vessel Task Force

September 30, 2014 Anchorage Meeting

### Participant List

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