



Section 9330

Abandoned and Derelict Vessel Best Management Practices

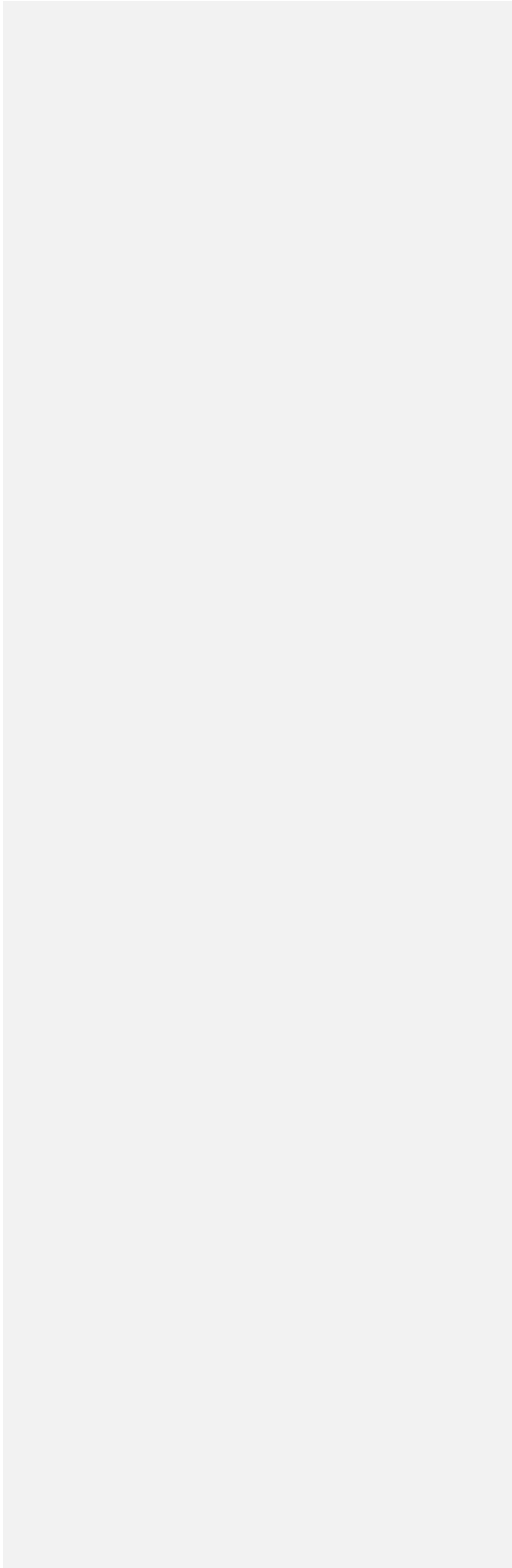


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Abandoned and Derelict Vessel Best Management Practices

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9330.1 Purpose

The purpose of this plan is to outline the regulatory and policy authority of each agency with a nexus to abandoned vessels and to establish best practices available for the mitigation of imminent pollution and navigation threats from derelict vessels, barges, and houseboats.

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9330.2 Definitions

In many cases, agencies have codified definitions of terms related to abandoned and derelict vessels which may conflict with other agencies' definitions. Furthermore, an agency may define a term a certain way in one context and a different way in another context or decide not to define a certain term in regulations. This section serves to highlight some of the discrepancies amongst participating agencies and to emphasize the importance of specificity in communications regarding this subject. While abandoned and derelict vessels may be discussed in general terms using the common understanding of terms, it is important to understand that agency-specific definitions may influence the policy decisions within that agency.

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Abandoned Vessel:

Federal:

- *Commandant, United States Coast Guard Instruction M16465.43*: "Any craft designed for navigation that has been moored, stranded, wrecked, sunk, or left unattended for longer than 45 days that is not on private property with the permission of the owner."

Oregon:

- *Oregon Revised Statutes [ORS] 830.908(1)*: "Means a vessel that has been left without authorization on public or private land, the waters of this state, or any other water."

Washington:

- *Revised Code of Washington 79.100.010*: A vessel less than 200 ft that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

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Idaho:

- Currently, Idaho does not have specific statutes or rules addressing abandon or derelict vessels. Through Idaho Code, Title 67, Chapter 70, the Idaho Department of Parks and Recreation oversees the registration of all vessels operated on waters of the state. There is no existing statute that defines ADVs, however for cases arising in Idaho where hazardous materials are released or a release is likely to occur, reporting through 911 is the recommended. 911 calls involving hazardous materials are routed to Idaho's State Communications.

Authorized Public Entity includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located. (WA RCW 79.100.010)

Derelict vessel:

Federal:

- *National Response Team Abandoned Vessel Authorities and Best Practices Guidance, Version 10*: "A vessel with an identifiable owner that has been left unattended and is in significant disrepair."

Oregon:

- *Oregon Revised Statutes [ORS] 830.908(3)*: "Means a vessel that is on the waters of this state and that is:
 - a) Sunk or in imminent danger of sinking;
 - b) Obstructing a waterway;
 - c) Endangering life of property; or
 - d) In such a dilapidated condition that it is in danger of becoming a significant environmental hazard as evidenced by repeated and documented instances of leaking fuel, sewage or other pollutants."

Washington:

- *Revised Code of Washington 79.100.010*: "The vessel's owner is known and can be located, and exerts control of a vessel that:
 - (a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;
 - (b) Has been left on private property without authorization of the owner; or
 - (c) Has been left for a period of seven consecutive days, and:
 - (i) Is sunk or in danger of sinking;
 - (ii) Is obstructing a waterway; or
 - (iii) Is endangering life or property

A boathouse is defined as a covered structure on floats or piles used for the protected moorage of boats (ORS 830.700).

A confined space is defined as a compartment of small size and limited access such as a double bottom tank, cofferdam, or other space which by its small size and confined nature, can readily create or aggravate a hazardous exposure (29 Code of Federal Regulations [CFR] 1915.4).

An Enforcement Agency is defined as a law enforcement agency, a federal agency, the State Marine Board or any other public body that has responsibility for land or water on which an abandoned or derelict vessel is located. (ORS 830.908 (4)).

A floating home is defined as a moored structure that is secured to a pier or pilings and is used primarily as a domicile and not a boat (ORS 830.700).

Owner

Federal:

- *40 Code of Federal Regulations [CFR] 300.5*: Responsible Party (1) “In the case of a vessel, any person owning, operating, or demise chartering the vessel.”

Oregon:

- *Oregon Revised Statutes [ORS] 830.908(5)*: “Means a person who has a property interest in a vessel.”

Washington:

- *Revised Code of Washington 79.100*: “Owner” means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

Idaho:

- *Idaho Code § 39-7003(17)*; “Owner” means any person having a property interest in or entitled to the use or possession of a vessel, including a person entitled to the use or possession subject to the interest in another person reserved or created by agreement and securing payment of performance of an obligation, but not including a lessee under lease not intended as security.

Removal means the act of removing and cleaning up an abandoned boat, floating home, or boathouse.

Responder for the purposes of this document alone means any federal, tribal, state, or local personnel that may be involved with response to or investigation of abandoned and derelict vessels (ADVs) or vessels of concern.

Ship breaking means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment, or any component

part of a vessel (29 CFR 1915.4).

Vessel

Federal:

- *29 CFR 1915.4*: “A vessel includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.”

Oregon:

- *Oregon Revised Statutes [ORS] 830.908(a)*: “means a boat, a boathouse as defined in ORS 830.700 (Definitions for ORS 830), or any other floating structure that is normally secured to a pier or pilings.
 - b) “Vessel” does not include a dock as defined in ORS 307.120 (Property owned or leased by municipalities, dock commissions, airport districts or ports).”

Washington:

- *Revised Code of Washington 79.100.010*: “Every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and which does not exceed two hundred feet in length. “Vessel” includes any trailer used for the transportation of watercraft, or any attached floats or debris.

Idaho:

- *Idaho Code § 39-7003(28)*: “Vessel” means every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but does not include float houses, diver’s aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes, and beach and water toys.

9330.3 Background

ADVs have the potential to become significant threats to the environment, navigation, and human health and safety. These vessels typically include harbor and coastal working vessels, such as tugs, fishing vessels, and pleasure craft that have been abandoned due to repair cost, economic conditions, or the decline of fishing industries and scrap metal values. While there is currently no national database tracking these vessels, they remain a problem in virtually every commercial and recreational harbor throughout the United States. Regional databases are available and cited in Appendix E. In addition to the potential for oil pollution, these vessels may present significant environmental concerns and public health hazards due to their location, condition, and the potential presence of other hazardous substances and wastes.

Abandoned vessels, including those found in the coastal environment, inland rivers, and Great Lakes, are often intertidal or lie in shallow waters and may pose serious hazards by creating obstructions that restrict, endanger, or interfere with navigation. Even vessels that contain no hazardous materials and pose no immediate navigation hazard may shift during storms or become dump sites for other vessels looking to discard bilge waste.

In United States waters, there are countless abandoned or derelict vessels. Proactive mitigation of wrecks and abandoned vessels is difficult but preferred over responding to uncontrolled spills due to hull breaches, or vessel recovery operations following floods or hurricanes. The United States Coast Guard (USCG) has the primary responsibility for responding to pollution threats in the coastal zone, including making the determination of a substantial threat of discharge, whereas the United States Environmental Protection Agency (EPA) retains those authorities in the inland zone. The United States Army Corps of Engineers (USACE) has the primary responsibility for maintaining an obstruction-free navigational waterway. If a vessel is determined to be a substantial pollution threat or navigational hazard and no action has been taken by a responsible party (RP) to mitigate the threat, federal resources may be available under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) or other federal authorities. In most cases, removal of the threat requires an interagency response by federal, tribal, state and local agencies.

9330.3.1 Columbia River Derelict Vessel Task Force

In May of 2011, the Columbia River Derelict Vessel Task Force was formed following a \$23 million response to the ex-Liberty Ship turned derelict barge Davy Crockett and a perceived growing threat of derelict and abandoned vessels. The task force mission is to recommend policy, share information, and foster collaborative and shared efforts of task force members to identify and mitigate the harmful effects of derelict vessels, barges, and houseboats along the middle and lower Columbia and Willamette Rivers. The Task Force also collaborates with coastal ports as well as Puget Sound on derelict vessel issues. Regular contributors to the task force include representatives from the USCG, EPA, USACE, National Oceanic and Atmospheric Administration (NOAA), Oregon Department of Environmental Quality, Oregon State Marine Board, Oregon Department of State Lands, Oregon Department of Justice, Washington State Department of Ecology, Washington State Department of Natural Resources, and Columbia County and Multnomah County Sheriff's Offices. Task force objectives include:

1. Inventory derelict vessels, barges, and houseboats along the Columbia and Willamette Rivers.
2. Determine derelict vessels, barges, and houseboats that pose actual or potential pollution threats and hazard to navigation.
3. Prioritize and remove all pollution, hazardous materials, and navigational threats from identified derelict vessels, barges, and houseboats.
4. Conduct regular, intense, coordinated surveillance for prevention of pollution, hazardous materials, or navigational threats stemming from derelict vessels, barges, and houseboats.
5. Develop a list of law and policy areas for investigation where existing

rules and policies could be changed to facilitate the reduction of current and future derelict and abandoned vessels.

6. Identify opportunities to align Washington and Oregon laws addressing derelict vessels with the goal of moving toward a consistent regulatory regime on the Columbia River.
7. Maintain effective communications with state and local agencies, USCG Auxiliary, and federal partners.

9330.3.2 Pacific States / British Columbia Oil Spill Task Force

In 2020, this task force created an “Abandoned and Derelict Vessel (ADV) Blue-Ribbon Program For Western U.S. States (AK, CA, HI, OR and WA).” The purpose of this report is to provide Task Force member jurisdictions with a model or “blue-ribbon” ADV program to advance their efforts to comprehensively address the many challenges posed by ADVs. This program is another great tool responders can use to build ADV programs or make changes to existing ones.

[Oil Spill Task Force | The Pacific States – British Columbia](#)

9330.3.3 Authorities Matrix

An objective of the task force was to develop a list of laws and policy that could be analyzed for possible changes. The task force members found that the authorities, jurisdictions, and funding to mitigate the consequences of derelict and/or abandoned vessels are very complex. As a result, two versions of an Authorities Matrix have been developed and are provided in Attachments A and B. The first is an abbreviated version that is suitable for use by the general public or others who simply want a summary of regulations that may apply. The other is more in-depth and appropriate for program managers.

The causes of dereliction and abandonment are also complex. The reverse side of the abbreviated Authorities Matrix is an attempt to depict the complex life cycle of a vessel leading up to abandonment.

9330.3.4 Authorities Decision Tree

In a further effort to identify and align the complex authorities of each agency, a basic decision tree has been developed.

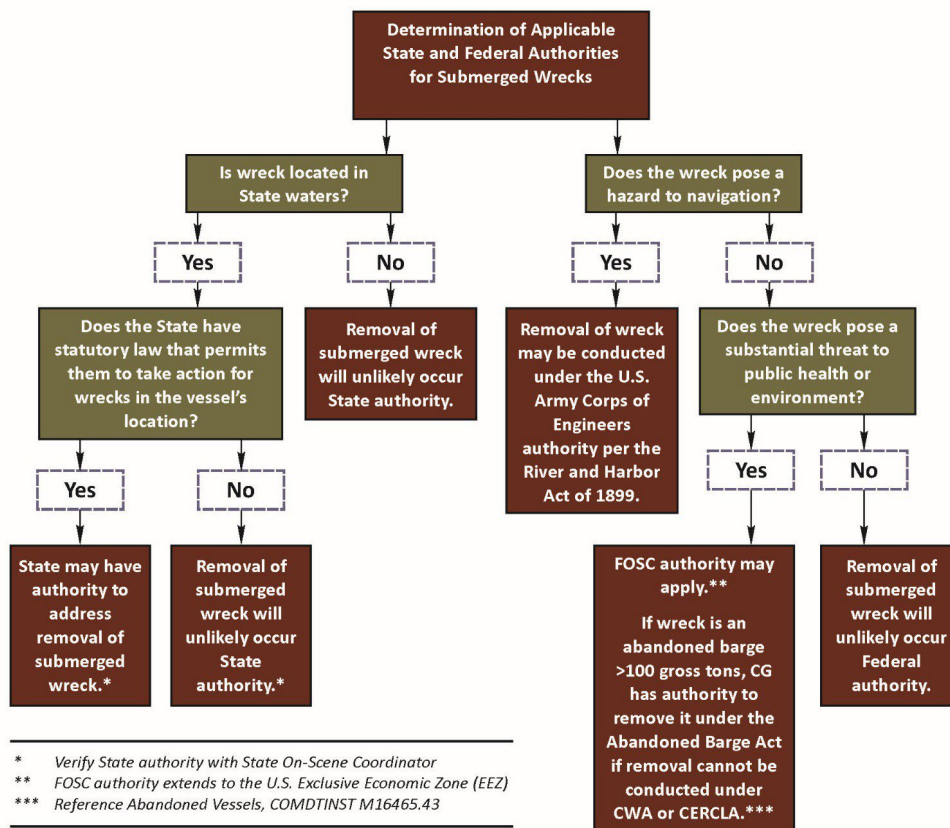


Figure 1 - Derelict Vessel Authorities Decision Tree

9330.4 Federal and State Authorities

There are several federal and state statutes that govern the mitigation of pollution from and the removal of abandoned vessels and wrecks that pose significant threat to the navigable waters of the United States.

9330.4.1 National Marine Sanctuaries Act

Under the National Marine Sanctuaries Act, the Secretary of Commerce has the authority to designate and protect areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities as national marine sanctuaries. The primary objective of the National Marine Sanctuaries Act is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats. Day-to-day management of national marine sanctuaries has been delegated to NOAA's Office of National Marine Sanctuaries.

9330.4.2 Abandoned Barge Act

The Abandoned Barge Act (46 USC §4701) confers the USCG the authority to remove an abandoned barge under specific circumstances. This act defines abandonment as "any barge...moored, stranded, wrecked, sunk, or left unattended for longer than 45 days." It discusses response actions that should be taken for barges containing oil or hazardous materials, the initiation of civil penalties, and removal and destruction procedures.

9330.4.3 Oil Pollution Act

The Oil Pollution Act (OPA) was signed into law in August 1990, largely in response to rising public concern following the *Exxon Valdez* incident. The OPA improved the nation's ability to prevent and respond to oil spills by establishing provisions that expand the federal government's ability, and provide the money and resources necessary, to respond to oil spills. The OPA also created the national Oil Spill Liability Trust Fund, which is available to provide up to one billion dollars per spill incident.

New requirements for contingency planning both by government and industry were also included in the OPA provisions. The NCP has been expanded in a three-tiered approach: the federal government is required to direct all public and private response efforts for certain types of spill events; Area Committees—composed of federal, tribal, state, and local government officials—must develop detailed, location-specific ACPs; and owners or operators of vessels and certain facilities that pose a serious threat to the environment must prepare their own Facility Response Plans.

Finally, the OPA increased penalties for regulatory noncompliance, broadened the response and enforcement authorities of the federal government, and preserved State authority to establish law governing oil spill prevention and response.

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9330.4.4 Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)

Signed into law on November 23, 1988, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) amended the Disaster Relief Act of 1974 (Public Law 93-288). This act constitutes the statutory authority for most federal disaster response activities, especially as they pertain to the Federal Emergency Management Agency and its programs.

9330.4.5 Rivers and Harbors Act

The Rivers and Harbors Act (33 USC §414) provides the USACE the authority to remove vessels that pose a hazard to navigation.

The current Memorandum of Agreement between the USACE and the USCG provides specific guidance on determination of hazard to navigation and appropriate corrective actions to be taken by both agencies. Operations conducted under this authority do not require the Commandant of the USCG's approval if the vessel to be removed is a hazard to navigation. These operations will be conducted under the USACE, using internal procedures to determine abandonment.

9330.4.6 Comprehensive, Environmental Response, Compensation, and Liability Act

Response authorities directly from the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA) (42 USC §9601) provide that whenever any hazardous substance is released or there is a substantial threat of such a release into the environment, or there is a release or substantial threat of release into the environment of any pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare, the President or delegate is authorized to act, consistent with the NCP, to remove or arrange for the removal of, and provide for remedial action relating to, such hazardous substance, pollutant, or contaminant at any time, or take any other response measure consistent with the NCP that the President deems necessary to protect the public health or welfare or the environment.

As determined in the NCP, the Removal/Response Authority resides within the EPA for the inland zone, as agreed upon between an EPA Region and the USCG District for that particular area. The set delineation is known as the Response Boundary and the geographical area as the Area of Response.

In situations when a facility or vessel that is the source of a release is under the jurisdiction, custody, or control of another federal agency, the response authority resides within that federal agency.

9330.4.7 Federal Water Pollution Control Act

As determined in the NCP and ACPs, the EPA's removal authority is equivalent to the USCG but within the inland zone, as agreed upon between an EPA Region and the USCG District for that particular area. The set delineation is known as the

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Response Boundary, and the geographical area as the Area of Response. The authority is to remove or arrange for the removal of a discharge or a substantial threat of a discharge of oil or a hazardous substance into navigable waters; on the adjoining shoreline; into or on the waters of the exclusive economic zone; or that may affect natural resources of the United States. The term navigable waters refers to traditional navigable waters or waters that have a “nexus” to traditional navigable waters (*see Rapanos v. United States*).

The removal authority comes from the Clean Water Act (CWA) §311(c), 33 USC §1321, as amended by OPA §4201, and in accordance with the NCP to:

- Remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
- Direct or monitor all federal, state and private actions to remove a discharge; and
- Remove and if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

This authority has been delegated to the EPA Administrator under Executive Order 12777, then re-delegated to the EPA Regional Administrators and the Administrator for Office of Solid Waste and Emergency Response (see EPA TN 312-2-89). The Regional Administrators have re-delegated the authority to the Regional Division Directors that manage the Removal Programs and in most cases re-delegated directly to the individual Federal On-Scene Coordinators (FOSCs).

In cases where “destroy” is the alternative for a vessel within the inland zone, the EPA have referred the lead to the USCG or the USACE due to potential “takings” liability. The USCG or USACE can then proceed using other statutes and authorities. In addition, although this authority applies to a discharge or threat of a discharge of both oil and hazardous substances, in the case of hazardous substances, the CWA does not provide for a funding mechanism, so those discharges or threats should be carried out under CERCLA.

9330.4.8 Clean Water Act

The CWA (33 USC §1251) general removal requirements are as follows:

1. That removal actions or preventative measures are carried out in accordance with the NCP and local ACPs.
2. Requires effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of discharge, of oil or hazardous substances into navigable waters or on adjoining shorelines to navigable waters, that may affect natural resources of the United States.
3. Provides for these removal, mitigation, or preventative actions at any time and for the direction of federal, tribal, state, and private actions to remove a discharge.
4. Specifically grants authority to remove or destroy a vessel that is discharging or threatening discharge by whatever means are available.

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The CWA provides specific removal requirements for discharges or threat of discharges posing a substantial threat to public health or welfare. EPA authority can be exercised if there is a discharge or threat of a discharge of oil and/or a hazardous substance, or a release or threat of a release of a hazardous substance, or pollutant or contaminant.

9330.4.9 Ocean Dumping Act

The Ocean Dumping Act (33 USC §1401) is a policy of the United States to regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material that would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

9330.4.10 Salvage Facilities Act

Following World War II, Congress enacted the Salvage Facilities Act (Public Law 80-513, 10 USC §§ 7361-7367), which includes the following objectives:

- To provide salvage resources to protect the redeployment of government-owned war materiel on chartered ships (but not in excess of national defense needs).
- To foster (but not subsidize) the commercial salvage industry.
- To allow (but not require) the Navy to render salvage services to private vessels when commercial salvors are not available, charging for those services to support the Navy's Salvage facilities.

9330.4.11 Intervention on the High Seas Act

The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties was drafted in 1969 and allows a coastal nation to take defensive action against a vessel on the high seas where pollution by oil is threatened.

The United States has implemented the Intervention Convention by the Intervention on the High Seas Act (33 USC §1471). The measures taken to abate the pollution shall be proportionate to the damage, actual or threatened, and, if they are not, the United States shall be liable for damages. It is noted that the revolving fund established under the CWA is available for intervention activities.

The act gives the USCG intervention authority in circumstances when a ship is threatening to spill crude oil, fuel oil, diesel oil, or lubricating oil into the seas. The USCG has the authority to take measures on the high seas to mitigate such dangers.

The Secretary, after consultation with the EPA administrator and the Secretary of Commerce, is allowed to expand the list of substances to that which is beyond the Intervention Convention. The Secretary is charged with coordinating and directing all public and private efforts designed to remove or eliminate the threatened pollution; to undertake the whole or any part of any salvage operation

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of the polluting vessel; and to remove and destroy the ship and the cargo which is the source of the damage.

Before intervening, the Secretary of the Treasury must get the Secretary of State to consult with the flag country of the ship involved. The Secretary must also consult with any other agency or persons whose interests can be reasonably expected to be affected by the proposed measures, except in cases of extreme emergency. The United States shall pay damages for measures that exceed those which are reasonably necessary, and the jurisdiction is in the United States Court of Federal Claims. The Oil Spill Liability Trust Fund shall be available to the Secretary for actions taken under this section.

9330.4.12 National Oil and Hazardous Substances Pollution Contingency Plan

The OPA and the NCP (40 CFR 300) are clear as to response authorities, specifically noting authority to address as well as to remove if necessary in an effort to mitigate “substantial threats” to public health, welfare, and the environment. The NCP, under 40 CFR § 300.3(b), specifically states its purpose as: “[Providing] for efficient, coordinated, and effective response to discharges of oil and releases of hazardous substances, pollutants, and contaminants in accordance with the authorities of CERCLA and the CWA. It provides for:...

(b)(3): Procedures for undertaking removal actions pursuant to section 311 of the CWA.”

The FOSC is further directed to arrange for the removal, by whatever means necessary, any *substantial threat of discharge (including from a wreck) that may pose a significant threat to the public health or welfare of the United States (including the environment and its resources)* (*Id.* § 300.305(d)(1)-(2)).

The NCP’s national response priorities (40 CFR § 300.317) state specifically that for the purposes of stabilizing a situation to prevent a threat from worsening, the FOSC should ensure that proper measures are taken to secure the source of the spill and remove any remaining oil to prevent additional discharge, minimize any need for continued response action in the future, and lessen the impacts to the environment. In most oil spill response and removal cases, an FOSC will have an identifiable RP and will in such case be responsible to monitor the response actions of the RP, providing oversight however necessary.

9330.4.13 Revised Code of Washington 79.100.030

Revised Code of Washington 79.100.030 grants an authorized public entity the authority to “store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel” that is located on the lands within the jurisdiction of that entity. This disposal must be done in an environmentally sound manner and in accordance with all applicable laws. The owner of the vessel retains primary responsibility for the removal of the vessel.

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9330.4.14 Revised Code of Washington 79.100.040 (3)(a)

Under Revised Code of Washington 79.100.040, section 3a, any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, and the vessel is either in immediate danger of sinking, breaking up, or blocking navigational channels, or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination.

9330.4.15 Oregon Revised Statute 830.911

Under ORS 830.911, An enforcement agency may seize a vessel as an abandoned vessel if:

(a) The enforcement agency has probable cause to believe the vessel is an abandoned vessel; and

(b) An owner does not move the vessel to a place where the vessel can be lawfully kept within the time specified in the notice given under ORS 830.918, or within such additional time as may be specified in an order issued under ORS 830.936 (6).

9330.4.16 Oregon Revised Statute 830.923

Nothing in ORS 830.908 to 830.948 affects the ability of an enforcement agency to immediately seize without notice a vessel that presents a hazard to navigation or an imminent threat to public health or safety.

9330.5 Operations

9330.5.1 Prevention

The most important way of preventing vessels from becoming ADVs in the future is early identification. One of the first indicators along the path to abandonment or dereliction is the loss of the vessel's registration or documentation. It is incumbent upon regulatory and enforcement agencies to have strong compliance programs that monitor the registration and documentation on both recreational and commercial vessels.

In addition to early identification, it is important that responders have early communication both with the vessel's owner and with other agencies or organizations that may have an interest in the vessel or any useful information about it. Interagency coordination should occur at tribal, federal, tribal, state, and local levels.

Recognizing the signs of a vessel that is soon to be derelict and taking preventative measures can save a great deal of time, money, and effort. If a vessel is determined to be a "vessel of concern," it is likely to become derelict in the future. A notice should be posted on a highly visible section of the vessel that recognizes it as a vessel of concern, and a letter of concern should be sent to the last known owner of the vessel within 72 hours. The letter of concern should state the vessel's make and model and registration number, why the vessel is considered a vessel of concern, that immediate attention is required of the owner,

what will happen if the owner fails to comply, and reporting officer contact information. A sample letter of concern to the owner and notice to be placed on the vessel are included in Attachment C.

9330.5.2 Assessments

9330.5.2.1 Identification

There are various methods to identify potential derelict vessels as vessels of concern. Responders may conduct assessments without boarding a vessel (e.g., shore or dock) if they do not have the authority to board the vessel or if safety concerns prohibit a boarding. A Site Safety Plan specific to ADV boarding is provided in Attachment D to assist responders in identifying hazards and risks prior to boarding a vessel.

Consultation with partner agencies is essential, and multi-agency boardings and assessments are encouraged, especially if another agency has action authority on an ADV. Responders are encouraged to conduct harbor patrols and communicate with local port directors, marina managers, and local mariners to foster situational awareness and develop partnerships for identifying these vessels and conducting assessments.

9330.5.2.2 Assessment Resources

There are a host of resources available to assist with the investigation of ADVs. The USCG maintains several vessels capable of transporting responders and investigators to the scene of a vessel. The USCG also maintains unmanned aerial systems (UAS), also known as drones, that can be useful for assessments. Use of these assets can be coordinated via the nearest USCG Sector Command Center.

State environmental responders and law enforcement (e.g., departments of environmental protection, state marine patrol, and state police) typically maintain vessels capable of investigating vessel sites as well. In particular, they have trailerable shallow draft vessels capable of getting investigators to very shallow areas not accessible from shore.

Tribal, state, and local law enforcement or other agencies may have dive teams available to assist with investigations of submerged ADVs. They may also have remotely operated underwater vehicles (ROV), which can be useful for assessments.

NOAA may be able to arrange sonar surveys of wrecks. NOAA vessels constantly run surveys of coastal areas, and responders may be able to have a ship in the vicinity of a wreck respond to survey the site. For coordination of these resources contact NOAA Scientific Support Coordinator.

9330.5.2.3 Derelict Vessel Reporting Form and Evaluation Matrix

The Derelict Vessel Reporting Tools in Attachment E can be used to assist in assessing a vessel of concern. At a minimum, responders should determine the following information about the vessel.

9330.5.2.3.1 Vessel Information

Characteristics of the vessel should be noted and documented to assist in determining owner/operator information, vessel history, and other amplifying descriptors. These include pictures of the vessel, vessel name, registration number, Hull Identification Number (HIN), hull type, vessel type, fuel or hazardous materials on board, fuel capacity, activity on the vessel, etc.

9330.5.2.3.2 Location

Obtain a latitude/longitude for the vessel, accurate depth (if sunk), and a general geographic description of the area the vessel is in. Study the area and become familiar with geographic features, environmentally sensitive areas, infrastructure (including nearby piers and haul-out facilities), and port facilities that could be impacted or be of use in a response and/or removal.

Identify navigational concerns and proximity to navigational channels/byways, mooring fields, marinas, fishing co-op piers, fish pens, and any other higher traffic areas. This may affect the urgency of the response or the need to warn the public of the location of the vessel.

In the case of a grounded vessel, ascertain whether it needs to be secured to shore to keep it from drifting away on the next tide.

9330.5.2.3.3 Key Owner/Operator Information

Responders should get the name, address, and phone/cell numbers for the owner and any relevant operators if possible. Responders should have a detailed discussion with the owner and note any plans the owner may have to remove or clean up the vessel. If an owner is unknown, responders can contact the Tribal, USCG, state, and local agencies to determine ownership using their databases based on the name, hull number, registration sticker, or other characteristics of the vessel.

9330.5.2.3.4 Physical Condition

Assess and document the physical condition of the vessel, such as:

- Vessel sunk or listing,
- Major damage to structure,
- Visible holes in the hull or deck,
- Numerous soft patches or failing patches, and
- Popped or missing planks.

9330.5.2.3.5 Threat of Pollution

Photograph and document the capacity of the fuel tanks, fuel vent location, and other cargo aboard that may be considered oil or hazardous materials (e.g., batteries, paint, hydraulic fluid in gear or stored, engine/generator crank case oil, propane tanks, packaged cleaners, etc.).

9330.5.2.3.6 Public Safety

Photograph or note accessibility to the vessel to determine potential for illicit activity on board or possibility of illegal dumping. If there is a potential for criminal activity, responders should:

- Contact local law enforcement for any information they have regarding the vessel prior to sending investigators or responders aboard.

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- Research the vessel history in federal, tribal, state, and local databases for past criminal activity or other violations.

9330.5.2.3.7 Current or Previous Response Actions

Harbormasters, State Marine Patrol, state environmental responders (See section 9330.4.5 – Points of Contact), local fire departments, and federal partners such as EPA, NOAA, USCG, or USACE may already have detailed information on the vessel in question. Take note of any previous, current, or planned actions by the federal, tribal, state, or local government to clean up or remove the vessel.

9330.5.3 Safety

5.3.2.1 General

All personnel should complete Hazardous Waste Operations and Emergency Response (HAZWOPER) training prior to boarding an ADV. All personnel should use level D personal protective equipment, which includes coveralls, gloves, boots/shoes (chemical resistant, composite toe), safety glasses or splash resistant goggles, and hard hat. Four-gas meters shall also be worn, and if a four-gas meter alarms, all team members shall be notified and will exit the space. See Appendix D for in-depth safety information and an example Site Safety Plan.

9330.5.3.1 Pre-Boarding

All members of the team should conduct a safety brief prior to boarding a vessel of concern. Upon completion, teams should review, fill in, sign a Site Safety Plan and conduct an Initial Safety Inspection prior to conducting the rest of the assessment.

Teams should attempt to gain all pertinent safety information, including:

- Interviewing the owner/operator,
- Using agency databases such as the USCG Marine Information for Safety and Law Enforcement system,
- Checking with local law enforcement, and
- Interviewing members that have gone on vessels in recent years.

If illicit activity is identified, local police should be called immediately and the team will not continue with the boarding and assessment until it has been deemed safe to enter.

9330.5.3.2 Boarding

A vessel should not be boarded unless is it deemed necessary and only by those who are qualified. When in doubt, stay clear and make a report at your earliest convenience.

9330.5.4 Response Operations

9330.5.4.1 General

Following assessments, responders will need to determine what action will be taken on the ADV or vessel of concern. These may include, but are not limited to:

- Leaving the vessel in place while continuing to monitor and provide updated assessments using the Reporting Form;
- Securing the vessel to its location;

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- Securing navigation lights or markers on the vessel;
 - Removing the vessel from the waterway; and
 - Removing the pollution hazard from the vessel.

9330.5.4.2 Response Priorities and Key Decisions

Response priorities with regard to derelict vessels have many influencing variables. Several paramount response priorities remain constant:

1. Ensure the Safety of Citizens & Response Personnel
2. Control the Source of the Spill
3. Protect Environmentally and Culturally Sensitive Areas
4. Manage Response Effort in a Coordinated Manner
5. Contain & Recover Spilled Material
6. Recover & Rehabilitate Affected Wildlife
7. Clean-up Oil from Impacted Areas
8. Keep the Public and Stakeholders Informed of Response Activities
9. Minimize Economic Impacts
10. Terminate the Response (Demobilization)

9330.5.4.3 Response Actions

Should action be required on an ADV or vessel of concern, the owner or operator is ultimately responsible and should fund any operations deemed necessary.

However, if the owner/operator is unknown or cannot assume responsibility for the vessel or property, then local, state, tribal, and federal agencies should work together to determine the most appropriate course of action based on their authorities and resources. See the Derelict Vessel Authorities Matrix (Attachments A and B).

In the event of an imminent threat of a vessel sinking, polluting, or becoming a hazard to navigation, actions should be taken to address the threat. This may include (but is not limited to) turning on a bilge switch to prevent a vessel from sinking, deploying boom around a vessel that is sheening, or fastening additional mooring lines to a vessel that is not secure. Responders should contact the 24-hour response numbers for the appropriate federal, tribal, state, and/or local response agency.

If the owner or operator is taking action, responders should monitor them as appropriate for safety and environmental compliance.

9330.5.4.3.1 Abandoned and Derelict Vessels with Oil and/or Hazardous Materials on Board

If an ADV is actively sheening, leaking hazardous material, or is in such a condition that a pollution incident is imminent, then responders should contact the USCG (for the coastal zone) or EPA (for the inland zone) and respond in accordance with the Area Contingency Plan (ACP) to mitigate the spill using boom, sorbents, skimmers, or other collection gear may be necessary to address pollution in the water.

If a vessel has oil and/or hazardous materials on board but does not pose a

substantial pollution threat because the vessel is not actively sheening or is not yet in a condition that a pollution incident is imminent, then it may be best to leave the vessel alone but continue to routinely monitor as the vessel condition changes over time.

9330.5.4.3.2 Abandoned and Derelict Vessels with Contaminants On-board

Some ADVs (particularly older ADVs) may have contaminants in the form of asbestos, lead, polychlorinated biphenyls (PCBs) or other contaminants on board. Responders should practice awareness, document any potential contaminants, and refrain from entering any spaces containing contaminants. Contaminants may not be considered or defined as a hazardous material per federal regulations and therefore, may not warrant a pollution response. Responders should contact the USCG (for the coastal zone), EPA (for the inland zone), and the appropriate state agency to determine the best course of action for these types of vessels.

9330.5.4.3.3 Abandoned and Derelict Vessels Posing Navigation Threats

Whether or not oil or hazardous materials are involved, the owner or operator may have an obligation to mark the vessel if it is a navigation hazard. 33 CFR 64 addresses requirements for Hazard to Navigation, and responders may consult with the local USCG Sector Waterways Management Division for assistance in this area.

Under 33 United States Code (USC) §414, the USACE has the authority to remove obstructions to navigation, including sunken vessels. Depending on the cost of the removal, such an operation may be approved at the District Engineer level. Certain criteria will have to be met before the USACE will undertake such an operation; responders seeking their involvement should consult with them early to ascertain if they can assist. Aside from contacting the local USACE District, guidance can be found in 33 CFR §245 and the “Memorandum of Agreement between Department of Army and U.S. Coast Guard on Responses to Marking and Removal of Sunken Vessels and Other Obstructions to Navigation (1985).”

9330.5.4.3.4 Abandoned and Derelict Vessels on State Lands

ADV on state-owned aquatic lands require authorization from the appropriate State Lands to be legally moored. To determine if an ADV is illegally or legally moored on state aquatic land or submerged/submersible land for both Washington and Oregon, responders can refer to the [links below](#):

Oregon State Lands: [Department of State Lands : Abandoned and Derelict Vessels and Camping : Waterways & Wetlands : State of Oregon](#)

Washington State Lands:

<http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions>

9330.5.4.3.5 Abandoned and Derelict Vessels at Piers, Marinas, or

Commented [JW1]: Is there an equivalent for Idaho?

Commented [DE2R1]: I contacted the Idaho Dept of Lands. IDL confirmed they have no requirements for ADV on public lands.

Private Property

Vessels abandoned or derelict at a pier or a private facility that do not pose a pollution threat or hazard to navigation are addressed by tribal, local and state authorities. Both Washington and Oregon States have Derelict Vessel Removal programs that can facilitate the removal of an ADV, and responders can refer to the links below for the processes that must be followed.

Oregon:

<https://www.oregon.gov/osmb/boater-info/Pages/Abandoned-Derelict-Boats.aspx>

Washington:

[Recovering Derelict Vessels | WA - DNR](#)

Responders may want to warn the pier or marina owner not to cut the vessel loose or move it to another area without permission.

9330.5.4.4 Federal, State, Tribal Agency Hand-off Practices

When an incident occurs within the jurisdictional boundaries of both the USCG and requisite state agencies and tribal governments, FOSCs, SOSCs, and TOSCs (as relevant) shall coordinate directly with each other to effect cleanup or mitigate a potential discharge/release within the bounds of their respective authorities and in accordance with this document, Federal and State laws and codes and applicable tribal regulations. Oregon's Department of Environmental Quality, Idaho Department of Environmental Quality, and Washington's Department of Ecology are the representative state agencies and shall provide State On-scene Coordinators to incidents. These SOSCs will coordinate directly with the FOSC and relevant TOSCs to, to the best of their ability, execute a seamless transition from one agency to another, leveraging the authorities afforded them. When an incident occurs within the boundaries of tribal lands and/or Usual and Accustomed Fishing Areas (U&A), representatives of the affected Tribe or Tribes shall be engaged at all points throughout the response and cleanup, including designation of TOSCs if desired. If there is uncertainty about which Tribes have jurisdiction in an area, it is recommended to contact all potentially affected Tribes.

It is the policy of the USCG that responses are initiated to mitigate the substantial threat or actual or potential pollution from the marine environment. Once the threat is removed, USCG authorities end. The USCG cannot typically destroy a vessel in the process of removing a pollution threat from the waters of their area of responsibility. States, however, do not have this limitation and both states have departments, processes, and funding in place to remove abandoned or derelict vessels, though these funds may be limited in tribal jurisdictions. It is this committee's design to, when able, generate an MOU that delineates which organization will be responsible for which portions of the response, leveraging each organizations authorities, jurisdictions, and funding sources to affect an efficient response. (See Appendix F).

While States have the authority and funds for the removal of abandoned or derelict vessels, laws and codes limit the use of state funds for the removal of ADVs located within tribal jurisdictions. In Washington, the Department of Natural Resources Derelict Vessel Removal Account is used to reimburse authorized public entities for the majority of removal costs. However, because the definition of Authorized Public Entity omits Tribes (RCW 79.100.010), they are ineligible for this state assistance. The omission of the Tribes from receiving state assistance

makes the removal of vessels that are not wholly owned by the Tribe but discarded in their jurisdiction challenging.

While there are barriers between Tribes and the direct use of this state fund, there are other routes for Tribes to address the costly issue of ADV removal. Such solutions include accessing federal funding sources for debris removal through grants. Additionally, interagency agreements between Tribes and federal, state, and local government partners have been successfully leveraged to remove abandoned and derelict vessels. Ultimately, each ADV is addressed on a case-by-case basis and agencies should work directly with the affected Tribe, who may have their own regulations and practices surrounding this topic.

9330.5.4.5 Disposal Options for Abandoned and Derelict Vessels

There are several considerations when determining disposal options for ADVs. Responders should work with the appropriate federal, tribal, state, and local agencies to determine authorities, resources, funding, and permitting requirements for disposing of ADVs.

9330.5.4.5.1 Leave in Place

When an ADV does not meet any agency criteria for removal or disposal, then leaving the vessel in place may be the only alternative. Responders are encouraged to conduct regular assessments using the Derelict Vessel Reporting Form to monitor any changes in the condition of the ADV that may warrant a future response.

9330.5.4.5.2 Dismantling in Place

The condition or structure of an ADV may prevent it from being feasible to raise it out of the water or tow it to shipyard. It is illegal for vessel owners to conduct ship breaking activities except in licensed areas. If a responder is developing a plan to dismantle an ADV in place, then all appropriate federal, tribal, state, and local agencies should be consulted to ensure that all permitting requirements are met for the operation.

9330.5.4.5.3 Removal from Water

Various methods may be used to remove an ADV from the water. Cranes, crane barges, trailers, tow ropes, winches, and other equipment are available for these operations. Responders should consult with subject matter experts such as marine operators, salvage masters, and crane operators to determine the most effective removal method from the waterway. Responders should ensure that measures are in place to mitigate potential pollution from the removal prior to commencing any operation.

9330. Derelict Vessel Best Management Practices

Example: SCR IMD Astoria response to the Deep River Derelict Barge incident. In response to a derelict barge that held an estimated 4,000 gallons of mixed non-floating oils and oily water found in the Deep River barge in November of 2021, IMD Astoria in conjunction with representatives from WA Department of Energy coordinated the removal and disposal of the barge. The barge in question was of steel construction, 40' x 14' x 5' with a maximum estimated weight of 130,000lbs. In late November, Advanced American Construction (AAC) (sub-contractor for lifting) built a "picking-frame" engineered to provide positive buoyancy during the transit down the river to the public boat ramp. AAC wrapped the barge in 30 MIL PVC sheeting and secured it with timbers around the entirety of the barge. From there, AAC submerged the picking frame under the barge and secured the barge to the frame. Once the barge with containment was secured to the picking frame, the entire vessel was towed downriver 0.70 miles to the Deep River Boat Launch. Once there, AAC and Ness Campbell rigged the barge for hoisting. Once rigged, AAC utilized a land crane, the "Liebherr LTM 14000" to hoist the barge and frame from the water and place it into secondary containment on the asphalt of the boat ramp. At this point, the barge decking was removed, all non-floating oil and water was removed, and the USCG transferred final cleaning and disposal of the barge to WA DNR.

9330.5.4.5.4 Ship Breaking Facility

Ship breaking facilities have the equipment and expertise necessary to dispose of an ADV. However, owners and responders should ensure that ship breaking facilities are reputable and in compliance with all federal and state regulations.

Example: CGC ALERT/Tug SAKARISSA. CGC ALERT was a former Coast Guard Cutter built circa 1927. Tug SAKARISSA was a former Navy Tug built circa 1942. Both vessels were sold to a private citizen who had intentions of converting the vessels to floating museums. Due to unfortunate circumstances this never came to fruition, and both vessels were abandoned near the I-5 overpass on the Columbia River. In 2012, Sector Columbia River's Incident Management Division (SCR IMD) federalized a cleanup of the SAKARISSA, but with no further authority to remove the vessel, it remained moored near to shore where it was used by unhoused or otherwise transient persons as a live-aboard. Both vessels sank within 2 months of each other towards the end of 2022, and, with tidal changes, continually discharged residual and new oils deposited by persons living aboard. SCR IMD, in conjunction with OR DEQ and OR DSL coordinated a response to refloat the vessels, patch them and relocate them to a ship-breaking facility for disposal. These agencies engaged in a Memorandum of Understanding (MOU) to conduct cleanup and disposal of the vessels. In the MOU, SCR agreed to raising and transport the vessels to Diversified Marine "as-is" (meaning, no prior cleaning/removal of hazwaste/oil). DSL and DEQ agreed to fund the cleanup, destruction, and disposal of both the ALERT and SAKARISSA at Diversified Marine – a ship breaking facility.

9330.5.4.5.5 Ocean Dumping

The Marine Protection, Research, and Sanctuaries Act, also called the Ocean

Dumping Act, governs transportation for the purpose of disposal into ocean waters. Per 40 CFR Part 220–224, the EPA may issue permits for the disposal of vessels at sea. Other agency consultations with USCG and NOAA will be required for permit approval. ADVs must meet certain environmental criteria outlined by the EPA for a permit to be issued.

9330.5.4.5.6 Recycling Programs

Seek local recycling options through state environmental agencies. Certain companies will take aluminum, steel, fiberglass, and wooden vessels. Recycling should be considered a priority if it is possible for the vessel. WA DNR requires recycling to the max extent possible for the ADVs removed by its program.

9330.5.5 Points of Contact

<i>Oregon State Marine Board:</i> Oregon Clean Marina Coordinator (503) 378-2836 Alan.Hanson@boat.oregon.gov	<i>USCG:</i> District 13 DRAT (206) 220-6822 d13-dg-m-distseattle-dmmm@uscg.mil
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<i>Oregon DEQ:</i> Scott Smith, Emergency Response Planner (503) 734-4079 smith.scott@deq.oregon.gov	<i>EPA:</i> Richard Franklin, FOSC (503) 326-2917 Franklin.Richard@epa.gov
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<i>Washington Dept. of Ecology:</i> David Byers, Response Manager (360) 790-6899 David.byers@ecy.wa.gov	<i>USACE:</i> Northwestern Division (503) 808-3800
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<i>Oregon State Lands:</i> Dorothy Diehl, Compliance and Outreach Coordinator (503) 986-5280 69439	<i>NOAA:</i> Andrew Mason, Marine Debris Division (206) 526-
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<i>Idaho Dept Environmental Quality</i> Dean Ehlert Assessment and Compliance Bureau Chief (208) 373-0416 Dean.Ehlert@idaho.deq.gov	<i>Washington DNR:</i> Troy Wood DVRP Manager (360) 902-2628 troy.wood@dnr.wa.gov
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24-HOUR RESPONSE CONTACT LIST:

EPA Region 10 24/7 Emergency Response Hotline: (206) 553-1263
USCG District 13 Command Center: (206) 220-7001
USCG Sector Columbia River Command Center 503-247-4045
USCG Sector Puget Sound Command Center 206-217-6001
Oregon Emergency Response (OERS): (800) 452-0311
Washington Emergency Management Division: (800) 258-5990

Idaho State Communications: (800) 632-8000

For active oil spill response:

Active Oil Spill Reporting – National Response Center (USCG/EPA):
(800) 424-8802 or at <http://www.nrc.uscg.mil/>

To be routed to the appropriate state emergency response agency:
(800) OILS-911 (or 800-645-7911)

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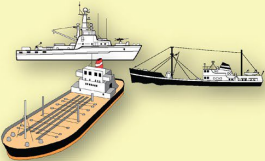


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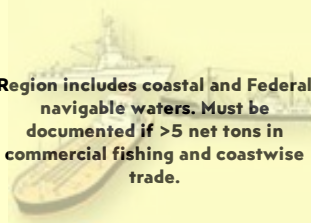
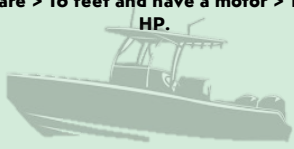
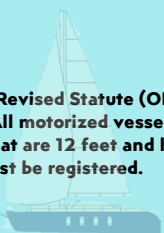
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Attachment A: Abbreviated Authorities Matrix

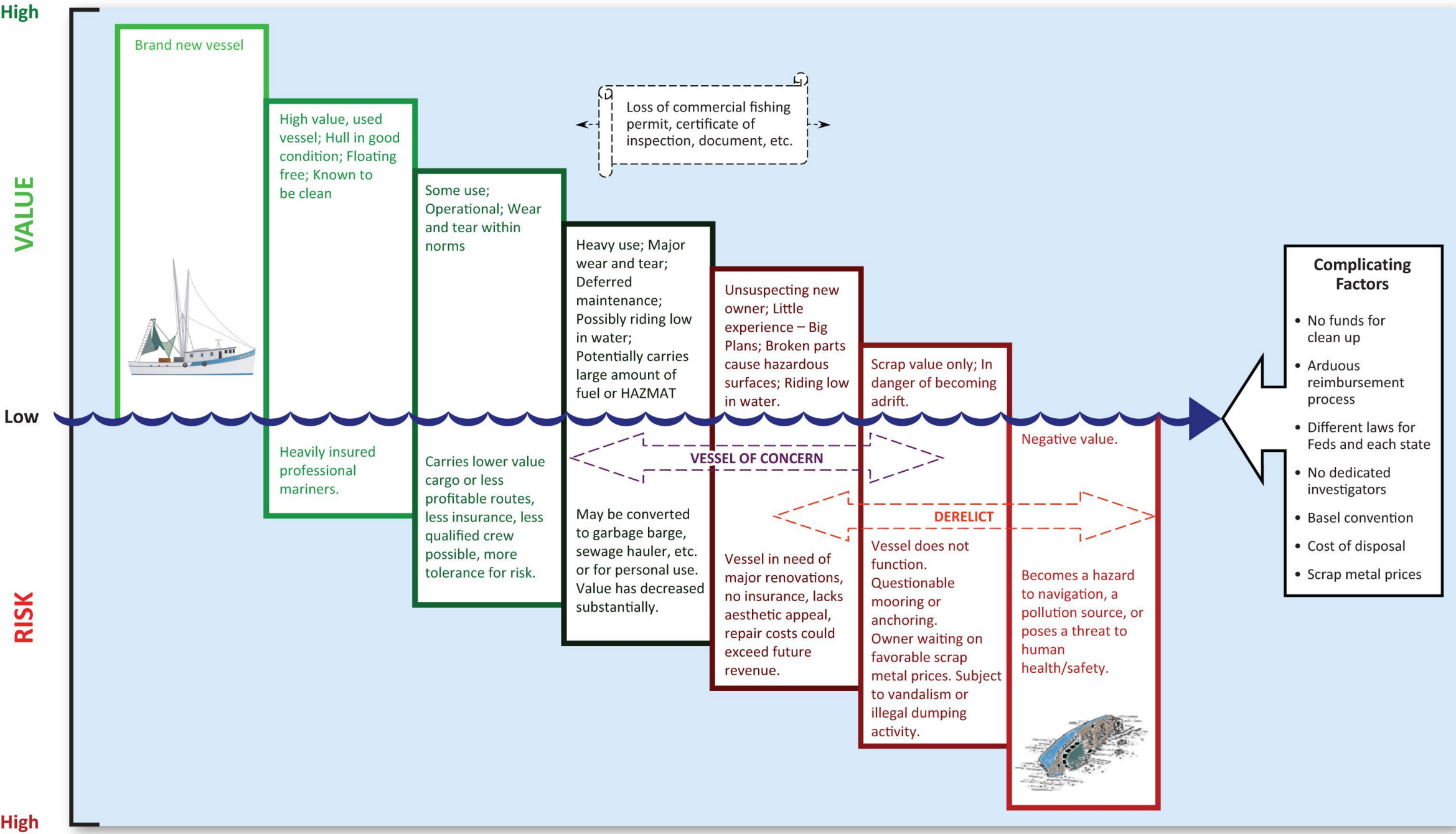
FEDERAL AND STATE AUTHORITIES REGARDING DERELICT VESSELS

	Registration	Definition of Abandoned	Immediate Custody Taken By Agency	Permanent Custody Taken By Agency	Disposal	Liability	Funding
FEDERAL	<p>Region includes coastal and Federal navigable waters. Must be documented if >5 net tons in commercial fishing and coastwise trade.</p> 	<p><u>River and Harbor Act, Section 15</u></p> <p>Unlawful to moor, sink, or otherwise block the navigation channel.</p> <p><u>Commandant Instruction M16465.43</u></p> <p>If left moored, stranded, sunk, or unattended for > 45 days.</p>	<p><u>River and Harbor Act of 1899</u></p> <p>Removal authorized for obstructions to the navigable waterway under emergency conditions if owner can not or will not.</p> <p>Removal authorized under <u>Comprehensive Environmental Response, Compensation, and Liability</u> or <u>Oil Pollution Act of 90</u> if it is the only way to mitigate pollution.</p>	<p><u>River and Harbor Act, Section 19</u></p> <p>If navigable waters obstructed for ≥30 days or if abandonment can be established in less time the object shall be broken up, removed, or sold.</p> <p><u>47 United States Code 4701</u></p> <p>Removal of abandoned barges at owner's expense is authorized after notice of 30 days.</p>	<p><u>River and Harbor Act, Section 19</u></p> <p>Removal may begin immediately after the formal notification process.</p>	<p><u>33 United States Code 407, 408, 409, 414</u></p> <p>\$25,000/day and/or imprisonment ≥30 days but <1 year.</p> <p><u>46 United States Code 4705</u></p> <p>Liable for \$1,000/day.</p> <p>Violations for pollution in accordance with <u>Abandoned Barge Act, Water Pollution Control Act, Comprehensive Environmental Response, Compensation, and Liability Act</u>. Potential fines and/or criminal prosecution against owner could occur.</p>	<p>Funding available to secure hazard to navigation to closest safe refuge and for removal of pollution only. Funding for pollution removal comes from the Oil Spill Liability Trust Fund or Superfund.</p> <p>May remove barge if cost is less than benefit.</p>
WASHINGTON	<p>All vessels must be registered that are >16 feet and have a motor >10 HP.</p> 	<p><u>79.100.010</u></p> <p>A vessel that is left, moored, or anchored in the same area without express consent for >30 consecutive days or for a total of 90 days in a 365-day period.</p>	<p><u>79.100.040</u></p> <p>If a vessel is in immediate danger of sinking, breaking up, blocking the navigation channel, or is immediate threat to human health/safety and the owner can not or will not take action, a removal authority may take temporary possession.</p>	<p><u>79.100.040</u></p> <p>Notice of intent to take custody to last known registered owner at least 20 days prior.</p> <p>Post notice on vessel at least 30 days, publish notice ≥10 days but <20 days in a newspaper of general circulation for the county, and post on department's internet website prior to taking custody.</p>	<p><u>79.100.050</u></p> <p>After being taken into custody a vessel may be disposed of in and appropriate manner without further notice.</p>	<p><u>79.100.060</u></p> <p>All removal, clean up, disposal, and administrative costs.</p> <p><u>79.100.110</u></p> <p>Liable of a misdemeanor; Other public nuisance, malicious mischief, trespass, and environmental crimes may apply on a case by case basis.</p>	<p>The owner is responsible for reimbursing an Authorized Public Entity. After 30 days without payment, the Derelict Vessel Removal Account can be requested.</p>
OREGON	<p><u>Oregon Revised Statute (ORS) 830.705</u></p> <p>All motorized vessels and sailboats that are 12 feet and longer must be registered.</p> 	<p><u>ORS 830.909</u></p> <p>A vessel that is left on public property, or private property without the permission of the landowner.</p>	<p><u>ORS 830.914</u></p> <p>Immediate custody is authorized if a vessel is abandoned or unattended and constitutes a hazard to other boaters or floating homes using the waterway.</p>	<p><u>ORS 830.912</u></p> <p>After providing notice per <u>ORS 830.917</u> by affixing notice to boat or floating home, a removing authority may take a vessel into custody if it is believed to be abandoned and if it was left without permission of the property owner for 48 hours.</p>	<p><u>ORS 830.927</u></p> <p>If the vessel is not reclaimed within 60 days of being taken into custody, it shall be disposed of by the removing authority.</p>	<p><u>ORS 830.990</u></p> <p>Liable of a Class B misdemeanor.</p> <p><u>ORS 830.909</u></p> <p>Liable for cost of removal, clean up, and disposition.</p>	<p>Responsibility for costs lies with the owner. If attempts to collect from owner have been exhausted and unsuccessful, then requests to Abandoned Vessel Fund can be made.</p>

Federal and State Authorities Regarding Abandoned and Derelict Vessels (ADV)

Entity	Registration	Definition of Abandoned	Immediate Custody Taken By Agency	Permanent Custody Taken by Agency	Disposal	Liability	Funding
Federal	 <p>Region includes coastal and Federal navigable waters. Must be documented if >5 net tons in commercial fishing and coastwise trade.</p>	<p>U.S. Coast Guard Commandant Instruction M16465.43: If left moored, stranded, sunk, or unattended for > 45 days.</p>	<p>River and Harbor Act of 1899 (RHA): Removal authorized for obstructions to the navigable waterway under emergency conditions if owner can not or will not. Removal authorized under Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or Oil Pollution Act of 1990 (OPA 90) if it is the only way to mitigate pollution. Limited in scope.</p>	<p>RHA, Section 19: If navigable waters obstructed for ≥ 30 days or if abandonment can be established in less time, the object shall be broken up, removed, or sold. 47 USC 4701: Removal of abandoned barges at owner's expense is authorized after notice of 30 days.</p>	<p>RHA, Section 19: Removal may begin immediately after the formal notification process.</p>	<p>33 USC 407, 408, 409, 414: \$25,000/day and/or imprisonment > 30 days but < 1 year. 46 USC 4705: Liable for \$1000/day. Abandoned Barge Act, Federal Water Pollution Control Act, CERCLA: Potential fines and/or criminal prosecution against owner could occur.</p>	<p>Funding available to secure hazard to navigation to closest safe refuge and for removal of pollution inly. Funding for pollution removal comes from the Oil Spill Liability Trust Fund or CERCLA Superfund. May remove barge if cost beneficial.</p>
Washington	 <p>All vessels must be registered that are > 16 feet and have a motor > 10 HP.</p>	<p>Revised Code of Washington (RCW) 79.100.010: A vessel moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity; left on private property without authorization of the owner; or has been left for a period of seven consecutive days, and is sunk or in danger of sinking, is obstructing a waterway, or is endangering life or property</p>	<p>RCW 79.100.040: (3)(a) Any authorized public entity may tow, beach, or otherwise take temporary possession if the vessel is in immediate danger of sinking, breaking up, or blocking navigational channels or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination. Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States Coast Guard to ensure that other remedies are not available.</p>	<p>RCW 79.100.040: Mail notice of its intent to obtain custody, at least 10 days prior to taking custody, to the last known address of the previous owner. Post notice of its intent clearly on the vessel for 15 days. Post notice of its intent on the department's internet website on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.</p>	<p>RCW 79.100.050: After taking custody of a vessel, the authorized public entity may use or dispose of the vessel in any appropriate and environmentally sound manner without further notice to any owners, but must give preference to uses that derive some monetary benefit from the vessel, either in whole or in scrap. If no value can be derived from the vessel, the authorized public entity must give preference to the least costly, environmental sound, reasonable disposal option.</p>	<p>RCW 79.100.060: The owner of an abandoned vessel is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. 79.100.110 – A person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.</p>	<p>After 30 days without payment by the owner, the Derelict Vessel Removal Account can be requested.</p>
Oregon	 <p>Oregon Revised Statute (ORS) 830.705: All motorized vessels and sailboats that are 12 feet and longer must be registered.</p>	<p>ORS 830.908(3): "Means a vessel that is on the waters of this state and that is:</p> <ul style="list-style-type: none">a) Sunk or in imminent danger of sinking;b) Obstructing a waterway;c) Endangering life of property; ord) In such a dilapidated condition that it is in danger of becoming a significant environmental hazard as evidence by repeated and documented instances of leaking fuel, sewage or other pollutants."	<p>ORS 830.923: Seizure without notice. (1) Nothing in ORS 830.908 to 830.948 affects the ability of an enforcement agency to immediately seize without notice a vessel that presents a hazard to navigation or an imminent threat to public health or safety.</p>	<p>ORS 830.928 (1) An enforcement agency may seize an abandoned vessel or a derelict vessel under ORS 830.908 to 830.948 by:</p> <ul style="list-style-type: none">(a) Taking physical control of the vessel by towing or other means;(b) Posting a notice on the vessel that indicates that the vessel has been seized, and giving the name, address and telephone number of the enforcement agency; or(c) Marking a sunken vessel with a buoy that has the name and telephone number of the enforcement agency.	<p>ORS 830.933: If a vessel seized under ORS 830.908 to 830.948 is not reclaimed in the manner provided by this section, title to the vessel and all personal property found in the vessel vests in the enforcement agency, and the enforcement agency may sell or otherwise dispose of the vessel and the property.</p>	<p>ORS 830.938: Liability for costs of salvage, towing and storage. (1) Except as otherwise provided in ORS 830.908 to 830.948, the owner of an abandoned vessel or a derelict vessel is liable to an enforcement agency for all costs arising out of salvage, towing, storage and disposal of a vessel seized under ORS 830.908 to 830.948. Any order imposing liability for those costs is subject to judicial review as provided in ORS 830.936 (12).</p>	<p>If attempts to collect from the owner have been exhausted and unsuccessful, then requests to the Abandoned Vessel Fund can be made.</p>
Idaho	<p>All vessels as defined under Idaho Code § 67-7003(28) must be registered.</p>	<p>No definition</p>	<p>Local law enforcement have authority to impound a vessel when the vessel has been abandoned, when it is adrift or under circumstances where the vessel is presenting a hazard to safe boating on the waterways of the county. Local law enforcement may also be authorized to impound a vessel when the operator of the vessel has been arrested and the registered owner of the vessel is not immediately available to assume lawful possession and control of the vessel.</p>				

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Attachment B: In-Depth Authorities Matrix

Derelict & Abandoned Vessel Matrix

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
OR	All motorized boats, regardless of length or type, must be titled and registered in Oregon.	All state waters including: all inland waters; coastal out to 3 miles and bank to bank of the Columbia River.	<p>ORS 830.908 – (1) “Abandoned vessel” means a vessel that has been left without authorization on public or private land, the waters of this state, or any other water.</p> <p>...</p> <p>(3) “Derelict vessel” means a vessel that is on the waters of this state and that is:</p> <p>(a) Sunk or in imminent danger of sinking;</p> <p>(b) Obstructing a waterway;</p> <p>(c) Endangering life or property;</p> <p>or</p> <p>(d) In such dilapidated condition that it is in danger of becoming a significant environmental hazard as evidenced by repeated and documented instances of leaking fuel, sewage or other pollutants.</p>	<p>830.923 Seizure without notice. (1) Nothing in ORS 830.908 to 830.948 affects the ability of an enforcement agency to immediately seize without notice a vessel that presents a hazard to navigation or an imminent threat to public health or safety.</p>	<p>830.928 Manner and time of seizure. (1) An enforcement agency may seize an abandoned vessel or a derelict vessel under ORS 830.908 to 830.948 by:</p> <p>(a) Taking physical control of the vessel by towing or other means;</p> <p>(b) Posting a notice on the vessel that indicates that the vessel has been seized, and giving the name, address and telephone number of the enforcement agency; or</p> <p>(c) Marking a sunken vessel with a buoy that has the name and telephone number of the enforcement agency.</p> <p>(2) An abandoned vessel or a derelict vessel is considered to have been seized for the purposes of ORS 830.908 to 830.948 at the time the enforcement agency takes physical control of the vessel under subsection (1)(a) of this section, posts a notice on the vessel under subsection (1)(b) of this section or marks the vessel under subsection (1)(c) of this section. [2013 c.680 §5a]</p>	<p>830.933 Reclamation of seized vessel. (1) At any time before the date specified in the notice given pursuant to ORS 830.931 (2), any owner may reclaim the vessel by:</p> <p>(a) Paying all costs incurred by the enforcement agency in salvaging, towing and storing the vessel; and</p> <p>(b) Establishing to the satisfaction of the enforcement agency that the owner is able to move the vessel to a place where the vessel can be lawfully kept.</p> <p>(2) If a vessel seized under ORS 830.908 to 830.948 is not reclaimed in the manner provided by this section, title to the vessel and all personal property found in the vessel vests in the enforcement agency, and the enforcement agency may sell or otherwise dispose of the vessel and the property. [2013 c.680 §9]</p>	<p>830.938 Liability for costs of salvage, towing and storage. (1) Except as otherwise provided in ORS 830.908 to 830.948, the owner of an abandoned vessel or a derelict vessel is liable to an enforcement agency for all costs arising out of salvage, towing, storage and disposal of a vessel seized under ORS 830.908 to 830.948. Any order imposing liability for those costs is subject to judicial review as provided in ORS 830.936 (12).</p> <p>(2) If an enforcement agency sells a vessel seized under ORS 830.908 to 830.948, the liability imposed under this section shall be reduced by the net proceeds of the sale.</p> <p>(3) Except for costs of reclaiming a vessel under ORS 830.933 (1), an owner of a vessel whose only interest in the vessel is a security interest is not liable for costs arising out of salvage, towing, storage and disposal of a vessel under ORS 830.908 to 830.948. [2013 c.680 §8]</p> <p>830.944 Offenses. (1) A person commits the offense of failure to remove an abandoned vessel if the person is the owner of an abandoned vessel and, after notice is given under ORS 830.918, the person fails to move the vessel to a place where the vessel can be lawfully kept within the time specified in the notice, or within the time allowed under an order issued under ORS 830.936 (6).</p> <p>(2) A person commits the offense of possession of a derelict vessel if the person is the owner of a derelict vessel and, after notice is given under ORS 830.918, the person fails to remedy the problems identified in the notice within the time specified in the notice, or within the time allowed under an order issued under ORS 830.936 (6).</p> <p>(3) An owner of a vessel does not violate this section if the owner’s only interest in the vessel is a security interest. [2013 c.680 §12]</p>

B. In-Depth Authorities Matrix						
WA	All vessels are required to be registered unless ≤ 16 feet & have a motor ≤ 10 HP & operated or moored on non-federal waters (inland lakes)	All state waters including: all inland waters; coastal out to 3 miles and bank to bank of the Columbia River.	<p>79.100.010 – “Abandoned vessel” means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessels owner is:</p> <p>(a) Not known or cannot be located; or</p> <p>(b) Known and located but is unwilling to take control of the vessel.</p> <p>For the purposes of this subsection (1) only, “in the same area” means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.</p>	<p>79.100.040(3)(a) – Any authorized public entity may tow, beach, or otherwise take temporary possession of a vessel if the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel and if the vessel:</p> <p>(i) Is in immediate danger of sinking, breaking up, or blocking navigational channels; or</p> <p>(ii) Poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination.</p> <p>(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available.</p>	<p>79.100.040 – (a) Mail notice of its intent to obtain custody, at least 10 days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lienholders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;</p> <p>(b) Post notice of its intent clearly on the vessel for 15 days; and</p> <p>(c) Post notice of its intent on the department's internet website on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.</p>	<p>79.100.050 – (1) After taking custody of a vessel, the authorized public entity may use or dispose of the vessel in any appropriate and environmentally sound manner without further notice to any owners, but must give preference to uses that derive some monetary benefit from the vessel, either in whole or in scrap. If no value can be derived from the vessel, the authorized public entity must give preference to the least costly, environmental sound, reasonable disposal option. Any disposal operations must be consisted with the state solid waste disposal provisions provided for in Chapter 70.95 RCW.</p> <p>79.100.060 – (1) The owner of an abandoned or derelict vessel, or any person or entity that has incurred secondary liability for an abandoned or derelict vessel under this chapter or RCW 88.26.030, is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.</p> <p>79.100.110 – A person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.</p> <p>Public Nuisance RCW 9.66.010 – Provides for criminal charges for “public nuisances” as defined in RCW 9.66.010. None of the definitions is a 100% shoe-in for the scuttling of a vessel, assuming the water is deep enough for the vessel to not actually interfere with surface navigation. Even if scuttling is viewed as a criminal public nuisance, the crime is simple misdemeanor punishable by a maximum of 90 days in jail and/or \$1000 fine.</p>

B. In-Depth Authorities Matrix

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
WA Cont.							<p>Malicious Mischief RCW Chapter 9A.48 – Provides for criminal charges for malicious mischief. RCW 91.48.070 states, in part: “A person is guilty of malicious mischief in the first degree if he/she knowingly and maliciously: (a) Causes physical damage to the property of another in an amount exceeding five thousand dollars…….” If an agency can prove that the scuttling of a vessel physically damaged public property over that dollar amount, you have a strong case. How one quantifies such damage to bedlands may be problematic. An agency could claim that the cost of removing the vessel should be included as physical damage to the state’s bedlands. A defense attorney could argue that the cost of removing a derelict vessel does not constitute “physical damage to the property of another.” If you could get a conviction on first degree malicious mischief, it is a class B felony. Even as a class B felony, the standard sentencing range for someone convicted of this particular crime, assuming no prior criminal history, is from 0 to 90 days. (Sentencing grid at RCW 9.94A.510 in conjunction with seriousness level tables at RCW 9.94.515, level II). The court could impose a fine of up to \$20,000. RCW 9A.20.021(b).</p> <p>Criminal Trespass RCW 9A.52.080 – A person is guilty of criminal trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree. (2) Criminal trespass in the second degree is a misdemeanor. Not a perfect fit. None of the statutes seem to allow a criminal trespass action based upon personal property wrongfully being deposited on somebody else’s land.</p>

B. In-Depth Authorities Matrix

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
WA Cont.							Environmental Crimes RCW 90.48.140 – Defines as a crime one’s intentional violation of any provision of RCW Chapter 90.48 (Water Pollution Control Act) or of RCW Chapter 90.56 (Oil and Hazardous Substance Spill Prevention and Response). Each day of violation can be construed as another violation. To the extent a scuttled vessel contains any pollutants on-board that are released to the environment, this is a possible option. RCW 90.48.140 doesn’t classify the crime, but it provides for a maximum \$10,000 fine and up to one year in jail, which makes it a gross misdemeanor. It is unclear whether the scuttling of a vessel that has no hazardous substances on board could still constitute the bases for a violation under RCW 90.48.140.
IDAHO	All vessels used or capable of being used as a means of transportation on water, but does not include float houses, diver’s aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes, and beach and water toys.	Any waters in the state of Idaho over which the state has jurisdiction.					

B. In-Depth Authorities Matrix						
ACOE	N/A	All Federally designated and maintained navigable waters.	While there is no direct definition of a derelict or abandoned vessel, the River and Harbor Act Section 15 does state that is shall not be lawful to tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft; or to sink, or permit or cause to be sunk, vessels or other craft in navigable channels.	Section 15, 19 and 20 of the River and Harbor Act , as amended, - authorized the USACE to remove sunken vessels or other obstructions from navigable waterways under emergency conditions. USACE will remove a vessel using its emergency authorities only if the owner, operator, or lessees cannot be identified or they cannot effect removal in a timely and safe manner.	Section 19 – (a) That whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, watercraft, raft, or other similar obstruction and such obstruction has existed for a longer period than thirty days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, watercraft, raft, or other obstruction shall be subjected to be broken up, removed, sold or otherwise disposed of by the Secretary of War at his discretion, without liability for any damage to the owners of the same.	Section 19 - PROVIDED, that in his discretion, the Secretary of War may cause reasonable notice of such obstruction of not less than thirty days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed “to whom it may concern:, in a newspaper published nearest to the locality of the obstruction, requiring the removal thereof.
		Section 15 – And whenever a vessel, raft or other craft is wrecked and sunk in a navigable channel, it shall be the duty of the owner, lessee, or operator of such sunken craft to immediately mark it with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken craft is removed or abandoned, and the neglect or failure of the said owner, lessee, or operator so to do shall be unlawful; and it shall be the duty of the owner, lessee, or operator of such sunken craft to commence the immediate removal of the same, and prosecute such removal diligently, and failure to do so shall be considered an abandonment of such craft, and subject the same to removal by the United States as provided for in section 411 to 416, 418, and 502 of this title.				
		33 USC 415 – If the owner or operator fails to begin removal or to secure the vessel pending removal or fails to complete removal on an expedited basis, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a) of this section. (c) Liability of owner, lessee, or operator – The owner lessee, or operator of such vessel, boat, watercraft, raft, or other obstruction as described in this section shall be liable to the United States for the actual cost, including administrative costs, of removal or destruction and disposal as described which exceeds the costs recovered under subsection (a) of this section.				
		33 USC 411 Section 411 – Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 407, 408, 409, 414, and 415 of this title shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of up to \$25,000 per day, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction.				

Agency	Registration	Geographic Area	Definition of Abandoned or Derelict	Immediate Custody	Formal Designation Process	Disposal Process	Liability of Violation
EPA	N/A	Limited CWA, 33 USC §1251 & CERCLA, 42 USC 9601 – Inland areas in agreement with the USCG. Usually first bridge inland of bays, rives, and streams.	Does not speak to vessels but does for discharges of pollutants.	Same as USCG in their jurisdiction and in accordance with Water Pollution Control Act 33 USC 1321 and/or Comprehensive Environmental Response, Compensation, and Liability Act 42 USC 9601			Federal Water Pollution Control Act, CERCLA: Potential fines and/or criminal prosecution against owner could occur.
USCG	Vessels of five net tons or more used in fishing activities on navigable waters of the US or in the Exclusive Economic Zone (EEZ), or used in coastwise trade must be documented unless the vessel is exempt from documentation. Coastwise trade is generally defined as the transportation of merchandise or passengers between points in the US or the EEZ. In addition, towboats operating between points in the US or the EEZ or between the EEZ and points in the US and dredges operating in the US or the EEZ must be documented. Vessels that do not operate on the navigable waters of the US or in the fisheries in the EEZ, are exempt from the requirements to be documented. Also exempt are Coastwise qualified, non-self-propelled vessels used in coastwise trade within a harbor, on the rivers or lakes (except the Great Lakes) of the US or the internal waters or canal of any state.	All navigable waters of the US for hazards to navigation and all coastal and inland waters, divided by agreement between USCG and EPA. In OR or WA the divide is usually the first bridge in the coastal zone and up to the Bonneville Dam on the Columbia River.	COMDINST M16465.43 – any craft designed for navigation that has been moored, stranded, wrecked, sunk or left unattended for longer than 45 days. 47 USC 4701 (Abandoned Barge Act) – to moor, strand, wreck, sink, or leave a barge of more than 100 gross tons for longer than 45 days.	If there is no threat of oil or hazardous materials only the Commandant can authorize removal and thus authorize custody action. If it is determined that the derelict poses a hazard to navigation the ACOE has removal authority under Sections 15, 19, and 20 of the River and Harbor Act of 1899 and codified in 33 CFR 245. If under 47 USC 4701, 5 criteria must be met: Owner not identified; not authorized under CWA or CERCLA; No Haz to Nav; significant threat to public health, safety or welfare that can’t be abated any other way; threat justifies the cost of removal. If a substantial threat of oil pollution (33 USC §1251) or hazardous material pollution (42 USC9601) exists and the only way to mitigate the threat is by removal or destruction of the vessel and the owner/operators have not taken corrective action then the USCG may take immediate action to remove or destroy the vessel. 33 USC Chapter 26 subchapter III 1321(c) Federal removal authority (I) General removal requirement (A) – The President shall, in accordance with the National Contingency Plan and any appropriate Area Contingency Plan, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or a hazardous substance –	Section 4704 – Removal of abandoned barges (a)(1) The Secretary may remove a barge that is abandoned after complying with the following procedures: (A) If the identity of the owner or operator can be determined, the Secretary shall notify the owner or operator by certified mail (i) that if the barge is not removed it will be removed at the owner’s or operator’s expense and (ii) of the penalty under section 4703. If the vessel owner is known and if the circumstances do not require imminent action; the owner must be notified by certified mail 30 days prior to removal (COMDINST M16465.43). See previous column.	Removal may begin immediately after the formal notification process. The USCG may also use provisions of the River and Harbor Act for removal actions. See previous two columns.	Potentially all removal costs plus NRDA and fines under33USC 415 and 416 USC 4705. Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of sections 407, 408, 409, 414, and 415 of this title shall be guilty of misdemeanor, and on conviction thereof shall be punished by a fine of up to \$25,000 per day, or by imprisonment (in the case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court, one-half of said fine to be paid to the person or persons fiving information which shall lead to conviction (same as ACOE). Section 4703 – Penalty for unlawful abandonment of barge. 46 USC 4705 – Thirty days after the notification procedures under section 4704(a)(1) are completed, the Secretary may assess a civil penalty of not more than \$1,000 for each day of the violation against an owner or operator that violates section 4702. A vessel with respect to which penalty is assessed under this chapter is liable in rem for the penalty. Violations of pollution are in accordance with Water Pollution Control Act 33 USC 1321 and/or the Comprehensive Environmental Response, Compensation, and Liability act 42 USC 9601.

B. In-Depth Authorities Matrix							
				(i) into or on the navigable waters; (ii) into or on the waters of the exclusive economic zone; or (iv) that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States. (B) In carrying out this paragraph, the President may – (i) remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time; (ii) direct or monitor all Federal, State, and private actions to remove a discharge; and (iii) remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.			18 USC 111 – Sec. Destruction of vessel by owner Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or in part, <u>with intent to injure any person that may underwrite any policy of insurance thereon</u> , or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years.
NOAA	N/A	Within Sanctuary boundaries		16 USC 32 – Authorizes seizure and forfeiture of vessels harming sanctuary resources.			
National Park Service	N/A	Within National Park System Designated Boundaries	Abandoned Shipwreck Act (43 USC 2101-2106) – Abandoned shipwreck means any shipwreck to which title voluntarily has been given up by the owner with the intent of never claiming a right or interest in the future and without vesting ownership in any other person. By not taking any action after a wreck incident either to mark and subsequently remove the wrecked vessel and its cargo or to provide legal notice of abandonment to the USCG and the USACE, as is required under provisions in the Rivers and Harbors Act (33 USC 409), an owner shows intent to give up title. Such shipwrecks ordinarily are treated as being abandoned after the expiration of 30 days from the sinking. 33 USC§ 2701 Abandonment – In the case of an abandoned vessel, onshore facility, deepwater port, pipeline, or offshore facility, the persons who would have been responsible parties immediately prior to the abandonment of the vessel or facility.		The National Park Service (NPS) publishes guidelines for states and agencies for the development of shipwrecks as cultural resources. The effort facilitates access and utilization of the shipwrecks by a variety of organizations and interest groups including divers and research organizations. The OSC/COTP should consult with the NPS before conducting removal of pollutants from protected wrecks. Consultation is required of all federal agencies undertaking an “action” under Section 106 of the NHPA.		16 USC Part 1 Park system Resource Protection Act: Subject to subsection (c) of this section, any person who destroys, causes the loss of, or injures any park system resource is liable to the United States for response costs and damages resulting from such destruction, loss, or injury. (b) Liability in rem Any instrumentality, including but not limited to a vessel, vehicle, aircraft, or other equipment that destroys, causes the loss of, or injures any park system resource or any marine or aquatic park resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as a person is liable under subsection (a) of this section.

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Attachment C: Sample Letter of Concern

Date

CERTIFIED and FIRST CLASS MAIL

[Certified #]

{Mr./Ms. First Name Last Name}

{Street address or PO Box}

{City}, {State} {Zip Code with Plus 4, e.g., 98504-7027}

Subject: Vessel Project # {DVRP #}, Vessel {Vessel Name in italics}, with {Washington Registration # or USCG # or "unknown registration"}, [at/near] {location}[, e.g., Willapa Bay, Grays Harbor County]

Dear {Mr./Ms.} {Last Name}:

A vessel {named [enter Vessel Name in italics] ~OR~ with unknown name ~AND/OR~ [enter description of vessel]} {with/and Washington Registration # ~OR~ USCG # ~ OR~ unknown registration} was found (or reported as) potentially abandoned and aground in {location, e.g., Willapa Bay, Grays Harbor County}, Washington, {near [description of area, if available]}. This vessel's registration names you as the owner. This vessel's registration is expired which is in violation of state law.

To avoid the vessel's future removal by a government agency at your expense, please {adjust bulleted terms as needed}:

- Get authorization to moor or anchor the vessel in its current location, **or**
- Move it to an anchorage area, moorage facility, or storage location that authorizes the vessel, **or**
- Remove the vessel from the water.

Because you are the last person who registered the vessel, the {authorized public entity} has identified you as the owner of the vessel. If you believe that you are not the owner of the vessel, please provide me a written statement explaining why you believe you are not responsible for the vessel. If you sold the vessel or gave it away, you must identify the new owner and file a seller's report with the Washington State Department of Licensing (or with the US Coast Guard for documented commercial vessels).

If you do not act, {authorized public entity} or another agency could take custody of the vessel using the steps listed in the Derelict Vessel Act (copy enclosed). Once an agency has custody, that agency can use or dispose of the vessel without further notice. If that happens, as the owner, you would be liable for all costs associated with vessel. If the vessel causes a pollution incident, you may also be subject to fines from other state and federal agencies. In addition, it is a misdemeanor to cause a vessel to become abandoned or derelict upon aquatic lands.

If you believe we contacted you in error, or if you have questions about this letter, please contact me. You may reach me by phone at {authorized public entity, phone number} or e-mail at {authorized public entity, email address}.

Sincerely,

{authorized public entity}

Enclosure: Chapter 79.100 RCW

c: File {DVRP file number}

Date: _____

NOTICE

Attention Vessel Owner or Operator

This vessel has been identified by _____ *agency name* _____ as a “Vessel of Concern” and is in danger of becoming a derelict vessel. It has been entered into the Vessel of Concern Database.

Your Attention to the Following is Needed Immediately:

- | | |
|--|--|
| <input type="checkbox"/> Improper, no, or non-working anchor light/hazard to navigation | <input type="checkbox"/> Vessel is barnacle laden or heavily covered in other growth |
| <input type="checkbox"/> Vessel is being neglected, not maintained, subject to vandalism, or is unable to be used as originally intended | <input type="checkbox"/> Vessel interior is exposed to the weather |
| <input type="checkbox"/> Vessel does not comply with current registration requirements | <input type="checkbox"/> Vessel is listing |
| <input type="checkbox"/> Other _____

_____ | <input type="checkbox"/> Vessel is aground |
| | <input type="checkbox"/> Vessel is in danger of breaking its mooring |
| | <input type="checkbox"/> Vessel is sinking |

If your vessel is not brought into compliance, it may be subject to removal at your expense.

Please contact the number listed below when corrections have been made or if you have any questions:

Agency Name _____ Phone _____
Officers Name (please print) _____

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Attachment D: ADV Site Safety

A. Example Site Safety Plan



State of Oregon Department of Environmental Quality

SITE HEALTH AND SAFETY PLAN (HASP) Boarding of Global Area Derelict Vessels

PREPARED BY:

DATE:

SITE VISIT APPROVED: YES ☐ NO ☐

APPROVED BY: _____
DEQ Health and Safety Department

DATE:

And _____
Manager's name & title

DATE:

A. GENERAL INFORMATION

SITE NAME:

SITE LOCATION/SIZE:

SITE DESCRIPTION: (Attach map)

See Attached

HISTORICAL DATA:

SCOPE/OBJECTIVE OF WORK:

- 1) Conduct an inspection at the site with the lease holders to determine whether any of the vessels hold oil, hazardous waste, or are a threat to the environment.
- 2) Determine whether reports that the lease holders have been discharging raw sewage at the site
- 3) Assist the USCG strike team members by offering familiarity with the site and case history.
- 4) Assist other agencies such as DSL and the Marine Board as needed.
- 5) Along with other agencies, we will "grade" each vessel to determine whether it meets the state definition of a derelict vessel.

INVESTIGATION DATE:

SITE CURRENTLY ACTIVE: Yes ☐ No ☐

DEQ SITE ORGANIZATION: List personnel who will be involved in the project and specify roles

B. EMERGENCY INFORMATION

HOSPITAL NAME AND ADDRESS:

PHONE NUMBERS:

Directions to Hospital: (Attach map)

COMMUNICATIONS: List the modes of communication available on site

SITE EGRESS ROUTE:

C. HAZARD EVALUATION INFORMATION

CHEMICAL HAZARD(s):

The list of potential chemicals is based on historic activities at the site. (Attach MSDSs if available.)

Compound	OSHA TWA (ppm)	Action Level	Exposure Routes (Inhalation, dermal, etc.)	Symptoms of overexposure	Odor

PHYSICAL HAZARD(s): Check applicable hazards

- Confined space

Noise

Heat/cold stress

Water

Uneven surfaces

Traffic

Other
- ☐

☐

☐

☐

☐

☐

☐
- Note: requires confined space entry permit

Specify:

D. EXPOSURE INFORMATION

ROUTE(S) OF EXPOSURE:

Inhalation ☐ Dermal ☐ No exposure expected ☐

OVERALL CHEMICAL EXPOSURE (Potential):

Serious ☐ Moderate ☐ Low ☐ Unknown ☐

OVERALL PHYSICAL HAZARD (Potential):

Serious ☐ Moderate ☐ Low ☐ Unknown ☐

E. CONTROL MEASURES

PERSONAL PROTECTIVE EQUIPMENT:

- Level A ☐ (SCBA, fully encapsulated suit, chemical resistant gloves and boots)
Level B ☐ (SCBA, chemical resistant clothing, chemical resistant gloves and boots)
Level C ☐ (Air purifying respirator, chemical resistant clothing)
Level D ☐ (Coveralls, safety boots, shoe splash, goggles)

RESPIRATOR: 1/2 mask ☐ Full-face APR ☐ Escape ☐ SCBA ☐ as appropriate
Cartridge Type(s):

BODY: tyvek ☐ saranex ☐ (avail) other ☐ Specify:

HEAD: hardhat ☐ safety glasses ☒ face shield ☐ earplugs ☐

GLOVES: yes ☐ no ☐: outer ☐ inner ☐ Type:

FOOTWEAR: safety shoes ☐ rubber boots ☐ booties ☐

DECONTAMINATION PROCEDURES: dry ☐ wet ☐ stationary ☐
Describe:

AIR MONITORING EQUIPMENT:

Photoionization Detector	<input type="checkbox"/>	Combustible gas indicator	<input type="checkbox"/>
Oxygen meter	<input type="checkbox"/>	Gastech	<input type="checkbox"/>
Four way gas meter	<input type="checkbox"/>	Radiation meter	<input type="checkbox"/>
Detector tubes	<input type="checkbox"/>		

OTHER AIR MONITORING EQUIPMENT (Specify):

SPECIAL AIR MONITORING PROCEDURES/LIMITATIONS: (For example, note action level that determines when an upgrade in procedures or PPE is necessary.)

F. SAFETY

The following is a general checklist for site safety observations; it is intended for use as a general guide for the Site Safety Officer (SSO), but does not preclude the need for additional safety inspections that might be needed. A completed Job Safety Analysis (JSA) can be attached to this plan to augment this section.

<input type="checkbox"/>	An on-site safety briefing will be conducted each day;
<input type="checkbox"/>	Contractor supplied Site Health & Safety Plan (HASP) will be posted in an easily

	accessible location;
<input type="checkbox"/>	First Aid/CPR trained person will be on-site; local fire and haz mat will be briefed
<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> A first aid kit will be readily available on site;
<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> Each person's responsibilities will be known;
<input type="checkbox"/>	<input type="checkbox"/> Physical and chemical hazards will be identified and addressed,
<input type="checkbox"/>	All personnel will have proper levels of protection and equipment as determined in this HASP and onsite by the SSO.
<input type="checkbox"/>	Emergency scenario plans will be discussed, including kill switches, hospital routes, and location of first aid kit(s);
<input type="checkbox"/>	<input type="checkbox"/> Heat and cold stress hazards will be identified and discussed;
<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> Personnel will wear ANSI approved safety boots and hard hat ;
<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> ANSI-approved safety glasses will be worn at all times
<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> A current approved ABC rated fire extinguisher must be stationed nearby ;
<input type="checkbox"/>	Personnel will wear OSHA-approved ear protection for sound levels exceeding 85 dba;
<input type="checkbox"/>	Tools will be used only for their intended purposes;
<input type="checkbox"/>	Call before you dig Oregon Utility Notification Center (800) 332-2344 or (503) 246-6699
<input type="checkbox"/>	Proper clearances established from equipment to overhead electrical lines
<input type="checkbox"/>	PFD to be worn at all times
<input type="checkbox"/>	Police officer to be present.
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

ADDITIONAL NOTES:

All site personnel have read the above plan and are familiar with its provisions.

Name	Signature
Site Safety Officer	_____
Project Manager	_____
Other Site Personnel	_____
Other Site Personnel	_____
Other Site Personnel	_____
Other Site Personnel	_____
Other Site Personnel	_____

B. ADV Specific Safety Information

The priority of any operation is safety. Many abandoned and/or derelict vessels have numerous potential safety problems. They could include:

1. Hazardous Materials (asbestos, ammonia, various solvents, etc.),
2. Unknown hazmat in association with illegal dumping or drug labs
3. Booby traps associated with illegal activity
4. Slips, trips and falls associated with uneven, wet or oiled surfaces
5. Structural weaknesses due to natural deterioration or damage, water currents and depths
6. Vessel Stability
7. Disgruntled owners or illegal activity
8. Confined spaces with little or no oxygen

It is imperative that any person boarding one of these vessels shall do so as safely as possible and ensure that all members of the team conduct a Safety Brief prior to boarding. Review, fill in, and sign the Site Safety Plan, and conduct an Initial Safety Inspection prior to conducting the rest of the assessment. Teams should attempt to gain all pertinent safety information necessary before boarding any vessel to include interviewing the owner/operator, using agency databases such as USCG MISLE, checking with local law enforcement, and interviewing members that have gone on vessels in recent years.

Access to the site should be assessed to determine any illicit or unsafe activity prior to boarding the vessel, barge, or houseboat. If illicit activity is identified, contact law enforcement with jurisdiction for the area and do not continue with the boarding and assessment until it has been deemed safe to enter. If access to the vessel, barge, or houseboat is deemed unsafe then the team shall determine and implement any mitigation strategies to ensure safe access or they shall not use the access until another method is identified.

Prior to boarding, if possible, obtain and review vessel diagram, pictures, and any agency documentation to thoroughly identify any potential risks from the vessel prior to boarding. When security concerns due to vessels history arise, a security sweep of the vessel should be conducted by a law enforcement agency prior to boarding. No personnel shall board a vessel, barge, or houseboat without subscribing to this or another approved Site Safety and Health plan. All personnel must have adequate training in hazardous waste operations safety and health. Key safety positions and names shall be designated and documented on the Site Safety Plan.

Hazard Evaluation
General Hazards:

Hazard	Sources	Control Measures
Muscle Strain	Lifting Heavy Equipment	Use mechanical devices for handling materials greater than 60lbs. when possible. Use proper lifting techniques. Use buddy system.
Slip, Trip, & Fall	Oily/wet surfaces, debris, rotting decks, traversing over multiple vessels	Use caution, buddy system, flag or mark hazards, & maintain good housekeeping. Remember to maintain situational awareness while onboard vessel/barge/houseboat.
Chemical Exposure	Diesel fuel and fumes	Perform air monitoring to assure work operations occur only in “clean” areas. Do not enter Confined Space areas.
Cuts, punctures, etc.	Sharp edges, needles, scrap metal, rigging cables, and metal clad hoses	Watch where you are walking and putting your hands. Wear leather gloves during operations.
Fire	Sparks from tools, equipment, and static electricity in the presence of flammable liquids/vapors	Eliminate sources of ignition from the work area. Have appropriate fire extinguishers in work areas. Store flammable liquids in well-ventilated areas. No smoking.
Drowning	Falling into water from edge of vessel or while on boat transfer	Limit risky activity near areas of potential falls into the water. Wear a Coast Guard approved PFD at all times while onboard vessel/barge/houseboat or near water’s edge.
Cold injury	Air & water	Wear appropriate cold weather gear and foul weather gear as required.
Heights	Vessels, ladders, etc...	Use caution and avoid unsafe areas, identify special equipment that may be needed (lanyards, safety nets, harness, etc.).

Noise	Prime mover, cranes, etc...	Hearing protection required when working around loud equipment. Ensure personnel are aware of hearing protection requirements.
Overhead Obstructions	Falling hazards from above including cranes	Avoid such areas and wear hardhat when fall hazards are present.

Confined Space Hazards:

Composition: A confined space has limited or restricted means for entry or exit, unfavorable or inadequate ventilation, and is not designed for continuous human occupancy. Confined spaces include, but are not limited to underground vaults, tanks, storage bins, manholes, pits, silos, process vessels, and pipelines. Confined spaces may be encountered in many parts of vessels, tanks, and barges; therefore, their recognition is the first step in preventing fatalities.

Hazard Description: Confined spaces can cause deaths due to atmospheric hazards which include oxygen-deficiency or enrichment hazards, explosive (combustible/flammable) hazards, and toxic hazards. Confined spaces have the potential to contain a serious atmospheric hazard and should be tested by a certified marine chemist or shipyard competent person prior to entry.

Basic Precaution: Team members should look for signs of an oxygen deficient atmosphere such as dead birds in a corner or holds that have not been accessed by humans. Multi-gas meters shall also be worn by boarding members to detect for changes in Oxygen, Combustibles, Carbon Monoxide, Hydrogen Sulfide, and other suspected hazards. If the meter alarms, all team members must be notified and egress the space. If the team still needs to access the space, a marine chemist or equivalent will need to verify the space is safe for entry before the team re-enters.

Chemical Hazards:

Oils containing benzene: including crude, gasoline, military JP4, commercial JET B, aviation gasoline and gas oils.

Composition: Composed of an indefinite petroleum distillate mixture. May contain benzene, toluene, xylene, naphthalenes, & Polyaromatic Hydrocarbons (PAHs) in concentrations that may vary widely depending on the source of the oil, weathering, and aging.

Hazard Description: May cause dermatitis by skin contact, nausea by inhalation and eye irritation. Benzene is a hematological toxin (it affects the blood and blood forming

organs) and is a carcinogen. The most important potential benzene, toluene, or xylene hazard is in poorly ventilated areas (such as pits or under docks), or around freshly spilled oil. Benzo(a)pyrene is a skin contact hazard and potentially may cause skin cancer with chronic skin contact. As oil weathers and ages, benzo(a)pyrene becomes more concentrated because it evaporates much slower than other chemicals in the mixture.

Basic Precaution: Stay away from, or upwind of, fresh oil spills; wear chemical resistant clothing as necessary to protect against skin or eye contact; periodically change protective clothing that has oil on it; immediately change clothing that is showing evidence of oil penetrating to your skin; and wash skin with soap and water when changing into street clothing, before eating/drinking, or when exiting to a contamination reduction zone. Flush eyes with water if contaminated. If ingested, do not induce vomiting—contact a physician. Urine phenol should be tested as soon as possible (and not later than 72 hours after exposure) if there is a suspected overexposure to benzene. Urine specific gravity should be corrected to 1.024 for this test. If urine phenol values exceed 75 mg per liter further testing in accordance with 29 CFR 1910.1028(i)(4) may be needed, and individuals must be removed from areas of potential benzene exposure until values return to normal.

Oil not containing benzene: including kerosene, diesels, military JP5, commercial JET A.

Composition: Composed of an indefinite petroleum distillate content typically including Polyaromatic Hydrocarbons (PAHs). The concentration of these products will vary widely depending on the source of the oil, weathering, and aging.

Hazard Description: May cause dermatitis by skin contact; nausea by inhalation; and eye irritation by contact. Benzo(a)pyrene is a skin contact hazard and potentially may cause skin cancer with chronic skin contact.

Basic Precaution: Wear chemical resistant clothing as necessary to protect against skin or eye contact; periodically change protective clothing that has oil on it; immediately change clothing that is showing evidence of oil penetrating to your skin; and wash skin with soap and water when changing into street clothing, before eating/drinking, or when exiting to a contamination reduction zone. Flush eyes with water if contaminated. If ingested do not induce vomiting contact a physician.

Hazardous Material and Dangerous Goods:

Composition: Depending on the material may be in liquid, solid, or gaseous state.

Hazard Description: All hazardous material will fall within one of the 9 Hazard Classes to include:

Class 1: Explosives

Class 2: Gases

Class 3: Flammable Liquids

Class 4: Flammable Solids
Class 5: Oxidizing substances and Organic peroxides
Class 6: Toxic and Infectious Substance
Class 7: Radioactive materials
Class 8: Corrosive substances
Class 9: Miscellaneous hazardous material

Basic Precaution: Follow the procedures in the Emergency Response Guidebook if the material is labeled. If the material is unidentifiable or is leaking immediately egress from the area and notify the National Response Center (NRC) at 1-800-424-8802.

Contaminates:

Asbestos: When left intact and undisturbed, asbestos containing materials do not pose a health risk to people working or living in buildings. Asbestos containing material is not generally considered to be harmful unless it is releasing dust or fibers into the air where they can be inhaled or ingested. Asbestos-containing ceiling tiles, floor tiles, undamaged laboratory cabinet tops, shingles, fire doors, siding shingles, etc. will not release asbestos fibers unless they are disturbed or damaged in some way. Asbestos pipe and boiler insulation does not present a hazard unless the protective canvas covering is cut or damaged in such a way that the asbestos underneath is exposed to the air. Asbestos is hazardous when it is friable. The term "friable" means that the asbestos is easily crumbled by hand, releasing fibers into the air. Sprayed on asbestos insulation is highly friable. Asbestos floor tile is not.

Composition: Asbestos is a naturally occurring fibrous mineral. The most common types of asbestos are Chrysotile (white) and Amosite (brown / off- white). Asbestos fibers can be very small – up to 700 times smaller than a human hair. Because it is fire-resistant, resists many chemicals, and is an excellent insulator, asbestos was added to a variety of building materials and other products.

Hazard Description: Carcinogen. Asbestos fibers do not evaporate into air or dissolve in water. However, pieces of fibers can enter the air and water from the weathering of natural deposits and the wearing down of manufactured asbestos products. When breathed in, many of the fibers will become trapped in the mucous membranes of the nose and throat where they can then be removed, but some may pass deep into the lungs, or, if swallowed, into the digestive tract.

Basic Precaution: Be aware of sources of asbestos and avoid exposure. If exposed or presence is expected, immediately vacate the area and contact medical personnel.

Lead:

Composition: Soft metal. Lead is widely used in the production of batteries, metal products (solder and pipes), ammunition and devices to shield X-rays leading to its exposure to the people working in these industries. Use of lead in gasoline, paints and ceramic products, caulking, and pipe solder has been dramatically reduced in recent years

because of health concerns but may remain on older vessels.

Hazard Description: Slightly hazardous in case of skin contact (irritant), of ingestion, of inhalation. With chronic exposure may be toxic to blood, kidneys, central nervous system (CNS). Repeated or prolonged exposure can produce target organs damage.

Basic Precaution: With skin contact, wash with soap and water. Cover the irritated skin with an emollient. Get medical attention if irritation develops. If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention. If ingested Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. If large quantities of this material are swallowed, call a physician immediately. Loosen tight clothing such as a collar, tie, belt or waistband.

Mercury:

Composition: Silvery metallic liquid heavy metal at standard temperature and pressure. Although largely phased out, mercury can still be found in thermometers, barometers, float valves, fluorescent lamps, and mercury sphygmomanometers (blood pressure monitors).

Hazard Description: Extremely toxic. Can be absorbed through the skin and mucous membranes and vapors inhaled and can cause chronic and acute poisoning. Fatal if inhaled, may damage the unborn child, causes organ damage, and is very toxic to aquatic life.

Basic Precaution: Upon encountering suspected mercury, immediately vacate the space for at least 150 ft in all directions. Unknown quantities of mercury require full face supplied air respirators. Do not handle without PPE. Keep any containers of suspected mercury tightly closed. Do not inhale the vapors. Do not touch or walk through spilled material. Call local authorities.

Disgruntled Owners:

Illicit Activity: CAUTION! Derelict Vessels can be a haven for illicit activity to include illegal scrapping, clandestine drug labs, drug use, and/or other activities.

Booby traps: If any member suspects encountering a booby- trap, the entire operation shall halt until the team lead confers with the Incident Commander regarding the necessity of contacting local authorities for assistance. If at any other time a team member feels the conditions warrant halting operations, the team supervisor shall be notified.

Noise Makers: A string is tied between two fixed objects and suspends a tin can containing a few rocks. When triggered, this booby trap only makes noise. The noise simply alerts whoever set the trap that an intruder is nearby. Since it operates by sound (and not a very loud one at that) it has to be close to the illicit activity. If you see or

trigger one of these devices, consider leaving the area and notifying the authorities. Variants include bells and shotgun shells with the shot removed.

Snares: Fish hooks (usually barbed) are hung by light-weight fishing line in brush and trees at face level. As an intruder moves along a trail, he or she can easily catch a hook in the face.

Irritating Agents (pepper spray, tear gas, etc...): A trip device is set to trigger a canister that will discharge an irritating agent in sufficient quantity as to cause intruders to leave the area seeking relief.

Lethal Booby Traps: Fortunately, booby traps of this sort are rare because they are only used by the most dangerous of criminal elements. Unfortunately, since the intent is to kill, these will be well hidden and very difficult to spot.

Shotgun Shell on a Rat Trap: A shotgun shell is attached to a standard rat trap and painted so as to camouflage the apparatus. It is then positioned on a tree or rock with the shotgun shell pointing to strike the victim's region and rigged to a trip wire. Note that the trip wire for this device has to be aligned with the shotgun shell's blast cone.

Explosives: Gunpowder is used in sufficient quantity to improvise an antipersonnel explosive. Further, powerful explosives can be mixed easily from basic household chemicals. Booby traps of this sort may be laced with nails, glass and even chemical and biological agents. The trip wire for this device can be almost anywhere. A short length of household pipe six inches to one foot long is commonly used as a housing.

If any team member finds themselves in one of the above situation immediately stop all movement and alert the entire group -- even those not in the immediate area. Carefully vacate the area in the safest possible way (usually exactly as entered) and disembark the vessel. Notify the appropriate law enforcement agency.

Clandestine drug labs:

Methamphetamine labs

Although meth labs may have waned due to more stringent regulations of over-the-counter pseudoephedrine products, they remain very dangerous when encountered. Indicators may include but are not limited to:

1. Unusual, strong odors (like cat urine, ether, ammonia, acetone or other chemicals).
2. Structures with windows blacked out or open windows vented with fans during the winter.
3. Excessive trash including large amounts of items such as: antifreeze containers, lantern fuel cans, engine starting fluid cans, HEET cans, lithium batteries and empty battery packages, foil wrappers, red chemically stained coffee filters, drain cleaner, propane tanks, and spray pumps. (Propane tanks modified for methamphetamine labs will have indicators that may include a robin's egg blue color around the valve, valve stems that are not centered on the collar, and tanks that contain solids.)
4. Unusual amounts of clear glass containers. The contents of these containers may

include bi or tri layered liquids.

One pot labs: meth production on a smaller scale; single or small dose use. These generally include the presence of the same chemicals in large scale production but done in containers such as small plastic drink bottles.

The primary hazards from methamphetamine labs are chemical exposures from chlorine or ammonia, chemical burns, and flammable or explosive environments. Signs and symptoms of exposure may include irritated eyes, nose, throat, or skin burns.

Pill-press labs: Pill-press labs take a powdered substance and press it into pill form. This may include Fentanyl and other synthetic opioids. Indicators may include but are not limited to:

- a. Powdery substances; generally white in color loose or in unmarked containers
- b. Pill press
- c. Large quantities of pills
- d. Blenders
- e. Scales

The primary hazards from pill press labs are inhalation or absorption of powdered substances into mucosal membranes such as the eyes or nose which may be lethal in small doses. Signs and symptoms of exposure may include slow or no breathing, pinpoint pupils, drowsiness, or unresponsiveness.

Drug paraphernalia

Drug paraphernalia used in the ingestions, injection, or absorption of drugs. Indicators may include but are not limited to:

- a. Glass pipes
- b. Small paper or plastic bags
- c. Small glass vials
- d. Sharps (needles or syringes)
- e. Aluminum foil with burn lines (tracks)

Due to the evolving nature of drug labs, other labs may be present that are not included in this document. If any team member finds themselves approaching a suspected drug lab, immediately stop all movement and alert the entire group -- even those not in the immediate area. Carefully vacate the area in the safest possible way (usually exactly as entered) and disembark the vessel. Notify the law enforcement agency with jurisdiction for the area.

C. Photos of Potential Hazards on Derelict Vessels

1. Lead-based paint chip debris



2. PCB containing paint



3. PCB containing, asbestos wrapped around electrical wiring



4. Methamphetamine Lab

- a. General Indicators



- b. Modified Propane Tank



c. Bi or Tri layered liquids



d. One-Pot



5. Pill Press Lab

a. General Indicators



b. Pill Press



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Attachment E: ADV Tracking and Reporting Tools

E. ADV Tracking and Reporting Tools

The tracking of ADV's is sporadic and usually designed to be useful only to the originating organization. States like Washington do not publicize their known ADV's for fear that someone will utilize the tracker to scavenge vessels for anything of value and possibly endangering themselves and the first responders sent to rescue them from poor decisions. While each agency maintains their own tracking system, the following links may be helpful for reporting or tracking.

Washington: Washington DNR shares its tracking database with the USCG and NOAA through the Environmental Response Management Application (ERMA).
Pacific Northwest ERMA (requires site login):

<https://erma.noaa.gov/northwest#x=-122.75531&y=47.31101&z=8&layers=1+47491&panel=layer>

Washington DNR publishes a list of ADV's without locations every quarter here:

<https://www.dnr.wa.gov/programs-and-services/aquatics/derelict-vessels/derelict-vessel-inventory-and-funding>.

You can report and see recently reported vessels through Washington's reporting tool here:

<https://www.dnr.wa.gov/vessel-reporting> (only those reported through this application).

Oregon: Oregon State Marine Board maintains a database only accessible by their organization but provides a link to report ADVs here: <https://www.oregon.gov/osmb/boater-info/Pages/Abandoned-Derelict-Boats.aspx>

Idaho: While Idaho DEQ does not specifically track ADVs, hazmat incidents requiring DEQ oversight beyond the initial emergency phase are tracked through DEQ's Facility mapper found here:

<https://idaho.terradox.com/>

NOAA: Pacific Northwest ERMA. NOAA also has a website that allows states to advertise their ADV programs and can be found here:

<https://marinedebris.noaa.gov/resources/abandoned-and-derelict-vessels-info-hub>

U.S. Coast Guard: Tracks vessels internally both from a search and rescue perspective and as pollution threats. Contact Sector Incident Management Divisions.

Vessel of Concern Reporting Form

INSTRUCTIONS: Fill out the following form to the best of your ability. If unknown, write unknown. Upon completion, submit to the appropriate agency. For vessels actively sheening or discharging, make a report to the National Response Center at 1-800-424-8802.

Washington: dvrp@dnr.wa.gov

Oregon:
marine.board@boat.oregon.gov

Idaho: [State Communications](#)
[\(via 911\)](#)

BE ADVISED OF THE FOLLOWING: Derelict vessels not only pose a hazard to the environment but also pose many hazards to people. Please keep this in mind when gathering information and remain a safe distance from derelict vessels and **DO NOT** go onboard unless you are trained to do so.

<u>DATABASE</u>	New entry	Existing entry	If entry already exists in the database, Vessel ID # _____
Reporting Organization _____	Name _____	Phone # _____	

<u>VESSEL INFORMATION</u>	
Vessel Name _____	Current Registration (<i>circle one</i>): Yes No
Registration Number _____	Registration Expiration _____
Hull Type (<i>circle one</i>): Steel Wood Fiberglass Aluminum Cement Other _____	
Length _____	Hull Color _____ Superstructure Color _____
Trim Color _____	Vessel Type (<i>circle one</i>): Commercial Recreational Unknown Vessel Subtype (<i>circle one</i>): Cruising Sailing Fishing Passenger Barge Tug
General Location _____	State/Country _____
Lat/Long _____	Approx. Water Depth _____
Vessel is (<i>circle one</i>): Afloat Aground Tide Dependent	
How secured (<i>check one</i>)? <input type="checkbox"/> Tied securely to dock <input type="checkbox"/> Tied but not secure <input type="checkbox"/> On mooring buoy <input type="checkbox"/> Anchored	
Fuel Type: _____	Total Fuel Capacity _____ Number of Tanks _____
Fuel Vent Location (if known) _____	Description/Quantity of any HAZMAT _____
Is vessel occupied? _____	Evidence of other illegal activity _____
Current or planned actions to cleanup/remove by Fed/state/local government: _____	

<u>OWNER INFORMATION</u>	
Last Known Owner _____	Phone Number _____
Address _____	
Has the owner been contacted? (<i>circle one</i>): Yes No	
Does the owner plan on taking action to remove/cleanup the vessel? If so , what? _____	

	1	2	3	4	5	Previous Rank	New Rank
Hull Condition and Position in Water	Steel, aluminum, or fiberglass hull in good condition and vessel floating with normal freeboard.	Steel, aluminum, or fiberglass hull, rusted or aged; Possibly sitting slightly low in water, but appears to be floating free	Wooden hull or other hull material in poor condition or riding noticeably low in water, but floating free	Visible holes in hull and/or listing or still upright, but low enough to touch bottom during low tide; Or vessel is being continuously mechanically de-watered to stay afloat	Broken up and no longer seaworthy; Severe list (30° or more) and/or sunk or aground		
Public Safety	Not accessible to public, not a site of criminal activity or dumping	Access to vessel is difficult for public, not likely a site of criminal activity or dumping	Public access to vessel is somewhat limited, some broken parts and physical hazards	Very little effort to limit public access to vessel, broken parts causing hazardous surfaces and/or attractive nuisance, possible site of criminal activity or dumping	Unrestricted public access onto vessel, Used as dump site or site of other criminal activity		
How Secured	Tied securely to dock with sound lines	Moored or anchored securely	Moored or anchored securely but mooring lines worn or with heavy marine growth	Not secure but not adrift (grounded or beached), mooring lines parting	In danger of becoming adrift in immediate future		
Navigational Hazard	Away from vessel traffic	Near limited vessel traffic	Encroaching upon middle of moderate traffic area (e.g., approaches to small marinas or ports)	Encroaching upon middle of high-traffic area, such as approach to large marinas or ports	Encroaching upon middle of navigable waterway (e.g., at traffic e)		
Environmental Hazard	Known to be clean	Does not likely contain much fuel or HAZMAT. Residual amounts only.	Could potentially carry large amounts of fuel or HAZMAT; ongoing activities make spill possible	Multiple containers of unknown materials visible on vessel, ongoing activities (e.g., scrapping) makes spill likely	Leaking oil or HAZMAT imminent		
Score				If vessel is in trespass on private or public submerged lands add 3 to total			
				TOTAL SCORE:			

5 – 12A vessel in this range is not generally a vessel of concern
13 – 17A vessel in this range is generally a VESSEL OF CONCERN
18 – 28A vessel in this range is generally considered DERELICT

■ If a box is shaded, immediately contact a 24-hour response number and/or program manager

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Attachment F: Federal to State Hand-off Memorandum of Understanding Example

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*Note: This example is provided as a template for future MOUs. The names and points of contacts are no longer current.

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES COAST GUARD, THE STATE OF OREGON, AND METRO REGARDING
DISPOSITION OF M/V ALERT

1. PARTIES. The parties to this Memorandum of Understanding (MOU) are the United States Coast Guard (USCG), Oregon Department of Environmental Quality (DEQ), Oregon Department of State Lands (DSL), and Metro [hereinafter “Parties”].
2. AUTHORITY. This MOU is authorized under the provisions of 33 U.S.C. § 1321(c); 33 U.S.C. § 2712; 40 C.F.R. Part 300; COMDTINST 5216.18; COMDTINST M16000.14 (series); NPFCINST M7300.1B; By the authority granted in Oregon Revised Statutes (ORS) 190.110 and 366.558, State may enter into cooperative agreements with the United States Federal Government and units of local government to work on proposed M/V ALERT with the terms and conditions mutually agreeable to the contracting parties to such cooperative agreements.
3. PURPOSE. The purpose of this MOU is to set forth terms by which the Parties will achieve permanent disposition of the derelict and abandoned M/V ALERT [hereinafter “vessel”] currently located within the Columbia River.
4. CURRENT SITUATION. The vessel is currently sunk off Hayden Island in the Columbia River, Portland, OR. Though outside the main shipping channel, the current vessel location still experiences constant vessel traffic which poses safety concerns for removal of oil once vessel is raised.
5. CONCEPT OF OPERATIONS. With use of the Oil Spill Liability Trust Fund, USCG will hire a contractor to dive on the vessel and run lifting straps and raise this vessel with a crane barge (1000 ton Pacific Lifter). Once the vessel is raised, USCG will have several courses of action for towing the vessel to a safe location based on what the contractor finds after a thorough dive assessment. Once the vessel is raised, it will be transported to the predetermined location to safely remove all recoverable oil. Once removed, DSL will take control of these vessels for final disposal.
6. RESPONSIBILITIES:
Coast Guard
 - a. Conduct oil removal activities consistent with the National Contingency Plan to mitigate the substantial threat of an oil discharge from the vessel; and if necessary, respond to actual discharges of oil from the vessel.
 - b. Place oil containment boom around the vessel when necessary to mitigate the threat of an oil discharge.
 - c. Contract for commercial diving operations to raise, dewater, and refloat the vessel.
 - d. Validate whether the vessel is seaworthy enough to be safely towed or transported to its designated disposal location or facility.
 - e. Arrange to transport the vessel up to five nautical miles to its designated disposal location or facility.
 - f. Remove all recoverable oil products from the vessel and dispose of these products in accordance with applicable laws and policy.
 - g. Document all phases of response involving the vessel on ICS-214s and appropriately disseminate pertinent information to all Parties.

- h. Transfer custody and control of the vessel to DSL at the designated disposal location or facility, and document the transfer. Upon transfer, USCG will have no further involvement in or oversight over vessel disposition, to include sediment testing and remediation.

Oregon Department of Environmental Quality

- a. DEQ will support DSL in the execution of its responsibilities.

Oregon Department of State Lands

- a. Assume custody, care, and control of the vessel once the Coast Guard has met its responsibilities under this MOU.
- b. Perform hazardous waste surveys on the vessel and provide any necessary abatement of detected materials.
- c. Maintain control of vessel until it is completely disposed of.

Metro

- a. Metro will pay to DSL an amount not to exceed \$2,000,000.00 toward hazardous waste abatement, vessel deconstruction, and disposal of two vessels, M/V ALERT and M/V SAKARISSA. The M/V SAKARISSA project is covered in a separate MOU between the Parties, but the total amount for both projects will not exceed \$2,000,000.00. These funds are pledged via a separate IGA between Metro and DSL.
- b. Metro staff may assist the other Parties, such as through administrative activities. Under no circumstances does Metro's staff involvement shift any liability from the other Parties to Metro for any outcomes associated with the M/V ALERT project.

7. POINTS OF CONTACT.

USCG:

Lisa Siebert
(503) 338-9463
Lisa.M.Siebert@uscg.mil

DEQ:

Kevin Chan
(503) 229-6712
Kevin.CHAN@deq.oregon.gov

DSL:

Jacob Taylor
(503) 986-5303
Jacob.Taylor@dsl.oregon.gov

Portland Metro:

Stephanie Rawson
(971) 347-7165 stephanie.rawson@oregonmetro.gov

8. OTHER PROVISIONS. Nothing in this MOU is intended to conflict with current law or regulation or the directives of the United States Coast Guard or Department of Homeland Security or the State of Oregon. If a term of this MOU is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this MOU shall remain in full force and effect.
9. EFFECTIVE DATE. The terms of this MOU will become effective on September 01, 2022.
10. MODIFICATION. This MOU may be modified upon the mutual written consent of the Parties.
11. TERMINATION. The terms of this MOU, as modified with the consent of both parties, will remain in effect until completion of project, or upon agreement of the Parties. The MOU may be extended by mutual written agreement of the Parties. Upon 10 days written notice to the other Parties, a Party may terminate this MOU.

APPROVED BY:

Date:

CAPT M. Scott Jackson
Federal On-Scene Coordinator (FOSC)
USCG Sector Columbia River

Date:

Bill Ryan
Deputy Director
Oregon Dept. of State Lands

Date:

Nina Deconcini
Northwest Regional Administrator
Oregon Dept. of Environmental Quality

Date:

Marta McGuire
Director, Waste Prevention and
Environmental Services Department