

Alaska Abandoned and Derelict Vessel (ADV) and Vessel Salvage Case Studies



Introduction

This series of case studies was developed by members of the ad-hoc Alaska Abandoned and Derelict Vessel Task Force in 2014-15. Each case was selected to highlight particular challenges and concerns in Alaska when dealing with abandoned and/or derelict vessels, as well as vessel salvage operations in remote locations. Each case is not an exhaustive review, and updated information may be available since the development of this document. ADV Task Force meeting summaries, background information, and other associated documents can be found on our webpage: <http://alaskacleanharbors.org/resources/harbor-management/derelict-vessels/>. For more information about the ad-hoc Alaska Abandoned and Derelict Vessel Task Force, please contact Rachel Lord with Cook Inletkeeper/Alaska Clean Harbors: rachel@inletkeeper.org.

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ADV Case Studies – Leading Lady & Kupreanof

Vessel Name: F/V Leading Lady and F/V Kupreanof



Nearest community: Seldovia/Homer

Narrative Timeline:

On December 25, 2012, State and federal agencies were informed of two vessels sunk in Jakolof Bay (Kachemak Bay Critical Habitat Area) in approximately 30 feet of water, due to heavy snowfall and an absent owner. Both of these vessels had been recently denied access to the Homer and Seldovia harbors. The vessels were secured to one another with the *F/V Leading Lady* pulling the *F/V Kupreanof* down. *F/V Leading Lady* had an estimated 50 gallons of fuel and 20-30 gallons of miscellaneous oils on board, and leaking, while the *F/V Kupreanof* was free of fuel. Weather was very uncooperative and limited hazmat containment. Local interest in the cleanup, especially from nearby affected oyster farms, generated political attention.

USCG contracted with Global Diving and Salvage for the removal of the pollution threat. Due to the positioning of the vessels, they were required to be raised prior to fuel removal which began on January 18, 2013. At the point of pollution elimination (and the vessels not being a hazard to navigation), USCG no longer had any jurisdiction. ADNOR contracted with Cook Inlet Marine to, at that point, tow the vessels to the Homer Harbor for temporary moorage and then to a local boat yard for storage. The *F/V Kupreanof* was towed to Homer Harbor on January 20th and the *F/V Leading Lady* was towed in the following day. Due to tides, relocating the vessels to the boat yard were delayed until January 26th for the *F/V Leading Lady* and February 9th for the *F/V Kupreanof*.

Per AS 30.30, ADNOR took possession of the vessels and began processing the disposal. Both vessels were appraised on March 11th and found to be valueless as the cost of disposal would exceed any salvage worth. Initial notice of intended disposal and one follow-up extension were sent, requesting repossession of the vessel by July 10, 2013. Continued minimal, but somewhat timely, responses were received by the RP until a final repossession of the *F/V Kupreanof* was completed on April 16, 2014. The *F/V Leading Lady* was demolished, at cost to ADNOR, and removed on June 30, 2014. Currently, the *F/V Kupreanof* is in the Homer Harbor.

Responsible Party Identification/Contact History:

Original RP declared ownership of both vessels. Later, it was determined the *F/V Kupreanof* was owned by an individual in Washington and was on loan to the RP. Additionally, International Seafoods of Alaska had a lien against the *F/V Kupreanof* in the name of the RP, unknown to the actual owner.

Communications were regular throughout the process but made extremely difficult as the RP had no residence, would not respond via email and regularly ignored phone calls.

Agencies Involved:

ADNOR, ADEC, USCG, ADF&G, City of Homer, and the City of Seldovia

Environmental Damage:

Event did not affect local oyster farm products but the release of contaminants required all farmers to test shellfish during the 2013 season. Sheen was observed in Jakolof Bay throughout the Spring of 2013 but no remaining effects are known at this time.

Costs Incurred (include costs to each agency, if known):

ADNOR – \$25,299.96 (*Leading Lady*), \$12,087.70 (*Kupreanof*), plus approximately \$2000 in additional storage fees
USCG – nearing \$400,000 (unconfirmed)
ADEC – ?

Costs Recovered (include costs recovered by each agency, if known, and source):

ADNR received a check for \$11,474.94 on July 18, 2013 for the *F/V Kupreanof* from the RP.

Legal Actions (impoundment, etc):

ADNR took custody of both derelict vessels and processed the disposition, under AS 30.30.100. The RP complied with all conditions set by ADNR and repossessed the *F/V Kupreanof*. The disposal of the *F/V Leading Lady* went to bid and was removed for \$13,250.

Fate of the Vessel:

F/V Kupreanof currently in the Homer Harbor, under the City's jurisdiction – actions by the City are unknown. *F/V Leading Lady* destroyed and removed on June 30, 2014.

Private contractors/other parties involved:

Global Diving and Salvage
Cook Inlet Marine, LLC
Northern Enterprises Boat Yard, Inc.
Arctic General Contracting
59 North Vessel Services
City of Homer
Seldovia Oil Spill Response Team

Other Notes:

Representative Paul Seaton's office became highly interested in this event. HB 131 was introduced and passed during the immediately-following legislative session.

ADV Case Studies – Martin Barge

Vessel Name: Unnamed barge previously used as a floating camp

Nearest community: Thorne Bay, Alaska

Narrative Timeline: 2004 to present (on-going)

Wm. “Sonny” Martin purchased a barge/work camp around 2004 and moved it onto state submerged land. His stated intent was to operate it as a floating lodge. It took DNR a couple of years of correspondence to get a permit application from Martin. Martin never followed through on the permit process and the barge was declared in trespass in 2006. File records show that Martin was consistently unresponsive to threats of enforcement and notice to quit correspondence.

DNR enlisted the assistance of the Department of Law and filed trespass charges in criminal court against Martin in 2011. Martin asked for court dates to be postponed to allow him time to sell the barge. Finally, in early 2013, Martin was found guilty of criminal Trespass II by the court. He was sentenced to 30 days in jail with 30 days suspended and fined \$100 with \$100 suspended and placed on probation. The court said the barge must be removed by September 30, 2013.

The barge wasn’t removed and in 2014, the state requested Martin’s probation be revoked. That has not happened. The most recent court date on June 4, 2015 resulted in the court giving him until July to come up with a plan for removal and maybe until October to raise money to pay for the barge removal.

Responsible Party Identification/Contact History:

Wm. “Sonny” Martin, Thorne Bay. Contact history summarized above.

Agencies Involved: DNR, DOL, DPS, District Court.

Environmental Damage:

Barge is grounded on state tideland causing recurring environmental damage. The potential is there for a huge mess to remain on state land indefinitely. Residents of Thorne Bay are upset that the barge still remains at its present location.

Costs Incurred (include costs to each agency, if known): Hours spent working on the casefile, corresponding with Martin, working with DOL, and trying to find a potential salvor of the barge. Continual State of Alaska attorney fees and court costs.

Costs Recovered (include costs recovered by each agency, if known, and source): \$100 permit application fee.

Legal Actions (impoundment, etc.): See above.

Fate of the Vessel: Barge remains aground on state tideland two miles from Thorne Bay.

Private contractors/other parties involved: N/A

Other Notes:

The legislature apparently contends that they have equipped us with all of the tools required to resolve unauthorized occupancy and use of state land.

According to DOL, the current legal tools, while perhaps theoretically adequate, are in practice woefully inadequate to actually get a float house moved by the owner. Because of the “no blood from a turnip” rule, there can be no effective new tool that does not include a revenue source for actually getting rid of these things. Even with a judgment against the owner for the state costs the recovery rate would probably be very small. The only source of money might be through garnishment of a person’s PFD.

According to DOL, if we can’t get this lodge removed via a contempt order in a criminal case, we could never move one in a civil court.



