

Alaska Association of Harbormasters and Port Administrators



RESOLUTION NO. 2012-02

A RESOLUTION OF THE ALASKA ASSOCIATION OF HARBORMASTERS AND PORT ADMINISTRATORS REQUESTING STRONGER MUNICIPAL POWERS IN REGARDS TO ABANDONED AND DERELICT VESSELS.

Whereas, the Alaska Association of Harbormasters and Port Administrators recognizes the majority of the public boat harbors in Alaska where constructed by the State during the 1960s and 1970s; and

Whereas, the State established statutes and regulations for its purposes that dealt with abandoned and derelict vessels at these state harbor facilities; and

Whereas, the specific State statute is called the Abandoned and Derelict Vessel Act (AS 30.30); and

Whereas, the State of Alaska during the past 20 years has transferred ownership of most of these State owned harbors to local municipalities; and

Whereas, the municipalities took over this important responsibility because these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

Whereas, these municipal owned harbor facilities are ports of refuge and areas for protection for ocean-going vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan communities; and

Whereas, consequently, local municipal harbormasters found themselves without sufficient legal protection due to some abandoned and derelict vessels left in these harbor facilities; and

Whereas, the cost of cleanup or disposal of an abandoned and derelict vessel can easily exceed \$1 million, creating a major financial burden that their local municipal governments could not afford; and

Whereas, local municipal governments, where they had the legal and financial resources, created codes to protect themselves from the liabilities and hazards of abandoned and derelict vessels; and

Whereas, some local municipal governments do not have the legal and financial resources to create or change codes to protect themselves from the liabilities and hazards of abandoned and derelict vessels; and

Whereas, the unincorporated areas of the State also need protection from the liabilities and hazards due to abandoned and derelict vessels; and

Whereas, the Department of Transportation and Public Facilities' mission is to build, maintain and promote transportation of all modes; and

Whereas, the Department of Transportation & Public Facilities is not funded to perform environmental cleanup work of marine vessels; and

Whereas, other state agencies or peace officers might find it in the public's best interest to impound an abandoned or derelict vessel, especially in the unincorporated areas of the State, to prevent or cleanup the environmental mess left behind from an abandoned or derelict vessel; and

Now therefore be it resolved that the Membership of the Alaska Association of Harbormasters and Port Administrators urges that AS 30.30 be modified as detailed in the attached draft to allow any municipality or state agency to have the full protections afforded in the Abandoned and Derelict Vessel Act.

Passed and approved by a duly constituted quorum of the Alaska Association of Harbormasters and Port Administrators on this 24th day of October, 2012.



Steven R. Corporon, President

ATTEST:



Kim Elliot, Executive Secretary

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 13-026

**A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, EXPRESSING SUPPORT FOR HB 131, AN ACT
RELATING TO ABANDONED AND DERELICT VESSELS.**

WHEREAS, Abandoned and derelict vessels clog Alaskan harbors and are a burden on local municipalities; and

WHEREAS, Local municipal harbor masters often find themselves without sufficient legal protection to deal with abandoned and derelict vessels left in their harbor facilities; and

WHEREAS, Harbor enterprise budget models are based on the collection of harbor fees from vessels that seek safe moorage from harbor facilities; and

WHEREAS, As an enterprise, harbor facilities have a responsibility to maintain and repair the facility with the income from the collection of moorage fees; and

WHEREAS, In recent years, derelict and abandoned vessels represent a loss of tens of thousands of dollars in revenue to the Homer Port and Harbor Enterprise Fund; and

WHEREAS, Removing an abandoned or derelict vessel frees up space in a harbor for the moorage of vessels that positively contribute to the economic health of the enterprise and the community; and

WHEREAS, Derelict vessels are at risk of sinking and causing damage to the environment; and


WHEREAS, Measures the State can take to facilitate the removal of abandoned and derelict vessels will help Alaska's environment and economy; and

WHEREAS, HB 131 gives municipalities the authority to remove and dispose of abandoned and derelict vessels in state waters.

NOW, THEREFORE, BE IT RESOLVED that the City of Homer supports HB 131, an Act Relating to Abandoned and Derelict Vessels.

PASSED AND ADOPTED by the Homer City Council this 11th day of March, 2013.

CITY OF HOMER

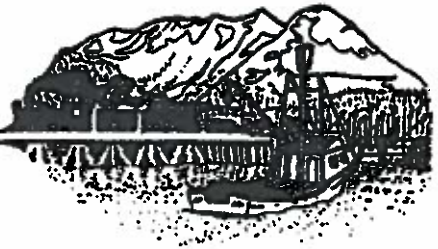

MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

CITY OF CORDOVA



March 18, 2013

The Honorable Paul Seaton
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99811

Subject: Support for HB131, authority to address abandoned vessels

Dear Representative Seaton:

Thank you for your sponsorship of House Bill 131, an Act that helps to provide state agencies and municipalities with authority to address the problem of abandoned and derelict vessels.

The City of Cordova experienced a case where a 117-foot landing craft, the Sound Developer, sunk in our harbor. For more than two years it became a poster child example of why the Alaska Legislature should help empower local communities with the ability to address these issues. In August 2009 the vessel sank in our harbor, and was abandoned by its owner. Not only did the vessel become a significant safety and environmental hazard, it also occupied valuable space that otherwise would have generated revenue.

HB131 would have been a very useful approach to helping Cordova deal with the Sound Developer. However, it is clear that there will be other circumstances in the future where this bill will help us to provide a safer and cleaner harbor. For that reason, we hope the Legislature will pass HB131 as soon as possible.

Thank you.

Sincerely,

Jim Kacsh, Mayor
City of Cordova

RESOLUTION NO. 12-2483

CITY OF KETCHIKAN, ALASKA

STRONGER MUNICIPAL POWERS A RESOLUTION OF THE CITY OF KETCHIKAN, ALASKA, IN SUPPORT OF IN REGARDS TO ABANDONED AND DERELICT VESSELS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchikan recognizes the majority of the public boat harbors in Alaska where constructed by the State during the 1960s and 1970s; and

WHEREAS, the State established statutes and regulations for its purposes that dealt with abandoned and derelict vessels at these state harbor facilities; and

WHEREAS, the specific State statute is called the Abandoned and Derelict Vessel Act (AS 30.30); and

WHEREAS, the State of Alaska during the past 10 years has transferred ownership of most of these State owned harbors to local municipalities; and

WHEREAS, the municipalities took over this important responsibility because these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

WHEREAS, these municipal owned harbor facilities are ports of refuge and areas for protection for ocean-going vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan communities; and

WHEREAS, consequently, local municipal harbormasters found themselves without sufficient legal protection due to some abandoned and derelict vessels left in these harbor facilities; and

WHEREAS, the cost of cleanup or disposal of an abandoned and derelict vessel can easily exceed \$1 million, creating a major financial burden that their local municipal governments could not afford; and

WHEREAS, local municipal governments, where they had the legal and financial resources, created codes to protect themselves from the liabilities and hazards of abandoned and derelict vessels; and

WHEREAS, some local municipal governments do not have the legal and financial resources to create or change codes to protect themselves from the liabilities and hazards of abandoned and derelict vessels; and

WHEREAS, the unincorporated areas of the State also need protection from the liabilities and hazards due to abandoned and derelict vessels; and

WHEREAS, the Department of Transportation and Public Facilities' mission is to build, maintain and promote transportation of all modes; and

WHEREAS, the Department of Transportation & Public Facilities is not funded to perform environmental cleanup work of marine vessels; and

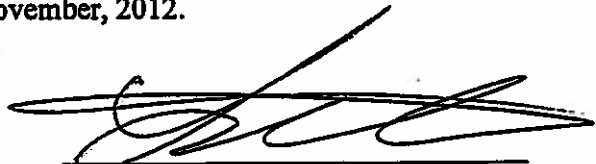
WHEREAS, other state agencies or peace officers might find it in the public's best interest to impound an abandoned or derelict vessel, especially in the unincorporated areas of the State, to prevent or cleanup the environmental mess left behind from an abandoned or derelict vessel.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ketchikan, Alaska as follows:

Section 1: By this resolution, urges that AS 30.30 be modified as detailed in the attached draft to allow any municipality or state agency to have the full protections afforded in the Abandoned and Derelict Vessel Act.

Section 2: This resolution shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the City Council for the City of Ketchikan on this 15th day of November, 2012.


Lew Williams III, Mayor

ATTEST:


Katherine M. Suiter, City Clerk

From: Bryan Hawkins [mailto:BHawkins@ci.homer.ak.us]
Sent: Monday, March 04, 2013 2:31 PM
To: Rachel Lord; Louie Flora
Cc: Katie Koester
Subject: RE: FW: HB 131 sponsor statement and cost information

Good morning Louie,

In it's simplest form what we do here is sell safe harbor to vessel owners. We collect a fee for the service, those fees pay our operations costs and are used to build up a reserve of money to be used for replacing and maintaining the harbor infrastructure. Most derelict boats are also behind in their moorage so not only do you have an inactive boat taking up space, insult to injury, your not even getting paid for your trouble.

There is the real threat of having it sink in the harbor to be sure but the other problem is the lose of revenue earning ability by the harbor due to the space being used by a non paying client. One of the bigger picture issues has to do with the justification for building a harbor in the first place. Economic benefits locally, regionally (borough and State) and nationally. Remember the Federal Government only builds harbors that have a positive benefit to the economy from a commercial standpoint. A couple of years ago we completed the East harbor expansion feasibility study with the Corps and the State. One of the findings that came out of the study was that the Corps recognized the large number of derelict or inactive boats in the Homer harbor. They pointed this out in the study and recommended that we "get them out of the harbor and you would have a lot more room" Like we hadn't thought of that right. Sometimes the truth hurts. We've made great progress in moving them out of the harbor one way or the other and I had the satisfaction of being able to tell the Corps the junk was replaced with paying customers and by the way we're still overfull.

Speaking from experience I can tell you that every derelict boat case is a little bit different. In Homer we had a back log of large derelicts, no fault to anyone they just kind of grow on you. They come in as a working vessel and then they change hands a couple of times and the next thing you know you've got a problem. I'll tell you the story of one of our high profile cases but I'll change the name slightly. You know the boat, the ----- Harvester, was a harbor queen here in Homer for almost 20 years but towards the end it changed hands 3 times and each time the new owner had an even worse plan then the one before. By the time the boat left the harbor there was a balance owed in moorage to the harbor of \$90,000. I also know that they were in the hole to the Borough for property taxes to the tune of \$15,000. There was a considerable amount of attorney fees involved with this case as well as staff time. In the end in order to make the old girl go away the harbor forgave the back moorage, wrote a letter to the Borough asking them to do the same with the back taxes and the new owner was able to tow it away with a clear Title. Funny thing he

thinks he got the deal of the century. The flip side of this story is the benefits. Three weeks after the ----- Harvester departed the Helenka B moved their operation in and the Enterprise gained a major account in moorage, landing fees at the barge ramp, and wharfage. In the past few years Homer has been able to remove 14 large derelicts from the harbor and the municipally owned beaches.

It's difficult to capture the actual costs but here are a few of the headings that I can think of.

Lost moorage

lost ability to market to paying customers who have viable operations and who want to locate in your town

Lost growth opportunity in terms of justification

Lost staff time, operations and admin, dealing with a non revenue generating vessel

Higher operations costs due to attorney fees

Congestion in the harbor and unnecessary inconvenience to the other harbor users

One of the reasons we haven't had a major loss like has occurred in other harbors on the coast (knock on wood) is that we have a 24 hour watch and the graveyard shift has caught a lot of boats on their way down over the years, protecting us from that O ---- moment first thing in the morning, so add that cost to the equation as well. Also if we have a abandoned boat in the harbor, staff watch, pump it, or do whatever it takes to make sure the dang thing doesn't sink while we work out a plan for removal. This helps keep me motivated because as you might imagine, the harbor officers don't let me forget.

Sorry for the novel, but I don't think there is an easy or short way to tell this story.

Bryan Hawkins
Port Director/Harbormaster
Port of Homer
Homer, Alaska
(907)-235-3160 ext. 203

bhawkins@ci.homer.ak.us

I would like to take a moment to address the issue of derelict vessels in Alaska. As a former office manager of the Sitka Harbor Department (9 years) we had an ongoing derelict vessel problem which still continues. Each time we went through the legal process we had in place it would take more than 90 days before we could come close to seizing the vessel. Then before it would be seized the owner would sell it to someone else and the process would have to start over again. It was extremely frustrating!

There are also – of course the vessels you don't want because they will cost so much to get rid of once you have them. Perhaps some sort of fund should be established to help pay for that sort of problem – particularly when there is possibility of endangering the environment with fuel/oil spills, etc. The attached had suggested possible revisions to the State Statues that would certainly be a start to resolving those issues.

As an owner of healthy vessels I find myself very nervous when one of those derelict vessels is tied to the same float as I am. I worry they will sink or catch fire and cause damage to my boats. I don't know if the attached document is the one you are looking at but I strongly urge you to consider supporting the changes suggested in it.

Thank you.

Kim

Kim Elliot

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Sitka, AK 99835-7556

(907) 747-7677

email: kelliot@gci.net