

SB92

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# DERELICT VESSELS

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Accountability Across Alaska  
a presentation to the Senate  
Resources Committee  
March 27, 2017





## WHAT'S THE PROBLEM?

***"By 2025, the Alaska fleet will include roughly 3,100 vessels between 28' and 59' that are more than 45 years old...the Alaska fleet also includes 75 passenger vessels, tugs, and barges over 50 years old..."***

Trends & Opportunities in the Alaska Maritime Support Sector, McDowell Group (2014)

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## A GUY WALKS INTO A BAR...

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We love our boats, and we depend on our coasts and rivers for transportation, commerce, and quality of life. But there is no denying the immense cost of owning and maintaining a boat.

Those costs only increase over time.



A map of Alaska and the surrounding waters, including the Bering Sea and Gulf of Alaska. Numerous dark blue and red dots are scattered across the map, representing wrecks and obstructions. The dots are most concentrated along the coastlines, particularly in the Gulf of Alaska and around the Aleutian Islands. The map also shows the Bering Sea to the west and the Gulf of Alaska to the east. The text 'Bering Sea' and 'Gulf of Alaska' are visible on the map. The word 'STATES' is partially visible at the top. The word 'ROCKY' is visible on the right side, likely referring to the Rocky Mountains. The word 'CANADIAN' is visible on the right side, likely referring to the Canadian border.

## A GROWING PROBLEM

ADNR has begun a database, but it is far from complete. There are nearly 200 documented derelicts across Alaska. We know many more exist, and the number will continue to increase.

NOAA database of wrecks & obstructions

An aerial photograph showing a dense green forest on a shoreline. In the foreground, a large, rusted metal barge with two buildings on top floats in dark water. The buildings are one orange and one white. A yellow rope is attached to the barge. The shoreline is covered in brown seaweed or algae.

# THE PUBLIC PAYS THE PRICE

With outdated statutes, our municipalities and state agencies are unable to effectively prevent and manage derelict vessels. Alaskan waters are a default dumping ground.

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## **SOLUTIONS IN SB92**

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Over a two-year period, the Derelict Vessel Task Force identified major barriers and solutions to improve derelict vessel prevention and management in Alaska



*Pro bono legal assistance  
from the law firm of Birch  
Horton Bittner & Cherot*

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## **TASK FORCE PARTICIPANTS**

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Please note that while many people sat at the table, nothing within this presentation or testimony is intended to speak on the behalf of any individual agency, municipality, or task force participant.

- ADNR, Mining, Land & Water
- ADEC, Spill Prevention & Response
- ADOT, Ports & Harbors
- ADF&G, Habitat
- USCG, Sectors Anchorage & Juneau/Div. of Waterways Management
- NOAA, Marine Debris Program/Restoration
- EPA, Response Region 10
- AAHPA (Bethel, Homer)
- Orutsararmiut Native Council
- Sen. Lisa Murkowski's office
- Alaska Marine Response



## INCREASE CLARITY

Agencies and municipalities statewide need increased clarity for defining a derelict vessel, vessel ownership, and for the impoundment process including clarified hearing and notice requirements. SB updates Chapter 30.30 to bring clarity and improve utility of the statutes.



## **ENFORCEMENT AUTHORITY & INCREASED PENALTIES**

Current statutes restrict enforcement of derelict vessel laws. One major way to reduce vessel sinkings and prevent owners from walking away is to provide for enforcement of the chapter to hold owners accountable and prevent derelict vessels from sinking on public waters.



## **CLARIFIED LIABILITY**

Hearing concerns from agencies and the public, Task Force members acknowledged that it is important to be clear that a vessel owner is liable for all costs associated with the impoundment, storage and removal of a derelict vessel.



## **STREAMLINED CAPACITY**

Outside states have found significant improvement in derelict vessel prevention and management by streamlining their efforts through a statewide program/point person. Having a point person at ADNR will concentrate work that is currently being done by numerous staff, will reduce overall costs, and increase efficacy of derelict vessel management.



## CRADLE- TO-GRAVE

Addressing vessel disposal was outside of the scope of the Task Force, but must be addressed. Through the derelict vessel prevention program, the state will have the opportunity to begin looking at options for vessel disposal, scrap, and salvage solutions that can benefit the private sector and be a reasonable alternative to vessel abandonment.



# VESSEL INSURANCE

Over 30ft, engaged in commercial activity, and on the water for more than 90 days

Without insurance, when a vessel is abandoned or left to sink on state waters it can be impossible to find a responsible party. If someone is considering a long-term commercial venture on the water, an insurance policy will protect the public in the event the commercial endeavor does not work out as planned.



## REGISTRATION & TITLING

Agencies and municipalities have found establishing ownership is one of the major hurdles to holding owners responsible for derelict vessels. Requiring all vessels operating in AK to be registered with DMV, and beginning a titling system for vessels similar to that in place for motor vehicles, are commonsense solutions to improve accountability.

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The Alaska Department of Natural Resources...lacks even the authority  
to fine...for littering.

...In places like Bethel, which has a dumping ground called Steamboat  
Slough, the problem of derelict and abandoned boats long ago broke  
the surface of public awareness.

...we could instead simply mandate the registration of all boats —  
commercial and recreational alike — through the DMV. We could also  
mandate that boats of a certain size, like all cars, carry insurance  
sufficient to cover their salvage.

**At the very least, we could grant the Department of Natural  
Resources the simple authority to levy fines on those who pollute  
Alaska's waters.**

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Juneau Empire

Editorial

Oct. 15, 2015



**"Speaking about the issue in 2013, a state official in Washington said, "We need to find a way to keep these vessels from being abandoned in our waterways, and that means holding owners accountable. Too many people get in over their heads, and their dreams of ship renovation or making money from scrap become a nightmare for the citizens of this state and the marine environment."**

**...A hole in the water into which you pour money" is a famous definition of a boat. To the maximum extent possible, we must ensure taxpayers are not the ones doing the pouring."**

*Chinook Observer, March 22, 2017*

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# HCR 53 1990

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WHEREAS the  
state does not  
currently have  
statutory  
authority to  
impose liability  
on the owners of  
abandoned  
vessels...

Original sponsor(s): REP. JACKO

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To: Mike Sullivan	From: KA	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE  
2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 53 (Transportation)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION  
5 Relating to abandoned vessels on the  
6 beaches of Alaska.  
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 WHEREAS many abandoned vessels, including merchant vessels, fishing  
9 vessels, and other vessels, are grounded on the coast of Alaska; and  
10 WHEREAS abandoned vessels are an environmental hazard and are aesthet-  
11 ically unpleasing; and  
12 WHEREAS the state does not have the resources to salvage or dispose of  
13 abandoned vessels; and  
14 WHEREAS the state does not currently have statutory authority to  
15 impose liability on the owners of abandoned vessels for the cost of salvag-  
16 ing or demolishing abandoned vessels; and  
17 WHEREAS communities are not compensated for the aesthetic and physical  
18 trespass resulting from abandoned vessels;  
19 BE IT RESOLVED by the Alaska State Legislature that the governor is  
20 respectfully requested to study the problems posed by abandoned vessels and  
21 to make appropriate recommendations to the First Session of the Seventeenth  
22 Alaska State Legislature for legislation necessary to remedy existing  
23 problems and prevent future problems.



Commonsense solutions for  
accountability on state waters

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**THANK YOU FOR  
YOUR WORK ON SB92**

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