

Subject: Support for HB386 - Abandoned & Derelict Vessels

Dear Representative Seaton,

I am the Juneau Port Director (www.juneau.org/harbors) and the President of the Alaska Association of Harbormasters & Port Administrators (www.alaskaharbors.org). I respectfully ask your support of HB386 and welcome any opportunity to discuss the Abandoned & Derelict Vessel (ADV) challenges with you or your staff. I would be pleased to provide a brief Juneau harbor tour to you (or your staff) demonstrating the condition of a "typical derelict vessel".

One recent example of the need to address ADV comes in the form of a social media post which criticized my (and Coast Guard) handling of pleasure crafts which sank at anchor in Auke Bay (Juneau):

Coast Guard was called several times by at least three residents on Fritz. Cove providing the name, numbers, and place where it was registered. Sadly we watched (after reporting it) for over a week as it lowered in the water. It sank last evening. This is the second boat of this size that has gone down here in Auke Bay. Another is anchored next to our expensive "no wake zone" buoy, and often bounces on and off the buoy. Neither the CBJ Docks and HARBORS or the Coast Guard are acting on removing the unkept vessels before our tax dollars are then spent to raise, haul and remove the vessels and their fuel issues. Is Auke Bay going to become a graveyard for derelict vessels? Does this concern anyone else?

I responded to the above by posting:

1. Docks & Harbors wholly and categorically rejects the assertion "Neither the CBJ Docks and HARBORS ... are acting on removing the unkept [sic] vessels before our tax dollars are then spent to raise, haul and remove the vessels and their fuel issues."
2. I have informed Auke Bay residents, including the author of the post, that there is not a single entity (i.e. a Water Czar) responsible for all activities in Auke Bay – nor should there be. There are regulatory authorities granted to each level of government – federal, state and local which complement these authorities. The uncheck concentration of a centralized authority to administer the will of certain citizens would not be in the best interest of individual rights or liberty. Generally speaking: Docks & Harbors is responsible for vessels moored in the harbors and anchored on the limited CBJ submerged lands; DNR is responsible for vessels anchored on state submerged/tidal lands (which is the vast majority of the State); the Coast Guard is responsible for safety and prevention of pollution for vessels (typically underway).
3. That said, Docks & Harbors has been extremely proactive (to a fault by some members in the community) in enforcing rules governing derelict and potentially derelict vessels in our CBJ harbors. In the past 3 years, we have impounded in excess of 50 vessels and demolished in excess of 30 vessels, the majority at considerable expense. Docks & Harbors has also drafted regulations to address anchoring on CBJ submerged lands.
4. An unintended consequence of policing our harbors is that some irresponsible owners will seek to scuttle vessels in lieu of doing the right thing. When vessels leave the CBJ harbors, as the author alludes to, some ends up on DNR submerged properties. There are no financial resources or laws available in Alaska to DNR (or the CG) to prevent derelict or potentially derelicts vessels from relocating to other jurisdictions.
5. There is State Legislation to address Derelict & Abandoned Vessels (SB92) , which Docks & Harbors, the Assembly and the Alaska Association of Harbormasters has urged support for. I

hope the Auke Bay coastal community will support and back this legislation:

<http://www.alaskaharbors.org/resources/Documents/SB92%20Briefing.pdf>

<http://www.alaskaharbors.org/Derelict-Vessels>

<http://alaskacleanharbors.squarespace.com/derelict-vessels/>

http://www.adfg.alaska.gov/index.cfm?adfg=wildlifenews.view_article&articles_id=846

As you can see, this is a complicated issue to address. However, it is indisputable that Alaska's derelict vessel laws are outdated and ineffective. I urge you to support HB386 to improve accountability and enforcement to help stop the dumping of old boats on public waters across Alaska.

Sincerely,



Carl Uchytil, P.E.

Port Director

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Please take our short facility survey:

<http://tinyurl.com/zjrtsug>

Presented by: The Manager
Introduced: 12/19/2016
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2778

A Resolution in Support of Proposed Changes to Alaska Statute Chapters 30.30 and 05.25 Relating to Improving the Management and Prevention of Derelict Vessels.

WHEREAS, hundreds of derelict vessels currently litter Alaska's coastline and harbors; and

WHEREAS, these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

WHEREAS, in the past year alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including incidents involving two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the Challenger tug off Juneau; and

WHEREAS, the Assembly of the City and Borough of Juneau recognizes the widespread costs and the environmental and navigational risks associated with derelict vessels; and

WHEREAS, neighboring states have dramatically strengthened their laws in the past five years to better prevent, track, and manage derelict vessels, including raising fees to support the management of derelict vessels and requiring vessel insurance; and

WHEREAS, in 1990, the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

WHEREAS, the State of Alaska's current statutory scheme regarding derelict vessels is outdated and lacks the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding, or vessel insurance requirements; and

WHEREAS, in 2013, the Alaska Clean Harbors program convened an ad-hoc derelict vessel task force at the urging of the Association of Harbormasters and Port Administrators, which included representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

WHEREAS, over the course of nine full-day meetings, the task force developed thoughtful, robust, and meaningful proposed revisions to Alaska Statute Chapters 30.30 and 05.25 designed to help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

WHEREAS, these proposed changes would better protect harbor infrastructure; keep valuable moorage space in harbors available; and prevent economic, environmental, and navigational hazards; and

WHEREAS, the proposed changes would improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The Assembly of the City and Borough of Juneau fully supports the passage of all proposed revisions to Alaska Statute Chapters 30.30 and 05.25.

Section 2. **Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this 19th day of December, 2016.

Kendell D. Koelsch
Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica
Laurie J. Sica, Municipal Clerk