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Derelict vessels cause boatloads of trouble in state

Despite a program whose sole mission is to deal with derelict vessels, Washington state just can't keep up with the tide of these potential environmental catastrophes.

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Hundreds of derelict or abandoned boats, both large and small, are slowly rotting on Washington's waterways.

And despite a program whose sole mission is to deal with these potential environmental catastrophes, the state just can't keep up with the tide.

In March, 226 vessels were on Washington's "derelict or abandoned" list. By June, the state or other agencies had helped move, shore up, or dispose of 23 of them — which sounds pretty good, until you realize that, in the meantime, 18 more vessels were added to the list. Some boats are removed, only to wind up back on the list a second or third time.

Melissa Ferris, who runs the Derelict Vessel Removal Program, can rattle off stories. There are the boats that appear out of nowhere in state waters, dumped by their

owners. Those that break anchor and float away, battering the docks or creating a hazard to navigation. Those that the owner swears are seaworthy, right up to the day they sink. They may contain oil, asbestos and other hazards.

Despite all that, the state just lets most of them sit — one leak away from trouble. Private-property rights make it cumbersome to intervene. Environmental regulations make it expensive. Even government policies that seem perfectly reasonable have turned out to contribute to the problem.

But the main reason derelict vessels are so vexing is this: The economics just don't pencil out. The entire budget for Ferris' agency is \$750,000, yet it can cost far more than that to dispose of a single large vessel.

Most of them don't make news. They're smaller vessels, and amount to little more than eyesores. But sometimes, boats on Ferris' list turn into multimillion-dollar problems.

Like the Deep Sea.

In May, the 140-foot former fishing boat sank in Whidbey Island's Penn Cove, spilling oil within swimming distance of some of the state's prime shellfish beds. It cost the government nearly \$5.4 million to clean up the mess and dispose of it.

But the Deep Sea was a problem vessel long before that. Like many boats on the list, it was passed from owner to owner, until at some point, it was worthless. The vessel was abandoned by its owner at the Port of Seattle; the Port sold it to a guy with no real means to deal with it. The Port did this even though it feared the boat would show up on "the evening news with our name attached," one email obtained under the state's open-records act said.

And that wasn't anywhere near the state's worst derelict-vessel disaster. The 430-foot Davy Crockett cost \$20 million to clean up last year after the owner began to dismantle it, illegally, on the Columbia River.

In the end, it's the public who winds up footing the bill.

"Common problem"

Every boat has a story. Mostly, the story involves a good working life, and a long, slow death.

Washington, with its boating culture, is hit particularly hard.

"Most public ports have a lot of abandoned boats," said Ferris. "It's a common problem."

It's also one with an inescapable calculus: A boat can cost a lot of money when things are good. It can also cost a lot to get rid of.

First of all, rotten wood is worthless. Big metal boats are worse. They're often sprayed with asbestos. They can be full of lead paint and other hazards, too. Because of stringent environmental regulations, there are just a handful of places in the state where you can legally dismantle them. "It's going to cost you more to get rid of than it's worth," Ferris said.

The 186-foot Northern Retriever, for example, was rotting in Grays Harbor for years, with holes in its hull and no means of propulsion. It wound up costing the state \$835,000 to dismantle and dispose of. Its 1,000 tons of metal sold at scrap for \$78,000.

If you're a maritime business owner who needs to retire a boat, the calculus presents a real dilemma.

"You'd have to have a pretty strong company to commit to spending (hundreds of thousands) to get rid of a vessel that's becoming obsolete," Ferris said.

So what do you do? Some owners strip off parts that can be turned into cash. Then they'll sell their misfit vessel for a pittance, often to someone who thinks he can make a fortune.

Which brings us to the Deep Sea.

Fees pile up

Built in 1947, it was a pioneer in the Alaskan crabbing industry. It changed owners over the years, eventually winding up in the hands of Factotum Fisheries. In 2005, Factotum moored the boat at the Port's Fishermen's Terminal, paying \$1,500 per month. But at some point, the owner just stopped paying. By July 2010, the outstanding bill was \$31,000.

Factotum's owner told the Port he was sick with cancer and didn't have the money. At this point, the Deep Sea was not only technologically outdated — it was a liability.

"We were kind of left holding the bag," Port spokesman Peter McGraw said.

The Port wanted its \$31,000. It wanted a paying customer in that slip. But most of all, it wanted the boat gone.

"The port has become increasingly concerned that the vessel, which is essentially an uninsured derelict, constitutes a pollution and liability hazard," a lawyer for the Port wrote in May 2011.

Port officials figured dismantling the Deep Sea could cost \$500,000. So they decided to unload it.

The Port's Michael DeSota urged caution.

"The background and financial stability should be checked thoroughly on any prospective buyer to assure this doesn't wind up in the evening news," he wrote in an email.

Twice, the Port tried to sell it at maritime auctions. No one was willing to pay even a buck.

"Anybody legitimate is going to walk through it and go 'no thanks,' " Ferris said.

Then Port officials tried Craigslist.

A Maple Valley man named Rory Westmoreland stepped forward. McGraw said that since Westmoreland was a scrap dealer, he seemed like a good fit.

"We are not in the business of handing over a large vessel like this to just anyone who comes off the street," he said.

If Port officials had checked, they would have found Westmoreland had a long history of run-ins with neighbors, code inspectors, the Environmental Protection Agency, police and others.

Eventually, the Deep Sea was sold to Westmoreland for \$2,500.

It was no longer the Port's headache.

Floating junkyard

When Ferris got word the boat was anchored in Penn Cove, she was not happy. She also didn't jump right in and try to seize it, even though that's what people were clamoring for.

Another boat, the Cactus, was too fresh in her mind.

The Cactus' best years were spent in the Coast Guard, working as a buoy tender. But in the 1970s, the vessel was past her prime, so the Coast Guard did what the taxpayer might expect: sold it.

At some point, the Cactus wound up in the hands of David Thomsen. He told the state he bought her for \$35,000 and planned to turn her into a floating sawmill.

He also said that he was the "comptroller of the currency"; that he was "part owner of a \$300 trillion gold mine"; that he "invented the silicon chip"; and that he owns Microsoft and Vulcan, according to Ferris' file on the case.

"If people can't live in society, boats are kind of a last bastion," Ferris said. "We do get a number of people with mental-health issues."

By the mid-2000s, the Cactus appeared to be little more than a floating junkyard moored in the Foss Waterway.

The law allows a boat one month in the public waterway before it has to move. In September 2003, Thomsen received his 30-day notice. On day 29, Ferris said, Thomsen used the tides, the wind and a 20-foot fishing boat to tow it to Maury Island. Authorities were hesitant to give him another 30-day notice.

"We could end up chasing this vessel around Puget Sound," one official wrote in an email. "Would that create greater danger?"

The vessel sat there for years. By 2008, it was filled with buckets of paint and epoxy; rusted steel plates, rubber hoses, PVC pipe, leaking pails of seam filler, old newspapers, mattresses, boxes of tiles and who knows what else. There was also fuel and asbestos insulation.

Meanwhile, the boat had been pillaged. Ten-foot pieces of metal had been cut out of the deck. Brass valves were removed.

"The only thing that was keeping the boat from sinking was these corks that had been hammered in," Ferris said.

At one point, it broke anchor and went swinging into the aquatic reserve. Another time, according to Ferris, Thomsen called 911 because it was sinking. He got it under control, but King County decided to step in. In 2008, under Thomsen's protest, the Cactus was towed away for dismantling.

Years later, the boat is still sitting at a Ballard shipyard because there wasn't enough money left in Ferris' budget to scrap it. Between moorage fees, cleaning off the junk, pumping out the holds and other emergency measures, it's cost the state more than \$348,000 so far. Each month is another \$3,000 in moorage.

"We've been baby-sitting this stupid boat for four years basically," Ferris said.

This fall, Ferris said, she'll finally be able to finish the job, thanks to a lump sum from the Legislature.

But the Cactus had taught her a valuable lesson: When you seize a boat, it becomes *your* boat. And your problem.

Fire dooms Deep Sea

Around 1 in the morning one Saturday in May, smoke was pouring from the Deep Sea. By Sunday, it had sunk. The cause is under investigation.

"I've never had any of the vessels on our list spontaneously combust," Ferris said. The state has taken a lot of heat for not swooping in and going after Westmoreland or getting the Deep Sea out of Penn Cove.

But the way Ferris sees it, she didn't have a lot of options. It's the same with the other big boats on the list. Most of the owners can't address the problem, even if she threatens them with fines or even criminal charges.

She definitely doesn't want to wind up with another Cactus. Nor does she want another Deep Sea.

It's not entirely clear what can be done. Five years ago, Ferris' agency wrote a long report outlining the issues and asked for new legislation. Aside from strengthening a little-used criminal misdemeanor statute, almost none of it passed.

After the Davy Crockett disaster, Washington and Oregon joined to create a Derelict Vessel Task Force to push for new state and federal laws. What kind? It's unclear.

At this point, they're just looking for viable ideas.

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