

Abandoned and Derelict Vessel Removal

*Understanding the process
can ensure success.*

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Abandoned and derelict vessels can be seen in most ports and communities as one drives across rivers or while out boating and fishing on the waterways. These vessels are unsightly, threaten safe navigation, and can pose environmental hazards.

The Problem

Vessels are abandoned or become derelict for many reasons. Some owners simply don't take care of their boats

and let them fall into disrepair. Other vessels are stolen or taken for "joyrides" and then set adrift or discarded. Hurricanes or tornadoes can damage vessels and even move them from anchorage.

The recent economic downturn has also played a role. A 2009 New York Times article documented that a growing number of people are abandoning their boats because they can't afford the payments.¹



A derelict vessel is dismantled on a bank of the Snohomish River in Everett, Wash. U.S. Coast Guard photo by Chief Petty Officer Paul Roszkowski.



Coast Guard Chief Petty Officer Ian A. Woods, left, Sector New York, and Petty Officer 3rd Class Huynh A. Nguyen, Sector Mobile, oversee hazardous materials remediation and vessel recovery in Bayou La Batre, Ala. U.S. Coast Guard photo by PA2 Lisa Hennings.

Unfortunately, these vessels can number in the hundreds in some locations, such as states with large boating publics like Florida, Georgia, and Washington. In some of these locations, vessels have been abandoned for such a long time that no one can remember how they got there or who the owners are.

Who Has the Lead?

If the owner cannot be found or is unable to remove the vessel, many times removal will fall to the federal or state government. Along with state environmental and enforcement agencies, four federal agencies play a role in abandoned and derelict vessel removal:

- the National Oceanic and Atmospheric Administration,
- the U.S. Army Corps of Engineers,
- the U.S. Coast Guard,
- the Federal Emergency Management Agency.

Even with the multitude of authorities, limited funding and resources can pose a problem.

Best Practices

To address this, in September 2009 the National Oceanic and Atmospheric Administration hosted the first Federal Abandoned and Derelict Vessel Workshop, where the four federal agencies presented their processes for dealing with vessels to the state agencies. In addition, several state program managers presented best practices for dealing with the numerous vessels within their states.²

For example, the Washington State Department of Natural Resources funds vessel removal primarily through an additional fee on state vessel registration. This fund provides up to 90 percent of the removal and disposal costs. The department also carefully prioritizes derelict vessels to determine which present the greatest threat to navigation, safety, and the environment.³

The Florida Fish and Wildlife Conservation Commission may remove vessels that are considered derelict under state regulations.⁴ The vessel owner is contacted and a notice is posted on the vessel identifying it as a

derelict vessel. The owner has five days to remove the vessel. If the owner doesn't take any action, he or she can be charged with a first-degree misdemeanor and may also be charged for the cost of removing the vessel.

Coordinating Efforts

Understanding all the authorities and jurisdictions is just the beginning when it comes to dealing with the problem of abandoned and derelict vessels. With the multitude of state and local programs and federal authorities, coordinating this process can be a

For more INFORMATION:

For additional information on abandoned and derelict vessels or questions regarding a specific vessel or situation, contact the local Coast Guard sector via **www.Homeport.mil**, the local Army Corps District Office at **www.USACE.army.mil**, or the NOAA Marine Debris Program at **<http://marinedebris.noaa.gov/>**.

daunting task. Federal and state agencies and local or private groups should come together prior to any incident to establish working relationships.

Knowing where one agency's authority and funding stops and another begins facilitates this process. For example, the Coast Guard may use its

funds to remove oil or hazardous material from the vessel. From there, the Army Corps or a state agency may take over to remove the vessel from the water. Once removed, the vessel has to be salvaged for its remains or

Which Agency Does What?

The National Oceanic and Atmospheric Administration

NOAA responds to abandoned and derelict vessels through the National Marine Sanctuaries Act when a vessel is within or threatens resources within a sanctuary.

NOAA additionally supports activities in the marine environment by funding grant opportunities such as those focused on vessel removal and providing technical assistance through the Marine Debris Research, Prevention, and Reduction Act of 2006, which applies to all waters.

NOAA's personnel may provide scientific and technical assistance to a federal on-scene coordinator, when requested.

The United States Army Corps of Engineers

USACE is involved with abandoned and derelict vessels when a vessel sinks in or impacts a navigable channel. It may conduct a channel survey to determine whether the vessel constitutes an obstruction to navigation.

The location of the vessel with respect to the navigation channel will determine whether further USACE involvement in removal is warranted, per internal guidelines and available funding.

The United States Coast Guard

The USCG is involved with abandoned and derelict vessels by its designation as the federal on-scene coordinator

to oversee federal response efforts for the containment, removal, and disposal of oil or hazardous substance releases into the marine environment.

The vessel may be removed as part of the abatement process or could be transferred to another agency for final disposal.

The Coast Guard also has authority to remove abandoned barges of greater than 100 gross tons under the Abandoned Barge Act. Under this act, the Coast Guard can remove the vessel if the cost of removal does not exceed its value.

Prior to removal, the Coast Guard may also mark vessels if they present a hazard to navigation.

The Federal Emergency Management Agency

FEMA is involved with abandoned and derelict vessels via the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), which gives FEMA the responsibility of coordinating the federal government's response to disasters.

FEMA may assign another federal agency to remove eligible vessels when the state and local governments certify that they lack the capability to perform or contract for the work.

Additionally, FEMA may reimburse applicants for the cost of vessel removal and disposal through grant assistance.



A vessel is moved to Sparrows Point in Baltimore. U.S. Coast Guard photo.

moved to a proper disposal site such as a landfill. This process may again be handled by a state agency or by a private contractor.

Planning the process from beginning to end is key to avoiding roadblocks and other unwanted situations. No one wants a vessel removed only to find out there is no place to put it. It may also be that one agency (a state historical preservation office, for example) asserts itself in the operational review and approval process because the vessel might be considered a historical landmark. These types of situations do happen and can best be avoided through a fully coordinated plan.

About the author:

LCDR Charles Bright has served in the Coast Guard since 1991. He is a prior enlisted marine science technician and has served on a patrol boat, on an aids to navigation team, and in various marine safety positions including inspections, investigations, and waterways management. A recent graduate of the Coast Guard Transportation Management graduate program from George Mason University, he also holds a master's degree in environmental management from the University of Maryland University College.

Endnotes:

- ¹ David Streitfeld, "Boats Too Costly to Keep Are Littering Coastlines," New York Times, March 31, 2009.
- ² N. Parry and K. McElwee (eds.), 2010. Proceedings of the Workshop on State-level Responses to Abandoned and Derelict Vessels. September 15-17, 2009. NOAA Technical Memorandum NOS-OR&R-37.
- ³ Washington State Department of Natural Resources, Derelict Vessel Removal Program, http://www.dnr.wa.gov/RecreationEducation/Topics/DerelictVessels/Pages/aqr_derelict_vessel_removal_program.aspx.
- ⁴ Florida Fish and Wildlife Conservation Commission (FWC), "FAQs: Derelict Vessels," http://myfwc.com/Newsroom/Resources/News_Resources_DerelictVessel.htm.