





Washington Department of Natural Resources

Derelict Vessel Removal Program

March 2022

M/V Kokua
1943
89.8 feet
310 tons



WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES

dnr.wa.gov



Derelict Vessel Removal Program



- Created in 2002
- Gave DNR the option to remove derelict or abandoned vessels, and also authorized Authorized Public Entities to conduct removals
- Funding comes from recreational \$3 and commercial vessels \$1/foot
- Total funds per biennium ~\$2 M
- Generally DNR exhausts its funding before the biennium's end
 - We are currently asking our legislature for a diversion of an existing tax to the D VRP
- As of March 2022 our Vessels of Concern list had 307 vessels



Who Has Removal Authority?

- The primary responsibility for the vessel itself belongs to the vessel owner; however, the responsibility for removal belongs to the owner, operator or lessee of the moorage facility
- Authorized public entities (APEs) may remove a vessel and qualify for reimbursement (RCW 79.100.010(3))
- APEs are defined as: DNR; DFW; State Parks; a port; or any city, town, or county with ownership or jurisdiction over the aquatic lands where the vessel is located



Findings.

The legislature finds that there has been an increase in the number of derelict and abandoned vessels that are either grounded or anchored upon publicly or privately owned submerged lands. These vessels are public nuisances and safety hazards as they often pose hazards to navigation, detract from the aesthetics of Washington's waterways, and threaten the environment with the potential release of hazardous materials. The legislature further finds that the costs associated with the disposal of derelict and abandoned vessels are substantial, and that in many cases there is no way to track down the current vessel owners in order to seek compensation. As a result, the costs associated with the removal of derelict vessels becomes a burden on public entities and the taxpaying public.





First - definitions

RCW 79.100.010

(1) "**Abandoned vessel**" means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(5) "**Derelict vessel**" means the vessel's owner is known and can be located, and exerts control of a vessel that:

- (a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;
- (b) Has been left on private property without authorization of the owner; or
- (c) Has been left for a period of seven consecutive days, and:
 - (i) Is sunk or in danger of sinking;
 - (ii) Is obstructing a waterway; or
 - (iii) Is endangering life or property.





Normal - Custody Process

RCW 79.100

Process overview – not comprehensive: After establishing the vessel is abandoned or derelict.

1. **Day 0 – Post (1)** the vessel and send a copy to DNR for posting on our website (2)
2. **Day 1 to 7 – Letters (3)** of intent to gain custody both registered and regular mail sent to last registered owner and any known lien holders on record.
3. **Day 10 to 20** – Publish once a notice in a newspaper (4) of general circulation for the county in which the vessel was found.
4. **Day 30 – Congratulations!** You have gained custody of a boat. At this time you can make a risk management decision on what to do next.
5. **Day 60** – last day an owner can appeal the custody process or costs.

Pollution Control Hearings Board (PCHB)

The Pollution Control Hearings Board created in 1970 hears and decides appeals from state and local governmental agencies on a wide variety of environmental permits or penalty orders. (RCW 43.21B.110). The PCHB has three members, appointed by the governor, and confirmed by the State Senate for staggered six-year terms. One of the three must be an attorney. Pollution Control Hearings Board.



How to appeal custody or cost

If the owner wants to reclaim the vessel after DNR has custody, or wants to challenge DNR's decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy on DNR. Addresses are in the boxes below:

The appeal must include the following information:

Pollution Control Hearings Board (send one original and one copy)

Physical address: 1111 Israel Road
Tumwater, WA 98501

Mailing address: PO Box 40903
Olympia, WA 98504-0903

Phone: 360-664-9160

Washington State
Department of Natural Resources
Aquatic Resources Division
1111 Washington Street SE
MS 47027
Olympia WA 98504-7027

- A copy of this notice or a copy of the notification letter to the owner.
- Your name and address (mailing and legal, if different) and, if applicable, the name and address of your representative.
- A daytime phone number.
- A brief statement of why you are appealing.
- A statement of what you want the Pollution Control Hearings Board to do.
- Your signature or that of your representative. This signature certifies that the content of the appeal is true.

See www.aho.wa.gov/Documents/Pamphlet_PCHB.pdf or call the PCHB at the number above with appeal questions.

The owner may submit the appeal immediately, but the PCHB must receive it no later than **Feb 10, 2022 (Appeal Date)**. **The owner waives the right to a hearing if the PCHB does not receive an appeal on or before the Appeal Date.** The owner is then liable for any costs incurred by DNR in responding to the vessel. These costs may include all administrative costs incurred by DNR, removal and disposal costs, and costs associated with environmental damage directly or indirectly caused by the vessel. If there is a law suit, the successful party may receive reasonable attorneys' fees and costs.

 <p>NOTICE OF INTENT TO OBTAIN CUSTODY</p> <p>VESSEL "Kokua", with USCG # 252223</p> <p>The Washington State Department of Natural Resources (DNR) has declared the vessel <i>Kokua</i>, with USCG # 252223, as debris or abandoned.</p> <p>DNR intend to take custody of the vessel on January 10, 2022. (Custody Date). After taking custody, DNR may use or dispose of it without further notice. The owner is responsible for all related costs.</p> <p>In order to keep the vessel, the owner must take one of the following actions before the Custody Date:</p> <ul style="list-style-type: none"> • Move it to an anchorage area, moorage facility that authorizes the vessel. • Remove the vessel from the water. <p>If the owner wants to reclaim the vessel after DNR has custody, or wants to challenge DNR's decision to take custody, the owner must file a written appeal with the Pollution Control Hearings Board (PCHB) and serve a copy on DNR.</p> <p>Address and phone number for the Pollution Control Hearings Board (PCHB):</p> <p>Pollution Control Hearings Board (send one original and one copy)</p> <table border="1"> <tr> <td>Physical address: 1111 Israel Road Tumwater, WA 98501</td> <td>Washington State Department of Natural Resources Aquatic Resources Division 1111 Washington Street SE MS 47027 Olympia WA 98504-7027</td> </tr> </table> <p>The appeal must include the following information:</p> <ul style="list-style-type: none"> • A copy of this notice or a copy of the notification letter to the owner. • Your name and address (mailing and legal, if different) and, if applicable, the name and address of your representative. • A daytime phone number. • A brief statement why you are appealing. • A statement of what you want the Pollution Control Hearings Board to do. • Your signature or that of your representative. This signature certifies that the content of the appeal is true. <p>See www.aho.wa.gov/PCHB or call the PCHB at the number above with appeal questions.</p> <p>The owner may submit the appeal immediately, but the PCHB must receive it no later than Feb 10, 2022 (Appeal Date). The owner waives the right to a hearing if the PCHB does not receive an appeal on or before the Appeal Date. The owner is then liable for any costs incurred by DNR in responding to the vessel. These costs may include all administrative costs incurred by DNR, removal and disposal costs, and costs associated with environmental damage directly or indirectly caused by the vessel. If there is a law suit, the successful party may receive reasonable attorneys' fees and costs.</p> <p>DNR also may pursue any other remedies available under law. For example, DNR may take temporary possession of the vessel under the circumstances described in the Revised Code of Washington (RCW) 79.100 (4)(c).</p> <p>DNR is taking this action under the authority of Chapter 79.100 RCW. You can find a copy of this law online at http://www.leg.wa.gov/RCW/default.aspx?cite=79.100, or by contacting DNR. For more information regarding this action, contact DNR's Deleter Vessel Removal Program at (360) 992-1574 or DVP@dnr.wa.gov.</p>		Physical address: 1111 Israel Road Tumwater, WA 98501	Washington State Department of Natural Resources Aquatic Resources Division 1111 Washington Street SE MS 47027 Olympia WA 98504-7027
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Current Priority Rating System

When a vessel's situation, priority and threat make it necessary for removal **and** the DVRP has the funds to accomplish the removal, the DVRP will start a removal.

The DNR is not a response agency and RCW 79.100 is **not compulsory** for any authorized public entity.

1	Emergency	Vessels sinking, dragging anchor, badly anchored/moored, beached and breaking up, sunk in a navigation channel, presenting environmental risk such as leaking fuel or other hazardous mats
2	Non-emergency threats	Vessels sunk near a boat launch, beached near a public access area, abandoned and unattended in an area of high current or vessel traffic, need to be pumped continuously to stay afloat and are not tied to shore power, sunk where they are a hazard to small vessel navigation
3	Vessels impacting habitat	Vessels that poses a direct threat to elements of the natural environment, federally listed, spawning areas, protected plant or animal species, aquaculture practices, marine protected areas
4	Minor navigation or economic impact	Vessels that pose an economic impact
5	Other	Meet the definition of abandoned or derelict, but do not satisfy any of the criteria listed above, may be sunk at depth, floating, and vessels in trespass
6	Abandoned in boatyards	Vessel seized under RCW 53.08.320 seeking reimbursement from DVRA when the vessel was abandoned in a boatyard





Vessels Removed By Vessel Type

VTiP average cost:
\$3,589.00

Recreational,
\$5,756.49

Commercial,
\$54,737.48

Military -
Government,
\$409,800.01



*Total number of vessels removed is slightly higher;
graph includes only those vessels that had length, cost
and type data entered into our database.



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Database

DVRP_Edit_Map_Troy - ArcMap

File Edit View Bookmarks Insert Selection Geoprocessing Customize Windows Help

Table Of Contents

Layers

- Import from Collector
- DVRP Vessel Information
 - <all other values>
 - Vessel Removed?
 - No - Removal in Progress
 - No
 - Potential
 - No - Prevention Program
 - Yes - Owner
 - Yes - APE
 - Yes - Prevention Program
 - Yes - Private Third Party
 - Yes - Unknown Disposition
 - Yes - Non APE Government
 - Yes - Not removed but C
 - Indigible for DVRP - Vessel
 - Indigible for DVRP - Vessel
- Public Reported Vessels Imported to Master GDF
 - <Null>
 - 0
 - 1
 - County Tax Parcels
 - State Legislative Districts
 - Encumbrances
 - Mooring Buoy (Historic)
 - Assumed Aquatic Lands On
 - Motorized Boat Launches (F)
 - NOAA Navigational Buoys
 - Nearshore Habitat - Whatch
 - Herring Spawning and Hold
 - Forage Fish Surveys (WDFW)
 - Geoduck Tracts (WDFW).lyr
 - Commercial Shellfish Growl
 - Public Land Survey Townsh
 - Public Land Survey Sections
 - Land Manager Coverage



DVRP Vessel Information

OBJECTID	DVRP Number	APE Conducting Removal	Vessel Name	Vessel ID	County Name	Year Built	Boat Length	Hull Type	Propulsion	Vessel Make	Vessel as Built Type	Current Vessel Type	Current Vessel Use Sub Type	Hull Color	Superstructure Color	Trim Color
135041	KP20-037	POPD	<Null>	WN 7710 NJ	Kitsap	<Null>	24	Fiberglass	Sail	<Null>	Recreational	Recreational	Sailing	Red	Red	White

1 out of 2139 Selected

DVRP Vessel Information | Public Reported Vessels

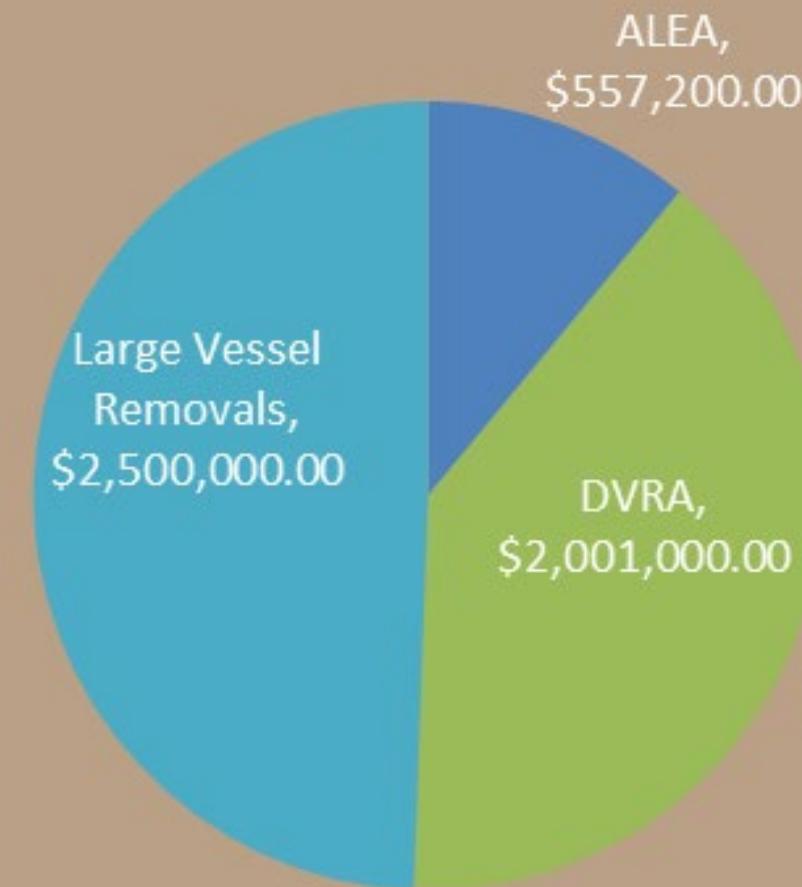
Number of features selected: 1

-122.504 47.357 Decimal Degrees



Funding

19-21 DNR Appropriation by Account



ALEA = DNR account from geoduck and aquatic land leases

For 17-19: \$2.3 million

For 15-17: \$2.47 million



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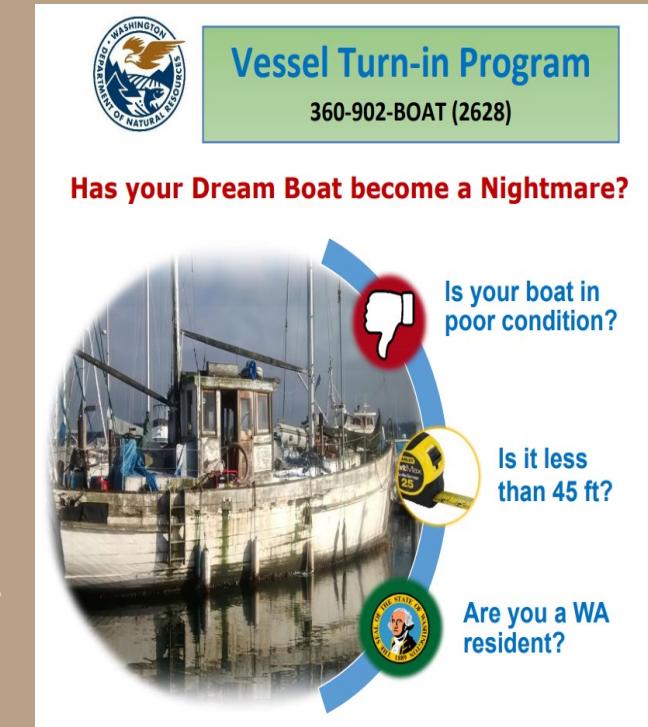
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Recent Program Improvements

Prevention is the goal

- **Removed the spending cap** on the Vessel Turn-In Program
 - Previously, the VTIP was limited by statute to spend no more than \$200,000 per biennium. DNR proposed the removal of the cap so the program can remove an increased number of its lower priority vessels.
- **Reduced the length** of vessels subject to secondary liability law
 - Lowered the vessel criteria from 65 feet to 35 feet to capture a larger number of vessels that pose a significant threat of becoming derelict or abandoned.
- **Provide grants** to local law enforcement
 - DNR proposed to issue grants, at a maximum of \$50,000 each, to local law enforcement agencies to compensate them for time and equipment needed to enforce vessel registration and aquatic laws.
- **Pilot a vessel recycling program**
 - DNR proposed to conduct a pilot project on the creation of a vessel recycling waste stream. If the project is successful, it can be copied in several locations around the state in partnership with other authorized public entities and rural communities.



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Pilot vessel recycling program



1700D Horizontal Grinder

Powerful results from our most compact grinder



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(Derelict & Abandoned Reporting Tool)



DVRP has a vessel reporting tool on the DNR external website.

Highlights of DART:

- It can be used on any smart phone
- Upload geo-tagged photos
- A report will populate our database automatically
- The public can view a report for a short period after the initial report
- It will help prevent multiple reports on the same vessel

Here is the link to the new tool/website: <https://www.dnr.wa.gov/vessel-reporting>

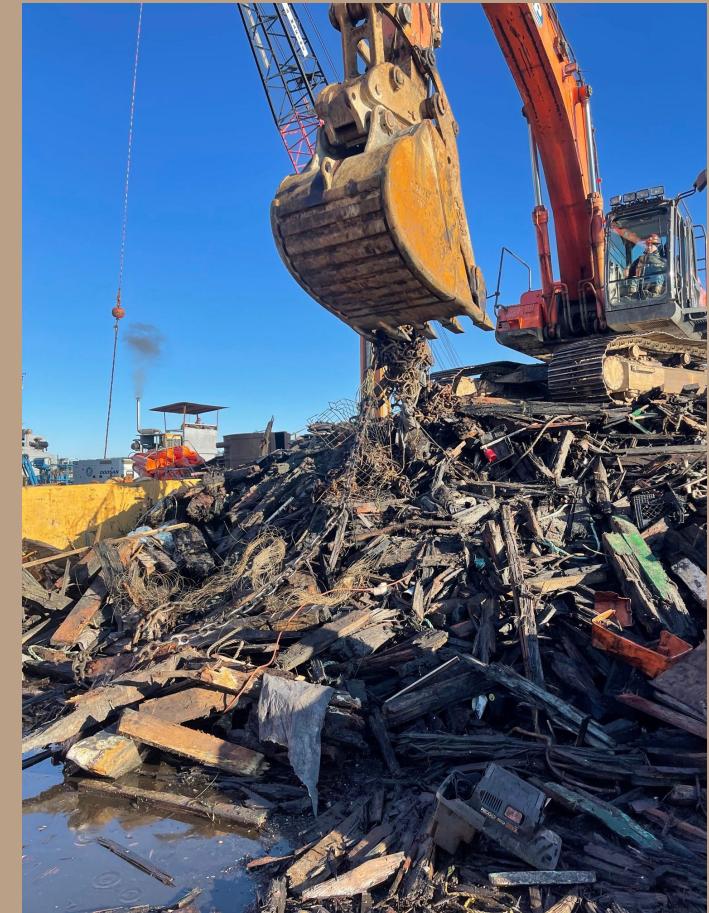
 **MyCoast**
<https://mycoast.org/wa>



Thank you

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Troy Wood, Program Manager
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LAW ENFORCEMENT OPTIONS – summarized by DVRP 12/4/2019

• The Derelict Vessel Removal Program should be considered the last resort mainly because it is the owner's responsibility for their vessel. It is very helpful and conducive to prevent these vessels from becoming derelict and/or abandoned. Law enforcement can play an important role in identifying these potential vessels by taking the following enforcement actions:

- RCW 79.100 Derelict Vessel Removal Act
- RCW 79.02.300 Trespass, waste, damages — Prosecutions
- WAC 332-52-155 Anchorage
- WAC 308-93-275 Abandoned vessels
- RCW 88.02 Vessel Registration
- RCW 35.21.160 Jurisdiction over adjacent waters
- WAC 332-30-171 Residential uses on state-owned aquatic lands.
- RCW 88.02.420 Long-term moorage, required information.

Educate, motivate and encourage responsible vessel ownership.

Ticketing Statutes

RCW.79.100.110.1 Aquatic Land-Abandon Vessel CN / M \$500

RCW.79.100.110.2 Aquatic Land-Sink Vessel/Block CHNL \$500

(1) A person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.

(2) A person who intentionally, through action or inaction and without the appropriate state, local, or federal authorization, causes a vessel to sink, break up, or block a navigational channel upon aquatic lands is guilty of a misdemeanor.

RCW.88.02.550 No Boat Registration Number/Decal IT / \$257

RCW.46.12.650.7 Failing to Transfer Ownership Within 45 Days CT / M

RCW.9A.52.070 Criminal Trespass in the 1st Degree CN / M

