



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Doug Sutherland - Commissioner of Public Lands

# Derelict Vessel Removal Program Guidelines

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Prepared by:

Aquatic Resources Program Policy Unit  
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Derelict Vessel Removal Program

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**IF YOU HAVE A VESSEL THAT IS IN DANGER OF SINKING, PLEASE CONTACT  
THE APPROPRIATE AGENCY LISTED BELOW**

## **Emergency Information**

All emergency contact procedures (relative to sinking vessels) that were in place prior to the passage of RCW 79.100 remain in effect. The resulting statutes and these procedures do not change any of the emergency contact requirements.

### **Marine Emergencies**

For all marine emergencies in Puget Sound and in the Pacific Ocean north of Grays Harbor (N 47°-00'), staff should notify:

- **USCG Seattle Marine Safety Office 24-hour emergency response at (206) 217-6001**

For marine emergencies in the Pacific Ocean from Grays Harbor south and on the Columbia, Snake & Salmon Rivers, staff should notify:

- **USCG Portland Marine Safety Office 24-hour emergency response at (503) 240-9301**

### **Reporting an Oil Spill or Spill of other Hazardous Substances**

All spills or releases of oil or other hazardous substances on water or land should be reported to the:

- **USCG Seattle Marine Safety Office 24-hour emergency response at (206) 217-6001**
- **U.S. National Response Center at (800) 424-8802**
- **Washington Military Dept. Division of Emergency Management at (800) 258-5990**
- **Washington Department of Ecology 24-hour Spill Response Hot line at (360) 407-6300**
- **Washington DNR's Natural Resource Damage Representative at (360) 902-1064**

### **Contacting the Derelict Vessel Removal Program Manager**

All marine emergencies, including spills or releases of oil or other hazardous substances on water, related to potential derelict or abandoned vessels on state-owned aquatic land should be reported to the:

- **DNR DVRP Program Manager at (360) 902-1574 or (360) 902-1100 or at [DVRP@dnr.wa.gov](mailto:DVRP@dnr.wa.gov)**

Please note that DNR's Derelict Vessel Removal Program does not have 24 hour response capabilities. **If a vessel is in immediate danger of sinking, breaking up or blocking navigation channels and the owner cannot be located or is unwilling or unable to act, DNR or any other authorized public entity (such as a city or county governments, including their police, sheriff, fire dept., shoreline enforcement, etc.) may tow, beach or otherwise take temporary possession of the vessel (RCW 79.100.040(3)).**

## Table of Contents

<b>MARINE EMERGENCIES.....</b>	<b>i</b>
<b>REPORTING AN OIL SPILL OR SPILL OF OTHER HAZARDOUS SUBSTANCES .....</b>	<b>i</b>
<b>1. INTRODUCTION.....</b>	<b>5</b>
1.1 LEGISLATIVE FINDINGS.....	5
1.2 STATUTORY AUTHORITY .....	5
<b>2. DEFINITIONS .....</b>	<b>5</b>
2.1 ABANDONED VESSEL.....	6
2.2 AQUATIC LANDS.....	6
2.3 AUTHORIZED PUBLIC ENTITY .....	6
2.4 DERELICT VESSEL.....	6
2.5 DERELICT VESSEL REMOVAL ACCOUNT .....	6
2.6 HAZARDOUS AND DANGEROUS SUBSTANCES .....	7
2.7 IN THE SAME AREA .....	7
2.8 MOORAGE FACILITY.....	7
2.9 OWNER .....	7
2.10 VESSEL .....	7
<b>3. ROLES AND RESPONSIBILITIES.....</b>	<b>8</b>
3.1 PRIVATE LANDOWNERS, LESSEES, AND OPERATORS .....	8
3.1.1 Private Moorage Facilities .....	8
3.2 AUTHORIZED PUBLIC ENTITIES.....	8
3.2.1 Jurisdiction.....	8
3.2.2 Permissive Authority .....	9
3.2.3 Enforcement.....	9
3.2.4 Collections .....	9
3.3 WASHINGTON DEPARTMENT OF NATURAL RESOURCES.....	9
3.3.1 Derelict Vessel Removal Program Coordination.....	9
3.3.2 Major Land Manager .....	10
3.3.3 DNR as an Authorized Public Entity .....	10
3.3.4 Requesting DNR to Assume Primary Responsibilities of Another Authorized Public Entity.....	11
3.4 WASHINGTON DEPARTMENT OF FISH AND WILDLIFE .....	12
3.5 WASHINGTON STATE PARKS AND RECREATION COMMISSION .....	12
3.6 WASHINGTON PUBLIC PORTS.....	13
3.7 METROPOLITAN PARK DISTRICTS .....	13
3.8 TOWN, CITY, OR COUNTY GOVERNMENT .....	13
3.9 WASHINGTON DEPARTMENT OF ECOLOGY .....	13
3.10 U.S. COAST GUARD.....	14
3.11 U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) .....	14
3.12 U.S. ARMY CORPS OF ENGINEERS .....	14
<b>4. VESSEL IDENTIFICATION AND REPORTING .....</b>	<b>15</b>

4.1	VESSEL IDENTIFICATION .....	15
4.2	VESSEL REPORTING .....	15
<b>5.</b>	<b>REIMBURSEMENT PRIORITIZATION CRITERIA .....</b>	<b>15</b>
5.1	PURPOSE .....	15
5.2	PRIORITY 1.....	15
5.2.1	Priority 1A .....	16
5.2.2	Priority 1B.....	16
5.2.3	Priority 1C.....	16
5.2.4	Priority 1D .....	16
5.3	PRIORITY 2.....	16
5.3.1	Priority 2A .....	16
5.3.2	Priority 2B.....	17
5.4	PRIORITY 3.....	17
5.4.1	Priority 3A .....	17
5.4.2	Priority 3B.....	17
5.4.3	Priority 3C.....	17
5.4.4	Priority 3D .....	18
5.5	PRIORITY 4.....	18
5.5.1	Priority 4A .....	18
5.5.2	Priority 4B.....	18
5.5.3	Priority 4C.....	18
5.6	PRIORITY 5.....	18
<b>6.</b>	<b>NORMAL REMOVAL PROCEDURES .....</b>	<b>18</b>
6.1	ASSURANCE OF FUNDS.....	18
6.1.1	Requesting an Assurance of Funds .....	19
6.1.2	Contracts .....	19
6.1.3	Progress Payments .....	19
6.2	OBTAINING CUSTODY OF A VESSEL .....	19
6.2.1	Notice Requirements.....	20
6.3	CONTESTING CUSTODY .....	20
6.4	REQUIREMENTS FOR REMOVAL.....	21
6.4.1	Custody .....	21
6.4.2	State Environmental Policy Act (SEPA) Review .....	21
6.4.3	Shoreline Permit.....	21
6.4.4	Hydraulic Project Approval .....	22
6.4.5	Right of Entry .....	22
6.4.6	Federal Permits .....	22
6.4.7	Local Permits and Authorizations.....	23
6.4.8	Air Pollution Control Board.....	23
6.5	USE OR DISPOSAL OF THE VESSEL .....	23
6.5.1	Auction.....	23
6.5.2	Proceeds of Sale.....	23
6.5.3	Ocean Disposal .....	23
6.6	REIMBURSEMENT.....	24
6.6.1	Reimbursement by Vessel Owner.....	24

6.6.2	Actions to Recover Reimbursement from Vessel Owner .....	24
6.6.3	Reimbursement from the Derelict Vessels Removal Account (DVRA) .....	24
6.6.4	DVRA Priorities.....	25
6.6.5	Requesting Reimbursement from DVRA .....	25
6.6.6	Funding Cycles .....	25
6.6.7	Reimbursable Expenses .....	26
6.6.8	Multiple Authorized Public Entities .....	27
<b>7.</b>	<b>EMERGENCY REMOVAL PROCEDURES.....</b>	<b>27</b>
7.1	ACTIVATING EMERGENCY RESPONSE PROCEDURES .....	27
7.2	TEMPORARY POSSESSION; AUTHORITY.....	27
7.3	PRIORITIZATION.....	28
7.4	CONTACT REQUIREMENTS .....	28
7.4.1	Marine Emergencies .....	28
7.4.2	Reporting an Oil Spill or Spill of other Hazardous Substances.....	28
7.5	REIMBURSEMENT.....	28
<b>8.</b>	<b>APPENDICES .....</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
	<b>APPENDIX A: AGENCY CONTACT INFORMATION.....</b>	<b>29</b>
	<b>APPENDIX B: DERELICT VESSEL REPORTING FORM .....</b>	<b>31</b>
	<b>APPENDIX C: FUNDING PRIORITIZATION AND DNR REMOVAL PRIORITIZATION FLOWCHART .....</b>	<b>32</b>
	<b>APPENDIX D:           REQUEST FOR ASSURANCE OF FUNDS.....</b>	<b>32</b>
	<b>APPENDIX D:           REQUEST FOR ASSURANCE OF FUNDS.....</b>	<b>33</b>
	<b>APPENDIX E: ASSURANCE OF FUNDS CONTRACT.....</b>	<b>37</b>
	<b>APPENDIX F:           REIMBURSEMENT REQUEST FORM .....</b>	<b>41</b>
	<b>APPENDIX G:   REIMBURSEMENT PROCESSING FLOWCHART.....</b>	<b>45</b>
	<b>APPENDIX H: CHANGE IN PRIMARY RESPONSIBILITY REQUEST FORM.....</b>	<b>46</b>

## **1. Introduction**

The Washington State Department of Natural Resources' (DNR's) Derelict Vessel Removal Program (DVRP) is the first program in the state with a comprehensive mechanism for addressing the problem of derelict or abandoned vessels in the waters of the state. The program provides funding and expertise to assist authorized public entities (as defined in the legislation) in the removal and disposal of vessels across the state. The DNR has created a web page that provides more information on the program and has links to forms and applications. This site also provides information on the Derelict Vessel Removal Program account balance, notices, and postings. The web site is updated regularly and may be found at:

[www.dnr.wa.gov/RecreationEducation/Topics/DerelictVessels/Pages/agr\\_derelict\\_vessel\\_removal\\_program.aspx](http://www.dnr.wa.gov/RecreationEducation/Topics/DerelictVessels/Pages/agr_derelict_vessel_removal_program.aspx)

This document explains the various aspects of the program, how DNR will operate within the program as an authorized public entity (Authorized Public Entity), and how other Authorized Public Entities should operate to ensure they follow the intent of the legislature and stay within the authorities granted in statute.

### **1.1 Legislative 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 found that the increased 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 cost associated with the removal of derelict vessels becomes a burden on public entities and the taxpaying public.

### **1.2 Statutory Authority**

The authority extended to authorized public entities through the passage of RCW 79.100 is intended to provide local public entities the tools and funding to deal with the public nuisances and safety hazards caused by abandoned and derelict vessels. The procedures for taking custody of these vessels eliminate the long, complex legal process of determining responsibilities that used to exist. It is not intended to be the only remedy available to Authorized Public Entities. Also, it was not intended to limit or constrain the ability and authority of an Authorized Public Entity to enact and enforce ordinances or other regulations relating to derelict and abandoned vessels, or to take any actions authorized by federal or state law in responding to derelict or abandoned vessels. The authority granted to Authorized Public Entities is permissive under the statute RCW 79.100, and no authorized public entity has a duty to exercise the authority. No liability attaches to an authorized public entity that chooses not to exercise this authority.

## **2. Definitions**

Unless otherwise noted, the following definitions are taken from the derelict vessel statutes and can be found in RCW 79.100.010.

**2.1 Abandoned Vessel**

A vessel is considered abandoned if the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel 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. "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.

**2.2 Aquatic Lands**

Aquatic lands include all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

**2.3 Authorized Public Entity**

An authorized public entity can be any of the following: the department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands in Washington State where an abandoned or derelict vessel is located.

**2.4 Derelict Vessel**

A vessel is considered derelict if 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 chapter 79.02.300 RCW 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.

**2.5 Derelict Vessel Removal Account**

The derelict vessel removal account has been created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into the account. The 2006 law revision allows the account to receive gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of program and to expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of RCW 79.100 or any guidelines developed to prioritize reimbursement of removal projects associated with it. Money in the account may only be spent after appropriation. Expenditures from the account

shall be used by the DNR to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels, not covered under other authorities, when the previous owner is either unknown after a reasonable search effort or insolvent.

**2.6 Hazardous and dangerous substances**

A hazardous substance is any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under chapter 70.105 RCW; any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14); petroleum or petroleum products; and any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment. The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law. (WAC 173-340-200)

**2.7 In the Same Area**

A vessel is considered to be in the same are if it is within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

**2.8 Moorage facility**

Moorage facility means any properties or facilities owned or operated by any port district, city, town, metropolitan park district, county, or private facility, which are capable of use for the moorage or storage of vessels. (RCW 53.08.310 (3) and (4))

**2.9 Owner**

An owner can be any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

**2.10 Vessel**

Vessel means every species of watercraft or other artificial contrivance capable of being used as a means of transportation on water and which does not exceed two hundred feet in length. It also includes any trailer used for the transportation of watercraft.

### **3. Roles and Responsibilities**

For a reference to agency contact information see Appendix A.

#### **3.1 Private Landowners, Lessees, and Operators**

If an abandoned or derelict vessel is located on privately owned aquatic lands, and the owner of the vessel is not known or cannot be located, the owner, operator, or lessee of the moorage facility or the owner of the aquatic lands has the primary responsibility for the removal of the vessel. This responsibility, however, will have to be affected by most private entities under common law or trespass law since RCW 79.100 does not empower private entities to remove vessels. Private land owners may also be able to obtain rights to the vessel under the lost and found personal property laws. Persons wishing to pursue this avenue should contact the Washington Dept. of Licensing at (360) 902-3770 option 5 for instructions.

##### **3.1.1 Private Moorage Facilities**

The ability of a private moorage facility to secure a vessel, move it ashore for storage, and the subsequent sale of that vessel, as described in RCW 88.26.020 are unchanged.

#### **3.2 Authorized Public Entities**

An Authorized Public Entity has the authority, subject to the processes and limitations outlined in statute (79.100 RCW) to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above aquatic lands within the jurisdiction of the authorized public entity in a manner that best benefits the citizens of the state and minimizes environmental impacts.

##### **3.2.1 Jurisdiction**

The jurisdiction of an Authorized Public Entity is the territorial range over which it has the authority to allow, permit, or otherwise condition public activities.

For vessels not at a moorage facility, an Authorized Public Entity with jurisdiction over the aquatic lands where the vessel is located may, at its discretion, request to assume primary responsibility for that particular vessel from the owner of the aquatic lands, including state or privately owned aquatic lands, where the vessel is located. For example, if a vessel is abandoned on aquatic lands owned by a private citizen, any Authorized Public Entity with jurisdiction over the aquatic lands, such as a county or city government, may apply the powers granted in chapter 79.100 RCW on that vessel if authorization is granted by the owner of the aquatic lands on which the vessel is located.

3.2.2 Permissive Authority

The authority granted an Authorized Public Entity by statute (79.100 RCW) is permissive, and no Authorized Public Entity has a duty to exercise the authority. No liability attaches to an Authorized Public Entity that chooses not to exercise this authority.

3.2.3 Enforcement

A Person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.

3.2.4 Collections

When DNR acts as Authorized Public Entity in vessel removals and disposals, the DVRP Manager shall follow the collections procedure established in SPM03-04-Accounts Receivable Collection and all applicable definitions therein. See Due bill letter (Appendix I). Attempts to collect, i.e. default letters, phone calls etc. should be well documented in the file. Three distinct attempts at 30, 60 and 90 days from the due date must be attempted. The authority exists to use a collection agency for outstanding amounts over \$50.00 (if every attempt has been made to collect per SPM03-04). The DVRP Manager must send an email to DNR's Finance Division stating the vessel owner's name, the Derelict Vessel Case Number, amount delinquent and any documentation of steps taken to collect. DNR's Finance Division will forward this information to a collection agency, which may then add an additional charge to the amount due.

**3.3 Washington Department of Natural Resources**

The Washington Department of Natural Resources (DNR) does not have spill or emergency response capabilities or responsibilities similar to the U.S. Coast Guard, U.S. Army Corps of Engineers, or Washington State Department of Ecology (their roles and responsibilities are listed below in sections 3.9, 3.10 and 3.11). DNR's role and responsibilities in the derelict vessel removal program are to act as primary program coordinator, an Authorized Public Entity, and as a major land manager who is charged with the responsibility for managing the state's 2.4 million acres of state-owned aquatic lands.

3.3.1 Derelict Vessel Removal Program Coordination

The Derelict Vessel Removal Program (DVRP) Manager provides technical information and coordination to Authorized Public Entities (acting under the authority of RCW 79.100) when they are removing and disposing of derelict and abandoned vessels. The DVRP Manager also coordinates vessel removal contracts when DNR is acting as Authorized Public Entity. Program coordination focuses on managing the Derelict Vessel Removal Program account and reimbursing Authorized Public Entities for authorized expenditures. To ensure that other authorized public entities are kept apprized of the account, the DVRP account

balance and the funds available in the account for removals are posted and updated on its web site at:

[http://www.dnr.wa.gov/htdocs/aqr/derelict\\_vessel/index.html](http://www.dnr.wa.gov/htdocs/aqr/derelict_vessel/index.html)

3.3.2 Major Land Manager

DNR's role and responsibility as the steward of state-owned aquatic lands is to encourage direct public use and access to the waters of the state, to foster water dependent uses, to ensure environmental protection, and to utilize renewable resources. In addition, DNR generates revenue from the use of state-owned aquatic lands when it is consistent with the above-mentioned goals and uses. As the land manager acting on the state's behalf, DNR desires to build partnerships with local, state, and federal agencies, tribes, businesses, and community groups to develop environmentally sound uses of state owned aquatic lands, increase public access, support aquatic resource protection and enhancement projects, and cooperatively prepare shared plans and goals, consistent with the DNR's statutory obligations.

3.3.3 DNR as an Authorized Public Entity

The primary responsibility to remove a derelict or abandoned vessel from state-owned aquatic land belongs to the vessel's owner or operator, or to the lessee of the moorage facility or the aquatic lands where the vessel is located. If the owner, operator, or lessee fails to act, DNR, acting as an Authorized Public Entity, has the primary responsibility to remove derelict or abandoned vessels from state-owned aquatic lands. In the case where a port, city, county, or other state agency that is an Authorized Public Entity acts as the manager of state-owned aquatic land (e.g., through a lease or Port Management Agreement), that entity would be the Authorized Public Entity with primary removal responsibility. Authorized Public Entities with regulatory jurisdiction (e.g., cities & counties) may request to assume the primary responsibility to remove derelict or abandoned vessels from state-owned aquatic lands.

As an Authorized Public Entity, DNR may use its own assets or contract with other entities to remove and dispose of derelict or abandoned vessels.

As an Authorized Public Entity, it is DNR's policy to request local entities with jurisdiction to assume the lead Authorized Public Entity role for vessel removal. The DVRP manager has responsibility for contacting the local Authorized Public Entities. The DVRP manager shall assess each situation, and, in consultation with the Division and Region Manager and using the criteria in DVRP guidance, determine if DNR will request local Authorized Public Entities with jurisdiction (cities, counties, or ports) to assume responsibility for vessel removal. If the city, county, or port cannot or will not assume responsibility, DNR may use its own assets or contract with other entities to remove and dispose of derelict or abandoned vessels.

If an external Authorized Public Entity requests assurance of funds or a reimbursement of funds, this shall also be considered the request to assume the lead Authorized Public Entity role.

The priorities for removal of vessels for which DNR is the Authorized Public Entity with primary responsibility are identical to the funding prioritization criteria shown in Section 5 (see Appendix C). However, if the highest ranking vessel proves economically infeasible in consideration of the DVRA balance, DNR may skip to the next highest ranking vessel that is economically feasible. The skip must be noted and described in that vessel's file and in the DVRP Database. These priorities apply only to DNR and are not intended to determine the removal priorities of other Authorized Public Entities.

### 3.3.4 Requesting DNR to Assume Primary Responsibilities of Another Authorized Public Entity

An Authorized Public Entity has the primary responsibility for a vessel when the Authorized Public Entity owned, leased, or managed aquatic lands, or when the other Authorized Public Entity had been authorized by an owner, lessee, or operator of aquatic lands to act on their behalf. If the Authorized Public Entity is unwilling or unable to exercise its authority, it may request that DNR assume the Authorized Public Entity's authority for the vessel.

To request that the DNR assume the Authorized Public Entity's authority for a vessel, the Authorized Public Entity must complete a Change of Primary Responsibility request form (see Appendix H) and submit it to the Derelict Vessel Removal Program. The DNR may, at its discretion, assume the Authorized Public Entity's authority for a particular vessel after being requested to do so. The criteria DNR will use to determine whether or not it will assume an Authorized Public Entity's authority for a vessel include, but are not limited to:

#### 3.3.4.1 Ability of the Primary Authorized Public Entity to Fund the Removal

For a vessel on lands not owned by the state (e.g. privately owned tidelands or county owned aquatic lands), primary Authorized Public Entities that do not have the financial ability to fund the removal, but are willing to partner and/or share costs may use this as a reason to request DNR take responsibility for the removal of a vessel. Primary Authorized Public Entities with the ability to fund a vessel removal will be required to demonstrate that other conditions exist that would justify DNR assuming responsibility for the removal of that vessel.

**3.3.4.2 Technical Complexity of the Removal**

If the technical complexity of a removal operation exceeds the ability of the primary Authorized Public Entity to perform the operation, it may request DNR assume responsibility for the removal. Factors adding to the technical complexity of a removal include, but are not limited to, extensive permitting, sensitive environmental conditions, coordination between multiple entities and agencies, large quantities of hazardous materials, and complex legal considerations.

**3.3.4.3 Availability of DVRA Funds**

DNR will consider if DVRA funds or other funds are available for reimbursement of project costs. In the case where DVRA funds are not available but can be secured through an assurance of future funds, DNR may choose to accept primary responsibility for the removal of the vessel.

**3.3.4.4 Availability of DNR Funds for 10% Match Contribution**

DNR will consider the availability of funds to cover its 10% contribution of the total cost for the removal (matching funds). Normally, DNR will not accept responsibility for a vessel removal if the 10% matching funds are not available.

**3.3.4.5 Property Ownership**

DNR will take into consideration whether a public or private entity owns the aquatic lands where the vessel is located. Ownership will be considered to ensure that DVRA funds and the resources of DNR are committed to providing the maximum benefit possible to the citizens of the state.

**3.4 Washington Department of Fish and Wildlife**

The Washington Department of Fish and Wildlife (WDFW) is named in RCW 79.100 as an Authorized Public Entity. WDFW is also the agency that issues hydraulic project approvals for vessel removals that require work to be done in the waters of Washington (see Section 6.4.4 in Normal Removal Procedures). They may use their own assets or contract with other entities to remove derelict and abandoned vessels. WDFW also has a primary responsibility to remove derelict and abandoned vessels that are located in areas where WDFW is a manager or lessee of aquatic lands.

**3.5 Washington State Parks and Recreation Commission**

The Washington State Parks and Recreation Commission (Parks) is named in RCW 79.100 as an Authorized Public Entity. They may use their own assets or contract with other entities to remove derelict and abandoned vessels. Parks also has a primary responsibility to remove derelict and abandoned vessels that are located in areas where Parks is a manager or lessee of aquatic lands.

The authority of Parks to secure unauthorized vessels or those vessels considered a nuisance or that are in danger of sinking or creating other damage to a Parks' facility as outlined in RCW 79A.65.020 is unchanged. However Parks now has access to DVRA funds for reimbursement of up to 90% of the costs incurred while removing and disposing of these vessels.

**3.6 Washington Public Ports**

Washington public ports are named in RCW 79.100 as Authorized Public Entities. They may use their own assets or contract with other entities to remove derelict and abandoned vessels. Ports also have a primary responsibility to remove derelict and abandoned vessels that are located in areas where ports own, lease, or manage aquatic lands.

The authority of a port moorage facility, as defined in RCW 53.08.320, to establish rules and procedures regarding the expeditious collection of port charges remains unchanged. However, port moorage facilities now have access to funds in the DVRA for reimbursement of up to 90% of the cost of enforcement procedures. In the event a port moorage facility exercises its authorities as outlined in RCW 53.08.320, it may seek reimbursement from the DVRA.

**3.7 Metropolitan Park Districts**

Metropolitan park districts in Washington are named in RCW 79.100 as Authorized Public Entities. They may use their own assets or contract with other entities to remove derelict and abandoned vessels. Metropolitan park districts also have a primary responsibility to remove derelict and abandoned vessels that are located in areas where they own, lease, or operate aquatic lands.

**3.8 Town, City, or County Government**

Any city, town or county in Washington with jurisdiction over aquatic lands is also an Authorized Public Entity. They may use their own assets or contract with other entities to remove derelict and abandoned vessels. Towns, cities, or counties also have a primary responsibility to remove derelict and abandoned vessels that are located in areas where they own, lease, or otherwise manage aquatic lands.

**3.9 Washington Department of Ecology**

The Washington Department of Ecology (Ecology) responds to emergency incidents involving actual or potential releases and spills of oil and hazardous materials that have the potential to harm the natural environment and affect public health. Spill response teams based in Olympia, Seattle, Yakima, and Spokane provide 24-hour, year-round response service. In addition, Ecology is the state designated on-scene coordinator whenever oil or hazardous material is spilled in water. Ecology does not have any of the authorities extended to Authorized Public Entities.

**3.10 U.S. Coast Guard**

The United States Coast Guard's (USCG) Marine Safety Office executes the federally designated on-scene coordinator's responsibility to ensure proper response actions are taken to minimize impacts to the environment in the event of a chemical or oil release in marine waters and major navigable fresh water including the Columbia & Snake Rivers, Lake Union & Lake Washington. This federal response role is covered by the US Environmental Protection Agency in the inland waters. Each incident is investigated to determine if a responsible party can be identified and whether legal actions are warranted. Response actions are carried out in accordance with the Northwest Area Contingency Plan. The USCG is not responsible for vessel removals and is not authorized to spend federal or DVRA money on the removal of vessels. The USCG is not an Authorized Public Entity under RCW 79.100.

**3.11 U.S. Environmental Protection Agency (EPA)**

The United States Environmental Protection Agency (EPA) executes the federally designated on-scene coordinator's responsibility to ensure proper response actions are taken to minimize impacts to the environment in the event of a chemical or oil release in inland waters. This federal response role is covered by the US Coast Guard in marine waters. Each incident is investigated to determine if a responsible party can be identified and whether legal actions are warranted. Response actions are carried out in accordance with the Northwest Area Contingency Plan. The EPA is not responsible for vessel removals and is not authorized to spend federal or DVRA money on the removal of vessels. The EPA is not an Authorized Public Entity under RCW 79.100.

**3.12 U.S. Army Corps of Engineers**

The United States Army Corps of Engineers (USACE) is responsible for coordinating its wreck removal program with the U.S. Coast Guard to protect the federal interests in navigation and safety. Obstructions that impede or stop commercial navigation or pose an immediate and significant threat to life, property, or structures that facilitate navigation, may be removed by the USACE under the emergency authority of section 20 of the Rivers and Harbors Act of 1899. In other non-emergency situations, all reported obstructions would be evaluated for impacts to safe navigation and the need for removal. Obstructions, which are not a hazard to general navigation, will not be removed by the USACE. Vessel removals by the USACE are generally limited to vessels that impact the Marine Transportation System or pose a threat to federally maintained channels or property. The USACE also administers the Nationwide Permit #22 which regulates at a federal level the removal of vessels from navigable waters. The USACE is not an Authorized Public Entity under RCW 79.100.

## **4. Vessel Identification and Reporting**

### **4.1 Vessel Identification**

To identify the owner of an abandoned or derelict vessel, the party should obtain the vessel name and registration/documentation number if there is one present, obtain a description of the vessel size (length and width), color, type, and try to identify what type of fuel the vessel uses and determine whether or not there are any hazardous materials visually present. Describe the general location of the vessel, the date, approximate depth of water, and whose property the vessel is located on, if known. The reporting party should write down any additional comments or features that will help describe the site or provide further information, to the extent possible without endangering their health or safety.

If there is no vessel registration or documentation number, vessels newer than 1976 should have a Hull Identification Number on their transom. This number can be used to identify ownership.

### **4.2 Vessel Reporting**

Anyone may report a vessel to the program. Derelict vessel reporting forms (see Appendix B) may be obtained from the program web site, which can be found at [www.dnr.wa.gov](http://www.dnr.wa.gov), and type derelict vessel in the search engine in the upper right. Reporting forms also may also be requested by contacting the Derelict Vessel Removal Program Manager at (360) 902-1100. Once the report is received, a derelict vessel identification number will be given to that report, and a funding prioritization number will be given to the vessel based on the information that is reported. Section 5. below describes the Funding Prioritization Criteria.

## **5. Reimbursement Prioritization Criteria**

### **5.1 Purpose**

Priority for use of the derelict vessel removal account (DVRA) is for abandoned and derelict vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances (see Appendix C). The criteria listed below are intended to assign each abandoned or derelict vessel a priority for reimbursement from the DVRA. These criteria do not determine the order in which vessels are removed. The criteria below further prioritize vessels within the major categories listed above.

### **5.2 Priority 1**

A Priority 1 vessel is a vessel considered in immediate, or imminent, danger of sinking, breaking up or blocking navigation channels or it poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination. That is, it will sink, break up or block navigation channels without intervention or it is dragging anchor, adrift or otherwise posing a reasonably imminent threat to human health or safety. If a vessel is in imminent

danger of sinking, and the USCG directs the vessel to be moored or anchored, the USCG must notify the landowner of its intent. If a vessel is in imminent danger of sinking, and the Department of Ecology under its Spill Prevention, Preparedness and Response Action authority knows this vessel is going to sink, and the owner is not able to take responsibility for the vessel, the Department of Ecology should contact the Derelict Vessel Removal Program Manager at 360-902-1574 to coordinate a potential removal and disposal plan. Priority 1 vessels are further prioritized as follows:

5.2.1 Priority 1A

Priority 1A vessels are those vessels that, if allowed to sink, break up, or drift and beach will be responsible for significant impacts to human health or safety. Severity of potential threats to human health shall be evaluated based on:

- a) Extent of population at risk;
- b) The toxicity or hazard potential of the hazardous substance(s);
- c) Threats to human food web;
- d) Volume of hazardous substance(s) released;
- e) Proximity of release to potential receptors, and
- f) Potential for contamination of drinking water.

5.2.2 Priority 1B

Priority 1B vessels are those vessels that, if allowed to sink or break up or drift and beach, will be responsible for significant impacts to the environment, including natural resource damages. Severity of potential environmental hazard shall be evaluated based on:

- a) Extent of wildlife population at risk;
- b) The toxicity or hazard potential of the hazardous substance(s);
- c) Threats to wildlife food web;
- d) Volume of hazardous substance(s) released, and
- e) Proximity of release to potential receptors.

5.2.3 Priority 1C

Priority 1C vessels are those vessels that if allowed to drift, sink or break up, will be responsible for significant impacts to navigation.

5.2.4 Priority 1D

Priority 1D vessels are those vessels that are in immediate/imminent danger of sinking or breaking up, or drifting and beaching, but if allowed to do so, will have little potential to significantly impact human health or safety, the environment, or navigation.

**5.3 Priority 2**

Priority 2 vessels are those vessels, floating or sunken, which pose an existing or probable, but not immediate, threat to human health, safety and the environment. Priority 2 vessels are further prioritized as follows:

5.3.1 Priority 2A

A Priority 2A vessel is any vessel, floating or sunken, which presents an existing threat to human safety. Severity of potential threats to human safety shall be evaluated based on:

- a) Potential as an attractive nuisance.
- b) Potential for harmful human interactions or encounters with the vessel.

5.3.2 Priority 2B

A Priority 2B vessel is any vessel, floating or sunken, which presents a probable future threat to human health, safety & the environment. These vessels are likely to become Priority 1 vessels after a minor change in circumstances. For example, vessel needs to be pumped continuously to stay afloat but someone is pumping it; vessel is tied abandoned & unattended in an area of high current or vessel traffic. Severity of potential threats to human health shall be evaluated based on:

- a) Extent of population at risk;
- b) The toxicity or hazard potential of the hazardous substance(s);
- c) Threats to human food web;
- d) Volume of hazardous substance(s) released;
- e) Proximity of release to potential receptors, and
- f) Potential for contamination of drinking water.

**5.4 Priority 3**

A Priority 3 vessel is any vessel, floating or sunken, that doesn't meet one of the categories above but still poses a direct threat to any of the elements of the natural environment as listed in WAC 197-11-444. Priority 3 vessels are further prioritized as follows:

5.4.1 Priority 3A

Priority 3A vessels are those vessels impacting any plant or wildlife species listed on a state or federal endangered, threatened, proposed, sensitive, candidate, concern or monitor list. Impacts to habitats with which listed species have primary association are to be considered impacts to the species.

5.4.2 Priority 3B

Priority 3B vessels are those vessels impacting any other plant or animal species afforded protection by any local, state, or federal agency.

5.4.3 Priority 3C

Priority 3C vessels are those vessels impacting the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or saltwater areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding,

raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals. (WAC 332-30-106)

5.4.4 Priority 3D

Priority 3D vessels are those vessels impacting a marine protected area, restoration area or aquatic reserve. A vessel may impact a marine protected area, restoration area, or aquatic reserve without being located within its boundaries.

5.4.5. Priority 3E

Priority 3E vessels are those vessels impacting water or air quality that don't meet one of the categories above.

**5.5 Priority 4**

Priority 4 vessels are those vessels, floating or sunken, which pose a direct threat to navigation. Priority 4 vessels are further prioritized as follows:

5.5.1 Priority 4A

Priority 4A vessels are those vessels blocking entrance to an embayment or other important navigation route, which causes other vessels to find other, more lengthy routes around the hazard.

5.5.2 Priority 4B

Priority 4B vessels are those vessels is in such a location that they could be a hazard to navigation but it does not lie in any navigation channel, route, or area commonly used as a navigation route. Navigation hazards shall include those vessels that are partly or totally sunk and are inconspicuous to small boat operators. Such vessels, if of substantial mass and inconspicuous position, may also qualify as priority 2 if a small boat collision with such a vessel could result in injury.

5.5.3 Priority 4C

Priority 4C vessels are those vessels in a location such that it prohibits other vessels from entering a marina or utilizing a marina slip.

**5.6 Priority 5**

Priority 5 vessels are those vessels that meet the criteria of abandoned or derelict, but do not satisfy any of the criteria listed above.

**6. Normal Removal Procedures**

**6.1 Assurance of Funds**

Authorized Public Entities are not automatically guaranteed reimbursement for derelict vessel removal operations. Authorized public entities seeking certainty in reimbursement prior to taking action under chapter 79.100 RCW must first notify

the program of their proposed action and the estimated total costs. Upon notification by an Authorized Public Entity, the DNR must make the Authorized Public Entity aware of the status of the fund and the likelihood of reimbursement being available. The program may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

**6.1.1 Requesting an Assurance of Funds**

An Authorized Public Entity seeking an assurance of funds must fill out and submit an application to the derelict vessel removal program (see Appendix D). This application contains information regarding the vessel, an estimated removal cost, a description of the removal method as well as how long the assurance is needed and why. An assurance of funds will be made based on the status of the DVRA and the priority of the vessel to be removed.

**6.1.2 Contracts**

When assuring funds for a particular removal project is appropriate given the balance of the fund and the details of the proposed action, the applicant will enter into a contract with the DNR (see Appendix E). The contract will assure the funds as estimated in the application for assurance as long as the removal project is completed by the specified deadline and conditions. If the removal project is not completed prior to the deadline, the assurance of funds will no longer be valid, but the Authorized Public Entity can still be reimbursed if funds are available at that time.

**6.1.3 Progress Payments**

For removal operations with an assurance of funds and a total reimbursement eligible cost over \$50,000, progress payments can be made during the removal operations for completed work.

**6.2 Obtaining Custody of a Vessel**

Prior to exercising its authority, the Authorized Public Entity must first obtain custody of the vessel. To do so, the Authorized Public Entity must:

- a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the last owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;
- b) Post notice of its intent clearly on the vessel, or if sunk the notice may be posted on its marker buoy, for thirty days;
- c) Publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

- d) Post notice of its intent on the DNR's internet web site on a page specifically designated for such notices. If the Authorized Public Entity is not DNR, DNR must facilitate the internet posting.

6.2.1 Notice Requirements

All notices sent, posted, or published in accordance with the authority granted by chapter 79.100 RCW must, at a minimum, explain:

- a) The intent of the Authorized Public Entity to take custody of the vessel;
- b) The rights of the Authorized Public Entity after taking custody of the vessel as provided in chapter 79.100.030 RCW;
- c) The procedures the owner must follow in order to avoid custody being taken by the Authorized Public Entity;
- d) The procedures the owner must follow in order to reclaim possession after custody is taken by the Authorized Public Entity, and
- e) The financial liabilities that the owner may incur as provided for in chapter 79.100.060 RCW.

**6.3 Contesting Custody**

A person seeking to contest an Authorized Public Entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under RCW 79.100, may request a hearing in accordance with RCW 79.100.

6.3.1 If Authorized Public Entity is a State Agency

If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the Aquatic Resources Division of the Department of Natural Resources at 1111 Washington St SE, PO Box 47027, Olympia WA 98504-7027 within twenty days of the date the authorized public entity acquires custody of the vessel under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption. If no request is filed, the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

Upon timely receipt of a hearing request, the department shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the department shall notify the vessel owner requesting the hearing and the Authorized Public Entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the department shall set

the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the department shall set the hearing on a date that is within sixty days of the filing of the request for hearing.

6.3.2 If Authorized Public Entity is not a State Agency

If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then a person requesting a hearing under this section must follow the procedure established in RCW 53.08.320(5) for contesting the decisions or actions of moorage facility operators.

**6.4 Requirements for Removal**

6.4.1 Custody

Custody of the vessel must be obtained prior to the removal operation unless the vessel is a priority 1 or is blocking navigation channels. Vessels blocking federally maintained channels will typically be removed by the US Coast Guard or the US Army Corps of Engineers. Such removals should be coordinated through these agencies. See Section 5.2 for specifics for priority 1 vessels.

6.4.2 State Environmental Policy Act (SEPA) Review

It has been determined by the Derelict Vessel Removal Program that the actual removal of abandoned and derelict vessels meets the exemption criteria under SEPA and are not subject to a SEPA review. Specifically, these operations are exempt under WAC 197-11-800 (12)(d), abating or removing a nuisance or hazard to public health and safety. This SEPA exemption does not extend to in-water disposal methods. Additionally, it was also determined (and documented with a memorandum to file) that the adoption of these guidelines are exempt from SEPA (under WAC 197-11-800(19)) as they are agency procedures that do not establish substantive decision-making criteria that will modify the environment.

6.4.3 Shoreline Permit

The shoreline permit requirements of each jurisdiction may vary. It is the responsibility of the Authorized Public Entity conducting the removal

operation to ensure the shoreline permit requirements of the jurisdiction in which the vessel is located are met. Any fees or other costs associated with obtaining a shoreline exemption, permit or substantial development permit are considered reimbursable expenses.

6.4.4 Hydraulic Project Approval

It is the responsibility of the Authorized Public Entity conducting the removal operation to ensure the hydraulic project approval requirements of the Washington Department of Fish and Wildlife are met. The DVRP has a programmatic HPA, which allows for removal of vessel under many different circumstances. (See Appendix J.) However, some types of removals are not included in this HPA, such as vessels that are in eelgrass beds, on contaminated sediment sites, or are deeply embedded. In these instances, it will be necessary to obtain an individual HPA for the removal. In the event an abandoned or derelict vessel is floating and can be towed to a boatlift and removed from the water, an HPA is not required. Any fees or other costs associated with obtaining a hydraulic project approval are considered reimbursable expenses.

6.4.5 Right of Entry

If an Authorized Public Entity is conducting a removal operation on state-owned aquatic lands for which they do not have a leasehold interest, a right of entry from the DNR is required prior to the removal operation. Any fees or other costs associated with obtaining a right of entry are considered reimbursable expenses. A Right of Entry may be obtained through the Derelict Vessel Program Manager.

6.4.6 Federal Permits

The U.S. Army Corps of Engineer Nationwide Permit (NWP) 22 applies to the removal of vessels, including temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of manmade obstructions to navigation. Use of this NWP does not require notification to the District Engineer except as follows. NWP 22 does not authorize the removal of vessels listed or determined eligible for listing on the National Register of Historic Places unless the District Engineer is notified and indicates that there is compliance with the "Historic Properties" general condition. NWP 22 does not authorize maintenance dredging, shoal removal, or riverbank snagging. Vessel disposal in waters of the United States may need a permit from the Environmental Protection Agency (EPA) (see 40 CFR 229.3) (Sections 10 and 404). More information on the nationwide permit can be found at [http://www.usace.army.mil/cw/cecwo/reg/nationwide\\_permits.htm](http://www.usace.army.mil/cw/cecwo/reg/nationwide_permits.htm)

6.4.7 Local Permits and Authorizations

It is the responsibility of the Authorized Public Entity conducting the removal operation to ensure that any other applicable local or state permits or authorizations are obtained prior to the commencement of any removal operations. Any fees or other costs associated with obtaining other applicable local or state permits or authorizations are considered reimbursable expenses.

6.4.8 Air Pollution Control Board

There are eight air pollution control agencies within the state of Washington (see: <http://www.ecy.wa.gov/programs/air/local.html>). The removal of derelict or abandoned vessels may or may not require a permit from a regional air pollution control agency. It is the responsibility of the Authorized Public Entity conducting the derelict vessel removal operation to ensure that all air pollution permits are obtained prior to the commencement of any removal operations.

**6.5 Use or Disposal of the Vessel**

After taking custody of a vessel, the Authorized Public Entity may use or dispose of the vessel in any appropriate and environmentally sound manner without further notice to any owners. However, preference must be given to uses that derive some monetary benefit from the vessel, either in whole or in scrap. If no value can be derived from the vessel, the Authorized Public Entity must give preference to the least costly, environmentally sound, reasonable disposal option. Any disposal operations must be consistent with the state solid waste disposal provisions provided for in chapter 70.95 RCW.

6.5.1 Auction

If the vessel is offered at auction, a minimum bid, a letter of credit, or both may be required to discourage future re-abandonment of the vessel.

6.5.2 Proceeds of Sale

The proceeds derived from the sale of the vessel, or any of its parts, must first be applied to the costs incurred by the Authorized Public Entity that performed the removal. If the proceeds exceed the costs incurred by the Authorized Public Entity, the remaining money will be applied to any liens registered against the vessel. If the proceeds of the sale exceed the costs incurred by the Authorized Public Entity and any liens against the vessel, the remaining money will be deposited into the DVRA.

6.5.3 Ocean Disposal

Scuttling or sinking of a vessel is only permissible after obtaining the express permission of the owner or owners of the aquatic lands where the scuttling or sinking is proposed to occur, in addition to obtaining all necessary state and federal permits or licenses. EPA's Region 10 office is the permitting authority in Washington State. The state of Washington

owns all freshwater bedlands and marine water bedlands (extending 3 nautical miles off of the coast). The federal government manages the ocean bedlands from three miles to two hundred nautical miles offshore (referred to as the Exclusive Economic Zone, or EEZ). Scuttling or sinking of abandoned and derelict vessels should only be used as a last resort when the cost of upland disposal of the vessel is prohibitively high. EPA Region 10 is the permitting authority for scuttling offshore from Washington waters

## **6.6 Reimbursement**

### **6.6.1 Reimbursement by Vessel Owner**

The owner of an abandoned or derelict vessel is responsible for reimbursing an Authorized Public Entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel. These costs include, but are not limited to, costs incurred exercising the authority granted in chapter 79.100.030 RCW, all administrative costs incurred by the Authorized Public Entity during the procedure set forth in chapter 79.100.040 RCW, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. Reimbursement for costs may be sought from an owner who is identified subsequent to the vessel's removal and disposal. An Authorized Public Entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is returned to the owner.

### **6.6.2 Actions to Recover Reimbursement from Vessel Owner**

If the full amount of all costs due to the Authorized Public Entity is not paid within thirty days after first notifying the responsible parties of the amounts owed, the Authorized Public Entity or the DNR may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorney's fees and costs incurred by the Authorized Public Entity.

### **6.6.3 Reimbursement from the Derelict Vessels Removal Account (DVRA)**

The derelict vessel removal account was created to provide funds for reimbursement to Authorized Public Entities for up to ninety percent (90%) of the total reasonable and auditable costs, such as administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the last owner is either unknown after a reasonable search effort or insolvent as described in RCW 79.100.100 (1). The Authorized Public Entity should bill a known owner. If that bill is not paid within thirty days, they can approach the DVRP for reimbursement. The other option is to prove that the owner is insolvent and has no assets to pursue.

6.6.3.1 Reasonable Search Effort

Not all conceivable means need be used, but an honest and reasonable search effort should be made to identify and locate the owner. Where the Authorized Public Entity possessed information regarding the owner's identity or location, but failed to follow up on that information, the Authorized Public Entity did not make an honest and reasonable search effort necessary to allow for reimbursement by DVRA. The focus for determining if a reasonable search effort is made will be on what the Authorized Public Entity did rather than on what the Authorized Public Entity failed to do.

6.6.3.2 Insolvency

Generally, an individual is considered insolvent if they are unable to pay their debts as they fall due, in the ordinary course of trade and business. They may also have liabilities in excess of the reasonable market value of their assets.

6.6.4 DVRA Priorities

Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. A reimbursement priority (as described in Section 5) is assigned each vessel as it is reported.

6.6.4.1 Emergency Removal Funds

DNR will reserve \$50,000 in the DVRA specifically for the reimbursement of costs associated with the removal of priority 1 vessels. This emergency money will not be spent to reimburse vessel removals (including priority 1 vessels) until all other funds in the DVRA have been exhausted.

6.6.5 Requesting Reimbursement from DVRA

Upon completion of the vessel removal and if the vessel's owner is not known or is found to be unable to pay, the removing Authorized Public Entity may request reimbursement from the DVRA for all reimbursable expenses as shown in Section 6.6.7. The Authorized Public Entity must fill out an application for reimbursement (see Appendix F) and submit it to the DNR for consideration.

6.6.6 Funding Cycles

Funding cycles will be used by the DVRA to ensure that the highest priority vessels receive funding for removals (see Appendix G). Funding cycles will evaluate three distinct funding requests:

- a) Applications for assurance of funds for future removals;

- b) Applications for reimbursement for removals that have already taken place; and
- c) Existing assurance of funds that had previously been issued for removed vessels.

The DNR will review all funding requests on a quarterly basis. Funding requests will be reimbursed in order of the priority of the vessel removed, starting with priority 1 vessels and working down to the priority 5 vessels. In the event a completed removal operation for a vessel cannot be reimbursed because DVRA funds have been exhausted, that reimbursement application will be granted an assurance of future funds. Assurance of future funds can be granted for up to two years.

When the available DVRA balance exceeds the \$50,000 emergency funds, Authorized Public Entities that have received an assurance of future funds for the removal of a vessel will be reimbursed when their project is complete based on the date the application for reimbursement was received. The oldest applications will be reimbursed first. The estimated fund balance and the estimated funds available for removal will be adjusted and posted quarterly on the DVRP web page at: [http://www.dnr.wa.gov/RecreationEducation/Topics/DerelictVessels/Pages/aqr\\_dv\\_notices\\_intent\\_obtain\\_custody.aspx](http://www.dnr.wa.gov/RecreationEducation/Topics/DerelictVessels/Pages/aqr_dv_notices_intent_obtain_custody.aspx)

#### 6.6.7 Reimbursable Expenses

Funds from the DVRA shall be used to reimburse Authorized Public Entities for up to ninety (90%) percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown (after a reasonable search effort) or unable to pay as described in RCW 79.100.100(1).

##### 6.6.7.1 Administrative Costs

All administrative costs associated with obtaining custody, removing or disposing of the abandoned or derelict vessel are considered eligible for reimbursement. This includes, but is not limited to:

- a) Actual removal and disposal costs,
- b) The cost of transporting the vessel to the disposal site,
- c) The cost of any storage prior to disposal, salvage or sale.
- d) The cost of in-kind services,
- e) Use of existing staff or equipment and
- f) The value of any volunteers used.

##### 6.6.7.2 Environmental Damage Costs

All costs associated with environmental damages directly or indirectly caused by the abandoned or derelict vessel are

considered eligible for reimbursement from the DVRA. However, the costs eligible for reimbursement by the DVRA are limited to those costs that are not reimbursed through other grants or assistance programs.

**6.6.7.3 Costs of Removing Hazardous Materials**

The reimbursement of costs associated with the removal and disposal of hazardous materials will be allowed. However, the costs eligible for reimbursement by the DVRA are limited to those costs that are not reimbursed through the Derelict Vessel Remedial Action Grant program administered by the Dept. of Ecology.

**6.6.8 Multiple Authorized Public Entities**

For abandoned or derelict vessels located within the jurisdiction of multiple Authorized Public Entities, the Authorized Public Entities can join together and divide the cost of the removal operation among them. Forming partnerships will reduce the 10% contribution for individual Authorized Public Entities if the project is reimbursed by the DVRA. For example, in a situation where three Authorized Public Entities have partnered to remove a vessel at a total cost of \$12,000, each Authorized Public Entity would be responsible for \$4,000. 90% of the \$4,000 would be reimbursed by the DVRA, leaving only \$400 un-reimbursed per Authorized Public Entity. A single Authorized Public Entity removing the same vessel at the same cost would be responsible for \$1,200.

**7. Emergency Removal Procedures**

**7.1 Activating Emergency Response Procedures**

The US Coast Guard and of the Dept. of Ecology should be notified when a vessel is in danger of sinking so that they can activate their emergency response procedures. If a vessel is in danger of breaking up or blocking a navigation channel the US Army Corps of Engineers should also be notified.

**7.2 Temporary Possession; Authority**

If a vessel is in immediate danger of sinking, breaking up, or blocking navigational channels, and the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any Authorized Public Entity may tow, beach, or otherwise take temporary possession of the vessel. Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the Department of Natural Resources or the United States Coast Guard to ensure that other remedies are not available.

The basis for taking temporary possession of the vessel must be set out in writing by the Authorized Public Entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable.

If the Authorized Public Entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in RCW 79.100.040 (1). The Authorized public entity must complete the notice requirements before using or disposing of the vessel as authorized in RCW [79.100.050](#)

**7.3 Prioritization**

Vessels in immediate danger of sinking or breaking up or blocking navigation channels will be given priority 1. Priority 1 vessels are described in Section 5.2.

**7.4 Contact Requirements**

All emergency contact procedures (relative to sinking vessels) that were in place prior to the passage of RCW 79.100 remain in effect. The resulting statutes and these guidelines do not change any of the emergency contact requirements.

**7.4.1 Marine Emergencies**

For all marine emergencies in Puget Sound and in the Pacific Ocean north of Grays Harbor (N 47°-00'), notify the **USCG Seattle Marine Safety Office 24-hour emergency response at (206) 217-6232**. For marine emergencies in the Pacific Ocean from Grays Harbor south and on the Columbia River, contact the **USCG Portland Marine Safety Office 24-hour emergency response at (503) 240-9301**.

**7.4.2 Reporting an Oil Spill or Spill of other Hazardous Substances**

All spills or releases of oil or other hazardous substances on water or land should be reported to the **U.S. National Response Center at (800) 424-8802** and then to the **Washington State Department of Emergency Management at (800) 258-5990**. Additionally, spills may be reported to Washington Department of Ecology 24-hour Spill Response Hot line at (360) 407-6300.

**7.5 Reimbursement**

Following the removal of a priority 1 vessel, the Authorized Public Entity must attempt to obtain reimbursement from the owner of the vessel. If the owner of the vessel is not known or is unable to pay, up to 90% of all reasonable and auditable costs, described in Section 6.6.7, associated with the removal of any priority 1 vessel will be reimbursed from existing DVRA funds and/or emergency removal funds. If neither DNRA nor emergency removal funds are available, the Authorized Public Entity will be issued an assurance of future funds, once the removing Authorized Public Entity has applied for reimbursement.