



2011 Legislative Concept Paper
December 8, 2010

Improving the Derelict Vessel Removal Program

- Issue** Abandoned or derelict vessels can cause a number of public safety and environmental hazards that include releasing toxic pollutants into the environment, blocking navigation, or severely damaging passing vessels. Although DNR's Derelict Vessel Removal Program has proven extremely successful in improving the health of Washington's waters and the safety of boaters, the state could increase program effectiveness by amending the statutes to:
- **Hold people more accountable for abandoning their vessels,**
 - **Provide partnering governments with the same liability immunity enjoyed by other emergency responders, and**
 - **Fix minor technical inconsistencies in the statute.**

Background Through deliberate action or negligence, vessels can break up, sink, or block navigational channels. Such circumstances warrant immediate response to prevent injury, and leaks of fuel and other toxic materials that cause serious environmental damage. Government entities often take temporary possession of a vessel to protect public health and safety, but acting quickly makes it harder to hold the vessel owner accountable for their actions under the current law. Authorized public entities are not protected from lawsuits like other emergency responders. Some municipalities have cited this as a reason why they have not participated in the program.



The 2006 legislature successfully encouraged DNR and local governments to make fuller use of the program by reducing the matching fund requirement from 25 percent to 10 percent. However, the reduction was not updated in laws that apply to ports, creating the potential for the Ports to pay a larger match, depending on which law they follow to remove the vessel.

Marinas can contract with local governments to remove derelict but not abandoned vessels. In many cases the only difference between an abandoned boat and a derelict boat is whether or not the owner can be found; it makes sense that marinas be given the opportunity to deal with both situations.

Proposal ✓ **Clarify that knowingly causing a vessel to sink, break up, block**

navigation channels or contaminate the environment is grounds for a misdemeanor.

- ✓ Provide liability immunity to public entities acting in good faith under the provisions of the Derelict Vessel Act.
- ✓ Clarify that Ports have the same funding match that is required in RCW 79.100.
- ✓ Allow local governments to contract with marinas to remove abandoned vessels as they can with derelict vessels.

Fiscal Impact

DNR anticipates no fiscal impact if these proposals were enacted.

