

Guiding Framework to Establish an Abandoned and Derelict Vessel Program in Oregon

The Department of State Lands is establishing a new statewide program to address hazardous vessels across Oregon.

From June 2023 – January 2024 the Department held stakeholder interviews and convened an advisory workgroup of over 20 stakeholders and partners to understand what Oregonians face in addressing and preventing hazardous vessels in our waterways. Past meeting materials and upcoming meetings for the advisory workgroup can be found at: <https://www.oregon.gov/dsl/waterways/Pages/ADV.aspx>

This report captures key challenges that must be considered and addressed as well as commitments for the Department in establishing the new program over the coming years. This framework will guide the work of staff and partners for near-term action and long-term solutions.

The core focus areas of Oregon's Abandoned and Derelict Vessel program:

- Abandoned and Derelict Vessel Fund use
- Permanent funding sources and mechanisms
- Reporting, mapping, and classifying hazardous vessels
- Technical assistance
- Prevention
- Disposal
- Process and procedure improvement
- Outreach and education

Background

There are hundreds of hazardous boats and ships in Oregon's public waterways, including large tugboats, barges, and former military vessels as well as recreational vessels like sailboats and motorboats. These abandoned and derelict vessels (ADVs) seriously threaten the health and safety of our rivers, lakes, and ocean by contaminating water and degrading habitat, damaging property, and creating navigational hazards. Since 2017, almost \$19 million from the Common School Fund has been spent removing hazardous vessels from public waterways.

As the backlog of hazardous vessels on public waterways increased, the need for a comprehensive program that created long-term, financially sustainable solutions became acute. In April 2023, the State Land Board directed the Department to take urgent action in collaborating with State agency partners and stakeholders to develop a statewide program to address hazardous vessels and proposed legislative action. In June 2023, the Oregon legislature passed HB 2914 – establishing an ADV program at the Department in consultation with the Oregon State Marine Board, Department of Environmental Quality,

and Parks and Recreation Department. Passage of HB 5029 allocated \$18.76 million from the Monsanto settlement for deposit into the newly established Oregon Abandoned and Derelict Vessel Fund.

In summer 2023 the Department held over 40 one-on-one listening sessions with stakeholders to gain early insights into the scope of the issue, key challenges, and opportunities. Following that first early engagement effort, the Department convened an ADV Workgroup from September 2023 to present day to provide input on key elements of a statewide ADV program. The twenty-four workgroup members brought a wide variety of perspectives and expertise, including ports, marinas, waterway recreation, environmental protection, vessel salvage, and local government.

This report captures key challenges and solutions identified in the community and partner engagement.

1. Abandoned and Derelict Vessel Fund Use

Identified Challenges

- *DSL must have the staff capacity and tools needed to lead multi-jurisdictional vessel removal efforts when a vessel is identified as a high priority for the State.*
- *Non-DSL entities in the position of responding to ADVs need low-barrier mechanisms for receiving financial support from the Abandoned and Derelict Vessel Fund for approved expenses related to ADV response.*
- *Affordable responsible options for disposal of end-of-life boats are limited, leading to these vessels becoming a problem for the state, the environment, and other entities.*

Commitments

- a) DSL currently has and will maintain the capacity to procure contracted services for all vessel removal/disposal functions that may be required, including towing, salvage diving, overland transport, dismantling, storage, and environmental impact mitigation.
- b) DSL currently has and will maintain the capacity to oversee contracted services to ensure contract terms and deliverables are being met and will utilize the legal tools at its disposal when confronting legal noncompliance, including liens, civil penalties, and restitution measures.
- c) DSL will identify mechanisms to allow funds from the ADV account in the Treasury to be used by other entities, such as local governments, other state agencies, and public ports. DSL will examine what qualifying criteria should be considered in determining eligibility for cost reimbursements. These agreements could be in the form of:
 - Grants for pre-approved anticipated expenses
 - Reimbursement for pre-approved expenses
 - Reimbursement for emergency expenses
- d) DSL will explore the establishment of a vessel-turn-in program to address needs across the state. In establishing such initiatives, DSL will examine:
 - Local lessons learned by the organizers of previous vessel turn-in programs in Oregon. Examples include: a 2023 initiative which Metro partnered with the Multnomah County

Sheriff's Office and the Oregon State Marine Board (OSMB) to accept boats surrendered by private owners; and a 2020 initiative in which OSMB used grant funds from the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program to accept abandoned boats from operators of certified "Clean Marina" moorage facilities.

- Lessons learned from other U.S. states which have successfully used vessel turn-in programs.
- Qualifying criteria to be considered in determining eligibility for vessel turn-in initiatives.

2. Permanent Funding Sources and Mechanisms

Identified Challenges

- *For the ongoing stability of the program and ultimate success in achieving its goals, a dedicated and permanent funding stream must be secured.*
- *Reliance on federal dollars, one-time allocations, or other uncertain sources alone will hinder the State's ability to comprehensively deal with the past, present, and future problem of ADVs.*

Commitments

- a) DSL will examine the viability of collecting revenue through established billing mechanisms including:
 - DSL leases and waterway authorizations
 - Recreational boat registrations, title transactions, or permits
- b) DSL will examine the viability of collecting revenue through new, untested mechanisms including:
 - Commercial boat registration or permits
- c) DSL will seek out and pursue ancillary funding and support from sources such as the NOAA Marine Debris Program for special projects and initiatives that aren't supported by a permanent funding stream.

3. Reporting, Mapping, and Classifying Hazardous Vessels

Identified Challenges

- *The Department needs a system for visualizing, comparing, and communicating about the status of known hazardous vessels.*
- *Oregonians want to participate in the reporting of and prioritization of ADVs and vessels of concern, and strongly desire a visual representation of known ADVs.*

Commitments

- a) DSL will establish a central repository for ADV reports and mechanism for receiving those from partner jurisdictions and the public.

- b) DSL will explore options for displaying ADV reports and responses on an interactive web map, including existing examples from Washington and Florida.
- c) DSL will develop criteria for classifying hazardous vessels to aid decision-making and justification of expenditures and resource commitments.

4. Technical Assistance

Identified Challenges

- *Reliable guidance, training, and technical assistance regarding response to an ADV situation is not readily available, especially from a single source.*

Commitments

- a) DSL will initiate ongoing communication with entities whose product, resources, or regulations intersect with ADV response (areas such as vessel documentation and title/registration records, salvage, disposal, and environmental regulations) to promote the availability of clear, accurate, and readily accessible information.
- b) DSL will explore ways to connect those seeking information about handling ADVs or unwanted boats to that information.

5. Prevention

Identified Challenges

- *Progress is needed in preventing vessels from becoming a burden or obligation to the State and those with responsibilities on the water.*

Commitments

- a) DSL will research how insurance and bonding requirements could be employed to prevent vessels from becoming ADVs that become the financial responsibility of non-owning parties.
- b) DSL will evaluate opportunities for increased prevention in leaseholds and waterway authorizations.
- c) DSL will explore mechanisms, likely through legislative concepts, that more effectively hold parties responsible for ADVs liable for clean-up costs, including secondary liability for those selling at-risk boats.

6. Disposal

Identified Challenges

- *Those entities involved with vessel dismantling and disposal encounter difficulty discerning and assuring consistent compliance with applicable environmental regulations.*

Commitments

- a) DSL will consult with DEQ and other regulators to communicate about reported barriers and explore possibilities for streamlining the process of vessel dismantling and disposal.
- b) DSL will explore pathways to support progress in the areas of salvage and shipbreaking infrastructure.

7. Process and Procedure Improvement

Identified Challenges

- *The ADV landscape in Oregon has evolved since current statutes regarding them were adopted; responders need opportunities to handle and dispose of waterway waste in practical and efficient ways.*
- *Long-term camping on abandoned or derelict vessels is occurring in many Oregon communities; use of vessels for shelter is directly connected to the issue of homelessness.*

Commitments

- a) DSL will explore legislative concepts relating to waterway waste that will account for ADVs that no longer meet the definition of boat and do not warrant the seizure and storage procedures as currently written.
- b) DSL will ensure ADV program processes and practices align with and advance ongoing state efforts to address long-term camping on publicly owned lands and waterways through homelessness solutions.

8. Outreach and Education

Identified Challenges

- *Oregonians need information about the ADV program that is up-to-date, accessible, and transparent. When programs and resources are available (such as turn-in programs or grants), outreach must be strategic to ensure that resources are offered and dedicated equitably.*

Commitments

- a) DSL will utilize current best practices for identifying affected parties and sharing information effectively, recognizing that Oregonians are diverse in numerous ways.
- b) DSL will strive to employ a variety of channels for providing information, which will include proactive and interactive engagement as well as readily accessible online resources to accommodate different needs and preferences.