



Oregon

Kate Brown, Governor

State Marine Board

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Senate Committee on Rules

Chair Senator Wagner
Vice-Chair Senator Girod
Senator Burdick
Senator Manning
Senator Thatcher

Dear Chair Wagner, Vice-Chair Girod, and Members,

Staff at the Oregon State Marine Board (OSMB) are aware of increasing interest in abandoned and derelict vessels (ADV) on Oregon waterways. The term ADV is used to refer to any vessel that is moored, anchored, or otherwise located where it is not authorized to be, or is sunk, in danger of sinking, adrift, blocking a channel, or otherwise presenting a hazard. The statutes which define abandoned and derelict vessels do not differentiate between occupied and unoccupied vessels. Other relevant regulations are located in ORS 830.908-948 and OAR Chapter 250, Division 26.

ADV can harm the environment, create navigational hazards, and inhibit the ability of recreational boaters to have a safe and enjoyable boating experience.

Scope

ADV occur throughout the state, but the overwhelming majority of the ADVs that are reported to OSMB staff are located in and around the Portland Metro area. Marine law enforcement personnel in Multnomah County estimate that there are currently at least 150 abandoned or derelict vessels on the Willamette and Columbia Rivers and the Multnomah Channel. This estimate does not include neglected, at-risk vessels which are currently moored in marinas or other private moorages and frequently become future ADVs.

Along the coastline, a significant area of concern is large commercial and ex-military vessels which enter ports without authorization and languish or even sink. Marinas on the coast are also likely to have larger, ocean-going recreational vessels which are costly for ports and marinas to remove if the owner abandons them.

Seizure Authority and Funding

The OSMB is one of many public entities in Oregon that is granted authority as an "enforcement agency" under ORS 830.911 to seize ADVs. The OSMB may initiate ADV removals independently, coordinate removal projects with partner agencies, or reimburse other agencies for costs associated with ADV removals. To help facilitate such actions, the OSMB is authorized to deposit up to \$150,000 per biennium (from boat title/registration fees) into the agency's Salvaged Vessel Subaccount to fund ADV removals.

Personal Property Rights

A public entity that proposes to seize an ADV under ORS 830.908-948 must follow the owner notification process, which includes pre-seizure notice, post-seizure notice, thirty-day storage of the vessel, and opportunities for the owner to request a hearing or to reclaim the seized vessel.

Oregon State Marine Board's Contributions

In the 2019/2021 biennium, the Marine Board contributed funds from the Salvaged Vessel Subaccount toward the removal of 44 ADVs. All were under 40' in length, with most of them falling within the 20-30' range. A majority of the removals took place in Multnomah County, followed by Clatsop, Columbia, Yamhill, and Douglas.

Response Challenges

While there is growing interest in addressing ADVs, a few challenges and barriers exist:

- **Social:** In many cases, vessels which meet the definition of abandoned or derelict (or may in the near future) are occupied by people for whom the vessel is a means of shelter for themselves or their belongings. Groups of vessels are often anchored close together or tied to the shore in floating camps. OSMB staff receive frequent complaints regarding such vessels but typically refer them to local authorities and the Department of State Lands as trespassing complaints.
- **Logistical:** ADV removals can be highly technical and hazardous, requiring professional contractors with a great deal of skill, experience, and specialized equipment. Every removal is different due to factors such as size and type of vessel, condition of the vessel, the water depth and current, hazardous conditions, towing distance, necessary equipment, and overall complexity. Storage space for seized vessels is not always readily available and inhibits some companies from bidding on certain projects.
- **Reoccurrence and supply:** The vast majority of recreational boats which become ADVs in Oregon are constructed of fiberglass and retain very little value as they age. Options for disposal are limited to traditional landfills and the cost is surprising and prohibitive for many owners, which may encourage abandonment. It is common for these vessels to be advertised for free on the internet, only to become an ADV a short time later.
- **Cost:** Due in part to the logistical considerations described above, as well as contractor availability and interest, it is difficult to predict the cost of a proposed ADV removal. The most expensive ADV response the OSMB contributed to this biennium was a 32' cabin cruiser that sank at a Columbia County public dock in September 2020. The removal was challenging and complex due to the vessel's position underneath the dock and the potential for significant property damage. The total for removal, transport, and disposal was over \$40,000. The OSMB was able to support Columbia County's efforts by providing procedural guidance and contributing \$4,000 from the Salvaged Vessel Subaccount.

Cooperation and Collaboration

The OSMB cannot contribute funding to the seizure and removal of every potential ADV that is identified or reported; however, staff readily provide technical assistance and coordination to help other agencies address ADV concerns.

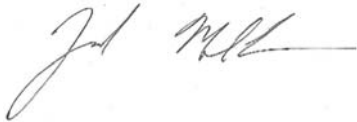
OSMB staff regularly attend community and stakeholder meetings regarding ADVs and actively seek and promote collaboration across jurisdictions. In particular, the OSMB is engaged in significant collaboration with the Department of State Lands, which is the owner of much of the submerged land on which ADVs occur.

Upcoming OSMB Efforts

In 2020, the Marine Board was selected through a competitive grant application process to receive funding from the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program to remove abandoned vessels proactively from marinas that participate in the agency's Clean Marina program. Staff developed the framework for the Abandoned Vessel Removal Assistance Program (AVRAP) and invited Clean Marina participants to apply for vessel removal assistance. To be eligible for AVRAP, marinas must be participants in the Clean Marina program and must agree to implement enhanced management practices to prevent vessels from becoming abandoned in the future. Staff will administer contracts to remove selected vessels from Clean Marina facilities in the summer of 2021.

If you would like any additional information on the topic of ADVs in Oregon, please reach out anytime and we will gladly answer any questions you might have about our involvement and experience with this challenging issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Mulhollem". The signature is fluid and cursive, with a long horizontal stroke at the end.

Josh Mulhollem
Environment and Policy Program Manager, Oregon State Marine Board