

Senate Bill 795 – Oregon’s Abandoned & Derelict Vessels Program

Community-supported statutory fixes for effectively addressing the problem of hazardous vessels in publicly owned waterways

Background

For decades, hazardous boats, ships, and other vessels have seriously threatened the health, safety, and use of Oregon’s public waterways. These abandoned and derelict vessels (ADV) have also impacted Oregon schools, with the Common School Fund expending almost \$19 million for cleanups since 2017.

In 2023, the State Land Board and the Oregon Legislature took multiple actions to address the state’s ADV problem. House Bill 2914 established the state’s ADV program and created a dedicated ADV fund at Oregon Treasury, with HB 5029 providing \$18.8 million from the Monsanto settlement for the new fund.

At the Land Board’s direction, the Department of State Lands conducted a robust community engagement process to guide development of the state’s ADV program. This effort included convening an ADV Workgroup to help draft a program framework for public review and comment, then presentation to the Land Board in April 2024.

That process determined some statutory fixes are necessary to efficiently and effectively implement Oregon’s ADV program as envisioned by the Legislature, Land Board, and community.

Issue Addressed: Incomplete and Unclear Definitions, Unfeasible Requirements

Some current **statutory definitions are incomplete or unclear**. This can increase risk to the waterway, as well as delay removal or increase removal costs. For example:

- Notice, seizure, and storage requirements apply even to vessels that have been completely sunk and deteriorating for years.
- The current definition of “abandoned vessel” creates confusion for both enforcement agencies and the public when a boat is occupied.
- Vessels can be completely inoperable – without means of propulsion, steering, or seating – and still not meet the definition of abandoned or derelict.

Some statutory requirements are also **unfeasible given the challenges of tracing ownership and the complexity of some situations**. For example:

- Identifying the owner can be impossible if the vessel does not have identifying information or has not been registered or reported sold in decades.

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- Multiple parties who do not meet the current definition of “owner” may have possible interest in or responsibility for a vessel, like marinas where vessels are moored or reported buyers.
- Seizure notices and other communications may not reach a vessel owner due to limitations in who should receive a notice (last owner shown in State Marine Board records) and how it can be delivered (by postal mail only).
- Requirements for disposition of personal property on sunken vessels mirror requirements for vessels that are not sunken, despite the unsafe and unsanitary conditions created when sunken items must be sorted, cataloged, and made available for retrieval.

Solution: Fixes for Timely, Cost-Effective Removal of Hazardous Vessels

SB 795 seeks to ensure timely, cost-effective removal of hazardous vessels by:

- Updating statutory definitions that are incomplete or unclear.
- Clarifying when a damaged, destroyed, or incomplete vessel no longer meets the definition of vessel and may be addressed as marine debris.
- Allowing personal property on a vessel to be stored and disposed of in the same manner as the vessel.
- Lessening the required storage time for seized vessels and eliminating duplicative notice requirements.

Fiscal Impact

None. The initial funding provided for the program is supporting the Department’s FY 2025-27 ADV program budget request. Implementation of this bill will be covered with the resources already requested.

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