

# **DERELICT VESSELS in Alaska**

Briefing for SB92

**Alaska Association of  
Harbormasters and Port  
Administrators**

February 2018



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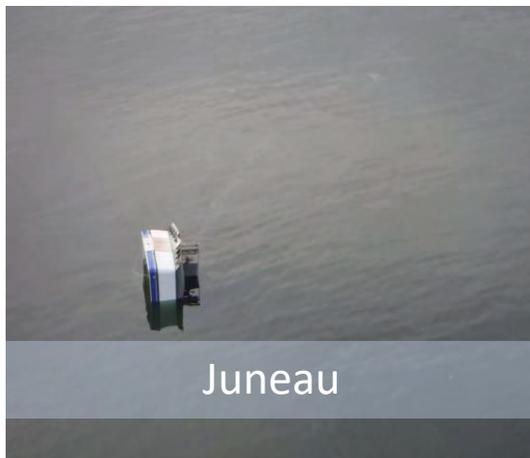
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# Introduction

Hundreds of boats exist abandoned and derelict along Alaska's coasts and rivers, in municipal harbors, and on private and Native shores. Unfortunately, while we will always have this legacy of boats to contend with, the problem continues to grow.

Any boat owner knows that a boat is expensive to maintain and keep on the water. All things, and especially those on the water, need constant attention and care to keep them seaworthy. As a boat ages, it's all too common that it gets passed along to new owners until it is left in the hands of a person least able to deal with it at the end of its useful life.

Nationwide, states have been cracking down on derelict vessel laws. They know that this tide of old boats is increasing. Without action, the public is left liable for these boats when they are left in our harbors, on our fishing grounds, and in the waters in front of our homes and fish camps.

In 2014 the ad-hoc Abandoned and Derelict Vessel Task Force formed to learn from other states, understand Alaska's current derelict vessel laws, and examine Alaskan case studies. The group explored jurisdictional boundaries between agencies, found common ground between municipalities and the state, and ultimately decided that a full rewrite of Alaska's outdated derelict vessel statutes was the best way forward.

Senate Bill 92 dramatically improves our state derelict vessel law, and will provide commonsense protections for responsible boat owners, municipalities, the State, and tribes throughout Alaska. In 1990 the legislature passed HCR 53, requesting the governor study the problem of abandoned vessels and make appropriate recommendations ... for legislation necessary to remedy existing problems and prevent future problems. Almost thirty years later, SB92 is before the legislature to do just that.

Major gains through SB92 include: **Increased clarity** in definitions of 'derelict' and 'owner' and the full scope of liability of a boat owner, **improved due process and notice**

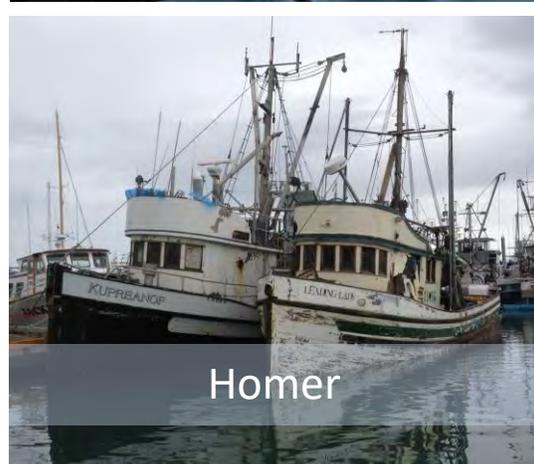
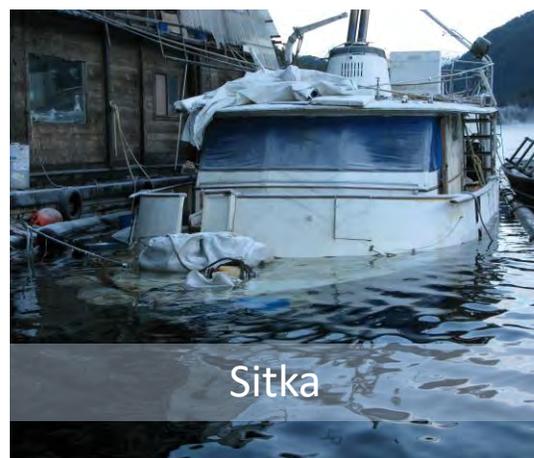
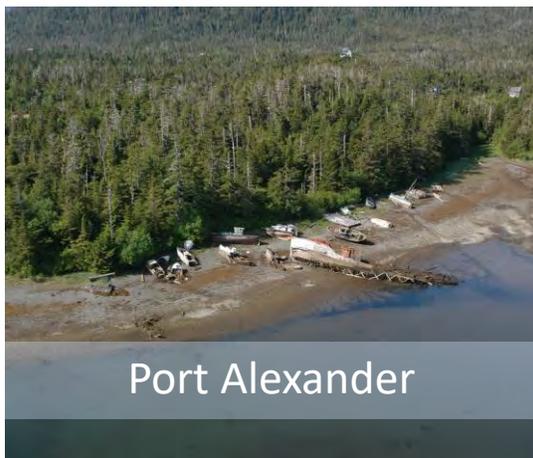
## ADV Task Force Representatives

- Alaska Dept. of Natural Resources
- Alaska Dept. of Environmental Conservation
- Alaska Dept. of Transportation
- Alaska Dept. of Fish & Game
- Alaska Association of Harbormasters & Port Administrators
- US Coast Guard
- NOAA
- EPA
- Orutsararmiut Native Council
- Alaska Marine Response
- Office of Senator Lisa Murkowski

*The ADV Task Force meetings were open to all. Newsletters were sent to fishing and environmental organizations, the Alaska state legislature, the Governor's office, and to our Congressional delegation.*

**requirements when impounding boats**, a benefit to boat owners and in line with federal admiralty law, **increased penalties and enforcement authority** for agencies and municipalities working to hold irresponsible owners accountable, **streamlined capacity for prevention and management of derelict vessels** through the permissive creation of a derelict vessel program at ADNR allowing for more efficient use of staff time and state resources, and **increased accountability of ownership through registration and titling** of boats similar to motor vehicles – closing the loop that it is currently easier to own a boat in Alaska than a boat trailer (and yet the boat comes with much greater liability to the public). Responsible boat owners will see a \$2 to \$10 increase per year in registration fees. Each derelict vessel response costs the state tens to hundreds of thousands of dollars, not including staff time. This small increase in individual fees may directly allow for better accountability and enforcement against derelict vessels and those owners who would walk away and leave their problems for the rest of the boating public to deal with.

Derelict vessels exist and continue to be dumped across Alaska’s coast and rivers. This is a significant and growing statewide issue. SB92 will help Alaskans take a huge step forward into a more pro-active and engaged position, holding those accountable who walk away from these disasters.



# Media Articles

- Akutan scuttled outside Dutch Harbor (Bristol Bay Times, Feb. 2, 2018)
- In Unalaska, the F/V Akutan is everyone's problem...but nobody's responsibility (APRN, Oct. 26, 2017)
- In a first, state sues company over an abandoned barge in a slough near Bethel (ADN, Dec. 19, 2016)
- Abandoned vessels litter Alaska's shorelines while officials work on a fix (ADN, Sept. 28, 2016)
- Frustration lingers over two derelict tugboats in Adak (ADN, May 20, 2016)
- 'The Challenger is gone' (KTOO, March 11, 2016)
- Empire Editorial: Strong action needed to avoid repeat of Challenger sinking (Juneau Empire, October 15, 2015)
- My Turn: Responsibility for abandoned and derelict vessels in Alaska (Juneau Empire, Opinion, Oct. 8, 2015)
- Feds sue 'Bering Sea Gold' star over costs of retrieving sunken vessel in Cordova (ADN, Dec. 18, 2014)
- Sunken barge irks Kuskoswim residents (APRN, July 15, 2014)
- Ghost Boat Legislation Clears the House (KDLG, April 5, 2013)
- Problems plagued fish processing vessel that went hard aground on Alaska's Kodiak Island (Oregon Live/AP, March 18, 2013)
- Sunken vessels lifted, removed from Jakolof Bay (KBBI, Jan. 25, 2013)
- Derelict ship causes ammonia scare (Newsminer/AP, Jan. 2, 2013)
- Cordova harbor saga ends: Polluted, abandoned vessel finally removed (ADN, Dec. 28, 2011)
- Derelict ships cause problems in Seldovia, Homer harbors (Homer News, Feb. 25, 2009)



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## Akutan scuttled outside Dutch Harbor

February 2nd 2:34 pm | Jim Paulin

print email

The derelict bankrupt salmon processing vessel Akutan was blown up and dropped to the bottom of the Bering Sea last week. The vessel was sunk 25 nautical miles north-northwest of Dutch Harbor on Jan. 26.

The Akutan was towed to a watery grave by the Coast Guard Cutter Alex Haley, and sunk with explosives, but no machine guns or other weapons, said U.S. Coast Guard Lt. Brian Dykens in Juneau.

On Jan. 10, the Coast Guard, in a move that pleased Unalaska city officials, declared the 74-year-old ship was an immediate threat to life, property and the environment of Captains Bay, where it was moored since August, following a disastrous sockeye salmon season in Bristol Bay's Nushagak Bay last summer.

District Commander Michael McAllister declared an emergency allowing the scuttling to proceed, according to Dykens.

Unalaska city officials had asked the Coast Guard to sink the 166-foot Akutan, with the help of \$31,400 in city funds, in water at least 600 feet deep. Dykens said it was sunk 15 nautical miles from the nearest point of land. The money was approved at the Jan. 8 city council meeting despite some grumbling.

While the council didn't like the idea of spending any local funds, member Shari Coleman said it was a "pittance" to pay for the removal of a hazard to navigation and the environment. Another council member, Roger Rowland, said the state should pay everything.

The \$31,400 is the estimated scuttling bargain price. That includes \$15,000 to retrieve the mooring, \$3,900 to tow the derelict either to the Resolve dock or a rendezvous with a Coast Guard cutter, \$5,000 to rig the Akutan for towing, \$5,000 for explosives, and \$2,500 for the demolition team, according to Resolve Magone's rate sheet.

Later, the state Department of Natural Resources raised the estimated price to \$36,000, pending the final bill, said DNR Regional Manager Clark Cox on Monday.

Without the emergency declaration, the cost of decontaminating the Akutan to normal standards could have cost over \$200,000, according to the city.

The state Department of Natural Resources asserted authority over the wreck last month, and set a minimum price for the vessel of \$300,000, plus a \$1 million bond, she said. The reason that serious money and not a token payment is required, Unalaska Port Director Peggy McLaughlin said, is that the \$1 purchase prices formerly charged resulted in derelicts towed from port to port, causing the same problems but it in different locations.

Cox said no formal offers were made, though the department did receive inquiries from two "tire kickers," lacking the required resources for buying the Akutan. Plenty of people, he said, will pay a dollar for a boat, even if they can't afford to maintain it.

In a Jan. 8 notice setting minimum bid requirements, DNR said a new owner could assume the financial liabilities of the bankrupt vessel. Those include unpaid crew wages of between \$144,000 and \$148,000; the unpaid wages

of the navigational crew and cook of \$65,000 to \$80,000; and a mortgage of \$1.7 million held by Alaska Growth Capital Bidco.

The vessel was intended to provide an alternative market for a group of 15 Bristol Bay salmon gillnet boat fishermen last summer, Russian Old Believers from the Homer area. They formed their own company, Bristol Bay Seafoods LLC, and hired Akutan owner Larry Lang's company, Klawock Oceanside, to process and freeze their fish. But plans soon went awry. Mechanical failures plagued the boat. The Akutan didn't arrive in Nushagak Bay until the salmon run was nearly over. The crew went unpaid, although the mortgage holder, a subsidiary of the Arctic Slope Regional Corporation, bought them tickets home and gave them \$500 each as they passed through Anchorage.

The decision to sink the ship was opposed, by email to this newspaper, by someone identified as lang.mary, saying a sale would save Unalaska money. The email came with a forwarded exchange between DNR's Cox, and Seattle vessel broker R. Isaak Hurst, of the International Maritime Group LLC.

Hurst said he had potential buyer, but was only interested as long as the liens were removed, allowing the sale of the vessel, minus any responsibility for unpaid wages and other bills.

"I do have a serious buyer for the Akutan? However, the purchase of the vessel would need to occur via a judicial foreclosure in order to eliminate all the existing debts and liens on the vessel? With that, can you inquire about the possibility of going down the judicial foreclosure road with the vessel? Honestly, I think the state of Alaska would likely get more money from the Akutan if there was no debts associated with the vessel," Hurst said.

"I did forward your email on for consideration regarding a potential purchaser of the vessel," Cox replied. "We have decided that we are not willing to consider any offers at this time? The state of Alaska is taking action under AS 30.30 which does not have a lien stripping mechanism? Given the emergency nature of the situation, the state is not willing to go through a judicial process and instead needs to act quickly to dispose of the Akutan before the situation gets any worse."

When the Akutan arrived in Unalaska/Dutch Harbor in August, problems continued. The vessel dragged anchor and nearly grounded in October. It was then re-secured with an additional anchor. Overall, Unalaskans are relieved to see it gone.

Jim Paulin can be reached at [jpaulin@reportalaska.com](mailto:jpaulin@reportalaska.com)

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# In Unalaska, the F/V Akutan is everyone's problem... but nobody's responsibility

By Zoë Sobel, Alaska's Energy Desk - Unalaska - October 26, 2017



The F/V Akutan is still moored in Unalaska's Captains Bay. (Berett Wilber/KUCB)

The Coast Guard is working to remove fuel and other hazardous materials from an abandoned fishing vessel in Unalaska's Captains Bay.

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The F/V Akutan arrived in August after a disastrous fishing season in Bristol Bay. Since then, more than half a dozen state and federal agencies have been monitoring the vessel, but to the frustration of city leaders, none are willing or able to remove it from the bay.

Fall in the Aleutians means strong winds – so strong they can cause a ship to drag anchor. That's exactly what happened on Oct. 5, when Unalaska Ports Director Peggy McLaughlin received a call that the fishing vessel Akutan was headed towards the beach.

"It was roughly 200 yards off the beach," McLaughlin said. "We were able to work with Dunlap Towing, and they went out and got a line on it, kept it off the beach and kept it from potentially breaching its hull."

That prompted the Coast Guard to take another look at the abandoned vessel. Officials determined the vessel was in imminent danger of polluting the bay.

So, the Coast Guard hired a salvage company to remove the remaining fuel and other hazardous substances from the Akutan. So far, the company Resolve Magone Marine has offloaded 14,000 gallons of fuel, Coast Guard Lt. Abbie Lyons said.

"When it's not raining sideways and blowing 75 knots outside, they've been working on the Akutan to remove all the fuel," Lyons said.

With unpredictable weather, Lyons said she doesn't know when the cleanup will be completed. But she estimates there are at most 20,000 gallons left on the vessel.

"As a result of going on board and going into some of the tanks, they're finding that there is fuel and oily waste in places that it wouldn't normally be or shouldn't be held," Lyons said.

The Coast Guard has spent almost \$2 million on the clean up to date. McLaughlin, Unalaska's Ports Director, is glad to see the fuel removal taking place, but said it doesn't solve the problem of having a large ship abandoned in a busy, ecologically important bay as winter sets in.

Removing the heavy fuel will cause the Akutan to sit higher in the water, making it more susceptible to strong winds. Even with additional efforts to secure the boat, McLaughlin is concerned the ship may run aground or sink.

"Captains Bay in the wintertime can be absolutely crazy with wind," McLaughlin said. "We've seen it time and time again where anchorages don't hold."

Ultimately, McLaughlin would like to see the boat out of Unalaska waters. But there's no indication the Akutan will be moving any time soon.

After the Akutan's owners abandoned the vessel, the city was hopeful a state or federal agency would step in to remove it. But McLaughlin has found that unless there is immediate danger, like an environmental threat, there's not much that any party will do.

"There's at least half-a-dozen-plus agencies involved with the Akutan," McLaughlin said. "Yet not one of those agencies has an opportunity or a mechanism to enact any kind of jurisdiction over dealing with the vessel itself. The Coast Guard can come in and remove some of the contaminants, but the vessel remains where it's at."

McLaughlin and community members were under the impression that once the crew abandoned ship, the Alaska Department of Natural Resources (DNR) would declare the Akutan a derelict vessel and gain jurisdiction to take steps to move the ship before it sinks or runs aground. But DNR's Clark Cox said that's not the state's responsibility. Even if it was, he said, they don't have the money.

"Our staffing and funding resources are quite limited and we certainly don't have them for a large vessel in a remote location like this," Cox said. "We're often left just as incapable of dealing with these issues as local municipalities and state agencies."

While DNR often takes the lead because they own state tidelands and are responsible for waterways, Alaska Statute does not specify who is responsible for taking over derelict vessels.

With no one taking responsibility for the ship, it's unclear what will happen to the Akutan. The city is adamant that it needs to move. But for the foreseeable future, it will remain anchored, ghost-like, in Captains Bay.

#### **Zoë Sobel, Alaska's Energy Desk - Unalaska**

Zoe Sobel is a reporter with [Alaska's Energy Desk](#) based in Unalaska. As a high schooler in Portland, Maine, Zoë Sobel got her first taste of public radio at NPR's easternmost station. From there, she moved to Boston where she studied at Wellesley College and worked at WBUR, covering sports for Only A Game and the trial of convicted Boston Marathon bomber Dzhokhar Tsarnaev.

# Alaska Dispatch News

Crime & Courts

## In a first, state sues company over an abandoned barge in a slough near Bethel

✍ Author: Jerzy Shedlock ⓘ Updated: December 19, 2016 📅 Published November 24, 2016

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The state of Alaska is suing a Bethel-based business over a barge that the state says has been left to rust since it sank in a Southwest Alaska slough more than four years ago.

The case against Faulkner Walsh Constructors marks the first time the Alaska Department of Natural Resources has pursued a civil suit over an abandoned or derelict vessel obstructing navigable waters, said DNR natural resources manager Jusdi McDonald.

"We issued a trespass notice on this particular vessel, and we made multiple attempts to work with Faulkner Walsh Constructors to bring them into compliance," McDonald said. "When that didn't happen, the next step was to take this action with the Department of Law."

Named in the civil complaint as defendants are Faulkner Walsh, H2W Constructors Inc. and Foundation Services Inc. Prosecutors argue each of the entities is the "alter-ego, co-conspirator and/or agent" of the others.

The trespass notice was issued on Oct. 4, 2012, when the barge Delta Chief sank in shallow waters of the Kuskokuak Slough near Bethel. It has disrupted travel through the slough since, according to the complaint.

*[Abandoned vessels litter Alaska's shorelines while officials work on a fix]*

The Delta Chief was carrying a huge payload of gravel, vehicles and other heavy equipment when it sank, said assistant attorney general Peter Caltagirone.

There is no straightforward mention of pollution due to the sinking in the court document, other than the state arguing the barge is causing "natural resource damages."

"All the concerns (about the barge) have been laid out in the complaint," Caltagirone said.

An Alaska Department of Environmental Conservation situation report released a day after the barge sank says potential contaminants included diesel fuel, lubricating oil and hydraulic fluid. Initial reports indicated that there was a minor sheen in the area, but the total amount of spilled fluids was unknown, the report says.

Faulkner Walsh had not responded to the complaint as of Wednesday. A company representative could not be reached for comment for this story.

In response to demands from the state, Faulkner Walsh submitted a plan for the removal of the Delta Chief in early March of 2013, according to the complaint. Three days later, the chief financial officer of the business told state officials the barge would be removed by spring 2013, after breakup, the complaint says.

With the assurance the barge would be gone, the Department of Natural Resources gave Faulkner Walsh a land-use permit to carry out the removal.

The business' project manager reassured a DNR employee about a month after the permit was issued that the Delta Chief would be removed, the complaint says.

But the removal never happened, prosecutors said, and Faulkner Walsh employees stopped communicating with officials. The barge has been left to rust for more than four years, they said.

The lawsuit is the last step in a DNR process established for castoff watercraft.

Under state regulations, anchoring a vessel for fewer than two weeks is generally allowed, McDonald said. Anything anchored for longer than 14 days requires authorization from her department, she said.

To address out-of-compliance vessels, officials determine if they're on state land, issue trespass notices and work with owners and operators toward removal, McDonald said.

There has been criminal action taken for situations like this before, albeit rarely, Caltagirone said.

"I don't necessarily have an opinion as to any criminal liability here one way or the other," said Caltagirone, the state attorney on the Faulkner Walsh case. "I looked at it and identified various causes of action under a civil liability theory that we're pursuing for DNR."

The state is suing Faulkner Walsh for damages in an amount to be proven at trial, the complaint says. It argues the business' negligent and intentional trespass on state lands is causing a public nuisance and damaging natural resources.

Faulkner Walsh is a repeat offender, McDonald said, and officials issued the business 13 notices of trespass in 2013 — with each notice representing a vessel. None of the vessels have been removed, she said.

Caltagirone declined to comment when asked if the state was considering additional civil action against Faulkner Walsh.

There are about 160 abandoned or derelict vessels statewide, McDonald said. That number is continuing to increase, and so are the number of reports about the vessels that the department receives, she said.

# Alaska Dispatch News

Environment

## Abandoned vessels litter Alaska's shorelines while officials work on a fix

✍ Author: Lisa Demer ⓘ Updated: September 28, 2016 📅 Published July 4, 2015

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BETHEL -- Rusting relics of industry gone by cut into the banks of a well-traveled slough off the Kuskokwim River, oozing fuel and gradually disintegrating -- a decaying steamboat here, abandoned barges there, even a dismantled tug.

The mess in Steamboat Slough, just a quick boat ride from the Southwest Alaska hub of Bethel, is both menacing and ghostly.

It's an enormous problem, but according to those involved, it remains frustratingly hard to fix. Weak state laws, difficulties with vessel owners, limited jurisdictions and pinched public budgets hamper the effort.

The cost of removing the hundreds of abandoned and derelict vessels littering shorelands around the state is easily in the tens of millions of dollars, say members of a task force trying to turn around the situation.

"Whether that is barges in the Bethel area in Steamboat Slough or fishing vessels in Port Lions on Kodiak Island, or Port Graham in Southeast, if you have this large vessel that may not be seaworthy or may not be economically viable anymore, what do you do with it?" said Steve Russell, interagency coordinator for the state Department of Environmental Conservation and part of the task force. "The answer in the past was you go to X area and just leave it."

In Southeast Alaska, state officials are concerned about renegade float-houses that, far from being abandoned, are people's homes. Some are elaborate and massive structures with satellite dishes and gardens. Yet most float-house residents have

failed to secure or even seek necessary permits to park on state shorelands and some are in disrepair and in danger of sinking, according to the state Department of Natural Resources.

Near Bethel, fish camps with drying racks for strips of salmon dot the uplands on both sides of Steamboat Slough, some just a stone's throw from rotting vessels and debris. One barge that sank in the channel two years ago poses year-round danger and is blamed for a December 2013 four-wheeler crash that cost a man almost all his fingers from frostbite.

"A long time trying to get somebody to do something with those barges," said Barbara Anvil, whose Steamboat Slough fish camp is one of the bigger ones near the old vessel graveyard. "They come and they talk to us about it and then that's about it."

#### **A national situation**

While some coastal states, including Washington, have comprehensive programs and laws to target derelict vessels, Alaska -- with far more coastline than any other state -- just now is trying to find the best approach.

Officials struggle even to learn who is responsible for a sunken heap. Alaska has no vessel title system to track ownership, unlike with cars, though vessels are supposed to be registered. Other than for vessels posing the biggest risk, such as oil tankers, the state doesn't require vessels to have pollution insurance, hull insurance, or liability insurance. The state requires no protections for buyers, such as inspections for seaworthiness.

Anyone can sell a timeworn heap with a contract written on a napkin in a bar for \$1, and as long as they keep the napkin as proof of sale, they have shed themselves of responsibility if it sinks the next day, Russell said.

"You don't have to be licensed. You don't have to have insurance. You don't have to have anything except certain safety gear, life jackets and survival suits," he said.

The situation is worsening as the vessel fleet here ages, said Wyn Menefee, operations chief for the state Division of Mining, Land and Water.

The lack of strong legislation "makes it pretty easy for people to dispose of vessels in state waters and state lands," Menefee said. "That's not good for the state of Alaska. That's not good for the people."

The issue extends beyond Alaska. A 1992 report by the Government Accounting Office -- the watchdog arm of Congress now known as the Government Accountability Office -- identified derelict and abandoned vessels as "a significant threat to the environment and coastal economies" and recommended solutions, according to a letter sent three weeks ago by 22 members of Congress, including Alaska's three-member delegation, to the GAO.

"Yet some twenty years later, derelict vessels continue to impact our economies, and our environment," the letter said.

"We got the study, and that was a long time ago," said Sen. Lisa Murkowski. "You raise attention to the matter, but what has been done with it?"

Little, if anything, so far. The congressional members in their letter asked the GAO for a new study to document the scale of the problem, the costs and the response.

#### **How many vessels?**

In Alaska, different agencies have created their own spreadsheets and mini-databases of derelicts, all with different counts and all incomplete.

The Department of Natural Resources has identified 160 derelicts awaiting removal. And the backlog keeps growing, Menefee said.

"That's just ones we have in our internal tracking and it's not a very good tracking system," he said.

DNR is working to create a centralized system.

"We're trying to create a database that's accessible to the Coast Guard, DEC, Corps of Engineers, harbor masters, so we are all working on the same sheet of music," Menefee said.

Two old wooden fishing boats in disrepair that sank near Homer on Christmas 2012 were the catalyst for action, though harbor masters and port administrators had been working on the issue for a few years, said Rachel Lord, clean water program director for the environmental group Cook Inletkeeper.

The Leading Lady and the Kupreanof went down after a heavy snowfall in a spot near Kachemak Bay's prized oyster farms, Lord said. Leaking fuel and lube oils created a sheen, the DEC said in a report at the time.

The U.S. Coast Guard contracted for the old boats to be raised and the fuel to be removed. But once the pollution threat was over, the Coast Guard was done.

Ownership of the fishing boats turned out to be tangled and the process for dealing with them moved in fits and starts.

A year and a half after the sinking, the state paid for one vessel to be demolished. The other was repossessed by the previous owner, who repaid DNR some of its costs, according to a task force case study report. But the Coast Guard never was reimbursed for a bill that Russell said was in the range of \$350,000.

The Legislature in 2013 took up the matter of derelicts for the first time in decades, pushed by state Rep. Paul Seaton, a Republican from Homer with a signature fisherman's cap. The bill passed that year was a first step, Lord said. It extended authority to deal with abandoned and derelict vessels beyond the Department of Transportation to other state agencies as well as municipalities.

The task force, which includes representatives of state and federal agencies, along with the nonprofit environmental group Cook Inletkeeper, started work last year. At a June meeting, Bethel's tribe caught the group's attention with a compelling video of Steamboat Slough to support its pitch for action, Lord said. A comprehensive fix will take time, task force members said.

The group is working on a package of recommendations, but it probably won't be ready until fall 2016, in time for the 2017 legislative session, Menefee said.

#### **Fractured response**

As it is, a host of state and federal agencies deal with derelict vessels. Roles are fragmented and none have been able to rid Steamboat Slough of its mess or even the single sunken barge in the navigation channel.

The Coast Guard may take charge to remove fuel or other pollution sources and may mark hazards or issue notices to warn mariners. But it generally doesn't remove vessels, said Cmdr. Hector Cintron, chief of prevention for the Coast Guard area that includes Western Alaska.

The Army Corps of Engineers has some authority to remove derelicts, but it puts priority on cases in which a vessel is blocking navigation in a channel that the Corps dredges, said Julie Anderson, chief of operations for the Corps Alaska district.

And even at that, "if you can maneuver around the obstruction, the Corps doesn't consider it blocking navigation, so we wouldn't be authorized to spend funds on something like that," she said.

DEC can order companies to clean up pollution, and did so in 2013 in the case of a tugboat in Steamboat Slough. The owner, Faulkner Walsh Constructors, removed the deck house, machinery and fuel lines. But it left the hull on the shore, Russell said.

The state agency with direct authority for managing shorelines is DNR, which can seize a vessel left there without permission. But it can't directly fine an owner or bring criminal charges for failing to move a vessel off tidal lands, Menefee said. However, the state can prosecute under criminal or civil trespass laws, he said.

DNR also has no budget for disposing of derelicts, he said. Most are too far gone to salvage for scrap metal or parts. Small coastal communities don't have landfill space for them.

"Do we have the ability to deal with them, as in seize them? Yes," Menefee said. "Do we have the ability to actually do something with them? That's a bigger question. That's the more challenging one."

At a community meeting last year, Bethel residents told authorities they were fed up. Bethel's tribe, Orutsararmiut Native Council, has made cleaning up Steamboat Slough and other nearby vessel graveyards a priority and is working with government agencies and fish camp residents. Bethel Native Corp. has been pushing for action too. It owns land up the slough from the wreckage where dozens of people have fish camps.

"Imagine how much junk is in the bottom of the slough where all these barges are. It's just horrible to think about," said Rose Kalistook, who runs the tribe's environmental program.

The sunken barge is changing the flow of water, said Curtis Mann, a tribal environmental worker.

#### **Rusted hulls**

Last August, DNR posted trespass notices on 33 abandoned and derelict vessels in the Bethel area, including 21 in Steamboat Slough. It wasn't able to reach two more. The notices gave owners 90 days to either move the vessels or seek permission to legally dock there, said Jusdi McDonald, a natural resource manager at DNR.

But most of the hulks are still there, Menefee said.

Two parties hit with trespass notices have come forward to seek permission, as did another shipping company that may want to park vessels on state shoreland in the future, according to DNR.

The company that DNR says is responsible for more Bethel-area abandoned or derelict vessels than anyone, Faulkner Walsh Constructors, applied for a land-use permit in late June to park seven barges in Steamboat Slough -- just days after Alaska Dispatch News asked about the issue, Menefee said.

Harry Faulkner Jr., an owner of the company, said in an interview before applying for that permit that his vessels were neither derelict nor abandoned. He said he had permission from a private land owner to park four barges, the dismantled tug hull, and two Flexifloats (a brand of modular barge), and asserted that he didn't need state permission. One large gravel barge, the Delta Viking, "is parked until the economy comes back," he said. Another was used to harvest fish when a commercial salmon processor operated in Bethel.

DNR said the vessels are on state-owned shorelands.

Asked what prompted him to apply for permits, Faulkner said in a follow-up email that the company meant to do so earlier but someone in Anchorage failed to send in the paperwork.

DNR can give permission for a vessel to use state shorelands for up to five years. It evaluates each application in terms of public interest and also will give the Bethel community, including fish camp owners, an opportunity to comment, Menefee said. The process can take months. The state can require a bond and reclamation plans.

"It's not a slam dunk that he applied; he's good," Menefee said.

As to the barge, known as Schenk's Ark, sunk in the channel since the spring of 2013, Faulkner said that's not his. He said he only leased it in 2012 and moored it when he was done.

"It didn't sink until the following spring," when the moorings came loose, he said.

Faulkner said he tried to refloat the barge, but he maintains that the owner, David Ausdahl, was responsible, not him. Efforts to reach Ausdahl were unsuccessful.

"Out of the goodness of my company's heart, we went up there for two weeks and tried to raise this barge. And we were not capable of lifting that barge," Faulkner said.

DNR says that it holds both the owner and the operator responsible. "The disagreement between the two regarding liability has been a main reason for non-response," the task force case study report said.

Meanwhile, DNR still is considering whether to approve permits for the other two applications, from Alaska Logistics and Crowley -- which didn't receive a trespass notice but is interested in parking vessels on state shorelands near Bethel in the future, McDonald said.

#### □ Constant pressure□

Earlier this year, the steel-hulled fishing vessel Savannah Ray grounded off Kodiak Island, carrying 25,000 pounds of cod and 2,300 gallons of diesel. The fuel and other pollutants were removed.

"Twenty-five, 30 years ago, all parties would have just left the vessel there," DEC's Russell said. But with the push to address derelicts, that wreck is being removed from its resting spot on tiny Long Island, he said. "It took constant pressure by the agencies to ensure that that vessel was removed."

The owner, Russell said, had insurance.

A small sailboat found sunk on state tidelands near Juneau in 2010 was seen in the same spot in an inspection four years later, covered in marine growth, the case study report said. The owner was living in a homeless shelter and had no money.

"When reminded of his pledge to remove vessel in pieces he said he had become depressed and couldn't bring himself to return to the site," the report said.

A DNR manager said the agency didn't have the \$6,800 it would cost to remove the St. Harold and dump it at the landfill, according to the case study.

#### **About this Author**

**Lisa Demer**

# Alaska Dispatch News

Alaska News

## Frustration lingers over two derelict tugboats in Adak

✍ Author: Annie Zak © Updated: May 20, 2016 📅 Published May 19, 2016

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Two derelict tugboats near Adak have become a source of tension between the city, state and the U.S. Coast Guard.

The boats, Redwing and Mecosta, broke from their pier at the Aleutian island community in a brutal storm in December. They went adrift, and were later placed on state-owned tidelands in Sweeper Cove, an inlet off Adak.

In a forceful letter to Coast Guard Commandant Paul Zukunft in April, Gov. Bill Walker said the Coast Guard "exceeded any authority it had" when it ordered the boats to be placed there.

Walker called the situation "unsafe and unacceptable," and said it required immediate attention. He also said the Coast Guard decided to put the boats in the cove despite notice that doing so was illegal and constituted trespassing, because the agency didn't get permits, insurance or bonding. The boats "were secured to a jetty by nothing more than a rope tied to a rock," Walker's letter said. One of the boats, the Redwing, has already sunk.

Environmental concerns as well as navigational hazards are at the heart of the issue. More than 43,500 gallons of oil were removed from the vessels, along with other materials, to mitigate environmental risks. But there is still worry over pollution.

The city of Adak and several state agencies are at a loss for what to do next to find a permanent solution.

Walker and Adak City Manager Layton Lockett said the Coast Guard didn't heed objections over putting the tugs on the tidelands in Sweeper Cove.

"What if it breaks away and starts drifting into navigable waters?" said Lockett. "This is creating a hazard of navigation."

In December, Lockett also wrote a letter to the Coast Guard.

"We are astounded to hear the Coast Guard, which we as a community appreciate and welcome on a regular basis, will do absolutely nothing to protect the waterways and will knowingly create a hazard to navigation," he wrote. "It appears that while we enjoy exemplary relationships with certain personnel of the Coast Guard, it is not enough to earn respect or consideration when a true emergency is 'at our front door.'"

Coast Guard Public Affairs Officer Lt. Veronica Colbath said in an email the owner of the boats, Adak resident Jack Stewart, is ultimately responsible. She also said the plan to put the tugs at Sweeper Cove was approved by a group that included the Coast Guard, the city of Adak, Stewart, and the Alaska Department of Environmental Conservation.

"The Coast Guard conducted all activities to the full extent of our legal authority," she said. "The substantial pollution threat was removed and the responsible party/owner continues to be responsible for the vessels."

On Thursday, she said there was also a light sheen on the water near the Mecosta.

In this situation, it doesn't look like the owner will be able to take care of the boats.

"Typically in these cases, we put the pressure on the owner to step up and do something, and he has no resources," to deal with the two tugboats, said Clark Cox, a regional manager at the Alaska Department of Natural Resources.

Stewart bought the boats several years ago with plans to fix them up and perhaps live on one of them. He said he hasn't really used them since the purchase, and now there's nothing he can do to help the situation.

"I don't have that kind of money," said Stewart, who is 75, retired and also said he is ill. "It takes an organization with massive bonding power and insurance to move them."

Lockett said the removal process would likely be very expensive, especially because Adak doesn't have resources such as a crane or other towing vessels.

Both Adak and the the state have sent Stewart letters telling him he needs to fix the issue and he is financially responsible.

Graham Wood, a program manager at DEC, said the issue of derelict vessels left on state land is "more common than you'd think." He added while he can't speak for the Coast Guard, he believes its decision to leave the boats on state tidelands was based on funding.

"There's no good solution to deal with this problem," Wood said. "Until there's some kind of legislation to deal with these kinds of vessels statewide," it will continue to be an issue.

Walker's press secretary Katie Marquette said the governor sent the letter because he was coordinating responses from both DEC and DNR, and responding to concerns from constituents in Adak.

"I did not expect the governor to write a letter. I'm very thankful he did," Lockett said. "If we did write a letter, I think it would have gone pretty much unnoticed. As much as we tried to say, this is going to end badly, the warnings weren't heeded."

He said the city wants the vessels to be removed and destroyed, whether that means first relocating them to land or towing them somewhere else.

There aren't any public docks to tie the boats to in Adak, Lockett said. One issue with the boats is that if they drift or move, they might block off the town's small boat harbor, he said.

The Coast Guard doesn't agree. Colbath said via email "the vessels are well out of any traffic routes and do not pose a hazard to navigation by Coast Guard or Army (Corps.) of Engineer definitions."

The city is also worried about residual pollution that might still be on board.

"We're not trying to point fingers. We're all government entities, trying to work together," Lockett said. "We do respect the Coast Guard. But it's just on this one item, how we could be so far apart on trying to mitigate this hazard, is very perplexing."

The Coast Guard responded to Walker's letter in April and said its response to the situation was "consistent with Coast Guard policy and procedures and was conducted within the limits of our statutory authority under the Clean Water Act."

"In this case," the letter continued, "the limits of this authority did not support vessel removal and destruction as the pollution threat was able to be neutralized without damaging the vessels," adding that other options were also considered.

Those included putting the boats in another nearby spot, such as Finger Bay, but that was ruled out over environmental concerns that if the tugs broke free and were pushed to the mouth of a stream, they might harm salmon streams.

The only piers in Adak that could moor the tugboats are privately owned, Colbath said, and the owners "were very clear that the vessel owner was prohibited from mooring his vessels there."

In his letter, Walker called for more federal resources to fix the situation.

"The state cannot tolerate an illegal trespass to its land, particularly one which is resulting in the unsafe spread of pollution," Walker wrote. "This situation will only continue to get worse if not immediately rectified."

#### **About this Author**

#### **Annie Zak**

Annie Zak covers business and general assignments. She previously wrote for the Puget Sound Business Journal and the Orange County Register.

# 'The Challenger is gone'

By [Matt Miller, KTOO](#) March 11, 2016 [Environment](#) [Public Safety](#) [Transportation](#)



Excavators demolish the Challenger. (Photo by Mikko Wilson/KTOO)

The old tugboat Challenger is no more. The 71-year-old wooden vessel that became a [Seattle bunk-and-breakfast](#) and later a [home for a Juneau family](#) has been dismantled and disposed. The 96-foot vessel, which [sank in Gastineau Channel last September](#), was [raised by contractors last month and towed](#) to the AJ Dock on the downtown waterfront. Contractors removed oil, fuel, and other hazardous materials before beaching the vessel just south of the rock dump. Excavators destroyed the vessel and piled the remains on the edge of the rock dump nearby. On Wednesday, as much as 150 tons of woody debris was stacked up before it was hauled away to the Juneau landfill.



An excavator loads truck trailers with the woody remnants of the tug Challenger for the trip to the Juneau landfill. (Photo by Matt Miller/KTOO)

“The Challenger is gone. This is the remnants of the hull,” said Cmdr. Patrick Hilbert, the U.S. Coast Guard’s incident commander for the operation as he pointed to a giant pile in front of him. “The metal parts are disposed of.”

Metal products and parts, such as the tug’s engine, will be recycled by Skookum Sales & Recycling. Southeast Alaska Lighterage disposed of petroleum products and hazardous materials were transported to the city’s hazardous materials disposal facility.

Over [430 gallons of diesel fuel and lube oil](#) were removed from the old tug. Contractors also removed over a ton of lead acid batteries and nearly 2,900 pounds of materials containing asbestos.

Hilbert said the operation went well with contractors and various government agencies cooperating and working together.

Hilbert said the estimated \$2 million operation was well worth it.

“Between the oil and the hazmat, we did the right thing to take this action to remove it from Gastineau Channel, and remove that environmental threat from the wetlands and the salmon hatchery,” Hilbert said.

The Challenger sank just south of the Mendenhall Wetlands State Game Refuge and Douglas Island Pink and Chum facility.

Funds for the operation will come from the national Oil Spill Liability Trust Fund. Hilbert said some of [the biggest costs](#) included the use of crane barge Brightwater, as many as 45 people working during the six-week operation, and the per-pound disposal costs of the woody debris at the Juneau landfill.

Hilbert said they did not find any conclusive evidence of how the vessel sank last September. There were pumps found on board the derelict vessel, but it was impossible to determine if any had failed.

The hull planking and large timbers, which contractors cleaned of oily residue at the AJ Dock, splintered easily during the demolition. Hilbert said that was a sign that the wood hull was already beginning to rot.

Hilbert said they'll now focus on demobilizing Coast Guard personnel and others who were assigned to the operation.

#### Challenger's debris and hazardous materials by the numbers:

- Approximately 300,000 pounds of woody debris
- 2,893 pounds of materials containing asbestos
- 2,467 pounds of lead acid batteries
- 1,540 gallons of oily water
- 550 pounds of hazardous waste like paint, fire extinguishers, waste oil, polyester resin and grease
- 437 gallons of petroleum products like diesel fuel and lube oil
- 1 refrigerator
- 1 freezer

Posted October 15, 2015 12:03 am - Updated October 15, 2015 09:18 am

JUNEAU EMPIRE

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## Empire Editorial: Strong action needed to avoid repeat of Challenger sinking



A U.S. Coast Guard Station Juneau small-boat crew examines the mast of the sunken 94-foot tugboat Challenger on Saturday afternoon, Sept. 12, 2015 in Gastineau Channel. The crew marked the wreck with a buoy and a flashing light installed on the mast.

Alaska has a big problem beneath the surface.

For Juneau, that problem has been breaking the surface a lot recently. It's the issue of derelict and abandoned boats. Right now, there's not much anyone can do about it.

Last month, the 96-foot tugboat Challenger sank in Gastineau Channel. At the right low tide, you can still see the top of its pilothouse peeking from the water up-channel of the Juneau-Douglas Bridge. Even at high tide, the bright orange containment boom ringing the wreck is a clear sign that something wrong happened there.

Under the press of wind, wave and tide, the wreck of the Challenger is beginning to come apart. Debris is washing up on beaches and in harbors throughout the channel.

We've seen Facebook posts and letters in this newspaper asking the city, the state and the Coast Guard to simply do something and fix the problem. Unfortunately, our state's regulations and budget don't cover situations like these.

The boat's owner is supposed to be liable for cleaning up the wreck, but what do you do when they don't have insurance and can't pay the bill?

Unlike cars, boats don't have to carry insurance.

We've been told that removing a boat as big as the Challenger from Gastineau Channel will cost hundreds of thousands of dollars. It's not quite the cost of tearing down the Gastineau Apartments, but a solution here is no easier than tearing down that eyesore.

It's going to be difficult for the state to even hold the Challenger's owner accountable. Recreational boats must be registered with the Department of Motor Vehicles, but the Challenger was originally a working boat. It didn't have to be registered with the DMV. It also wasn't registered with Fish and Game, since it wasn't a fishing boat.

That means that even though Juneauites know it was owned by Douglas artist R.D. Robinson, it's going to be difficult for the state to find legally binding documentation that Mr. Robinson is the owner.

Even if the state can tie Mr. Robinson to the Challenger, it doesn't have a way to force him to pay — barring a lengthy court case.

There is no designated fund to clean up wrecked and derelict vessels in Alaska. There is a federal fund for cleaning up oil spills, but none for solid garbage, which the Challenger has become.

The Alaska Department of Natural Resources — now overseeing the Challenger because it litters the state land at the bottom of the channel — lacks even the authority to fine Mr. Robinson for littering.

In places like Bethel, which has a dumping ground called Steamboat Slough, the problem of derelict and abandoned boats long ago broke the surface of public awareness.

In Juneau, we're just starting to see this issue for the critical problem it is. Every day that goes by, we're seeing more evidence wash up. With every fouled prop and hull dinged by debris, we're seeing more need for action.

The state of Washington offers one path forward. In 2002, it began charging a \$3 surcharge on recreational boat registration and \$5 for visiting vessels. A surcharge on commercial vessels was added in January. Money from those surcharges is going to pay for the removal of abandoned boats and barges in Washington state. It's not enough to pay for everything, but it's a start, and Alaska should look along similar lines.

If that approach isn't palatable to Alaskans, we could instead simply mandate the registration of all boats — commercial and recreational alike — through the DMV. We could also mandate that boats of a certain size, like all cars, carry insurance sufficient to cover their salvage.

At the very least, we could grant the Department of Natural Resources the simple authority to levy fines on those who pollute Alaska's waters.

What's unfortunate is that further regulation is even necessary. We would like to believe that Alaskans have the wherewithal and brotherhood to avoid contaminating the commons with their foolhardiness. Unfortunately, as the Challenger has shown, we can't always count on good sense to triumph.

Rep. Paul Seaton, a Republican from Homer, has long supported measures to address abandoned and derelict vessels. Now that the problem has broken the surface of Juneau's consciousness, we hope other lawmakers will see the clear need to address this problem through strong action.

Posted October 8, 2015 12:07 am

By

PHILLIP GRAY

FOR THE JUNEAU EMPIRE

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## My Turn: Responsibility for abandoned and derelict vessels in Alaska

By now, most of us in Juneau know that we have a sunken 96-foot tugboat in Gastineau Channel across from the yacht club. During a 0.1-foot tide recently, it could be seen six to 10 feet above the surface of the water, like an emerging city dump with pieces twisted, ready to break off and drift up on the beach. At least three pieces have already broken off and floated to the surface; they can be seen inside the containment boom on the side of the north jetty of Aurora Harbor. Another section with a porthole is on the side of rip rap just north of downtown Juneau.

After contacting the U.S. Coast Guard and Alaska Department of Natural Resources, it appears that the owner of the sunken tug has denied ownership. The vessel was uninsured.

We must have liability insurance on our automobiles to drive in Alaska. It seems reasonable to require liability insurance of vessel owners, at least for those anchoring on Alaska tidelands.

I had no idea a person could sink his or her vessel in Alaskan waters and walk away leaving the state with the responsibility and great expense of raising and disposing of a derelict vessel. It appears that Alaskan laws regarding responsibility for derelict vessels are weak, and we are accumulating these junk vessels around the state. The sunken vessel creates hazards to navigation.

I recently checked a website that showed 31 derelict vessels and barges in the Bethel area (Steamboat Slough).

Anyone who thinks we do not have a problem should visit this website: [www.AlaskaCleanHarbors.org](http://www.AlaskaCleanHarbors.org). Click on the link: Resources — abandoned and derelict vessels.

No one should be able to sink or ground a vessel without being held accountable for pollution and costs of removal/disposal of a vessel. If it floats, the owners should have liability insurance sufficient for salvage and/or disposal, whether the vessel is motorized or not. Barges, tugs or any vessel over 25-feet (plus or minus) should be insured, at least for liability.

The tugboat Challenger that sank in Gastineau Channel has been anchored there since last November. The owner was required to get a permit from the Department of Natural Resources after 14 days to remain anchored on state tidelands, but did not do so.

I live on North Douglas Highway; the Challenger was anchored about 200 yards from my house, easily visible day or night. It had no navigation lights, no sign of lights aboard at night, I saw no one going aboard, starting the engine or tending to maintenance of the vessel in the past nine months. This seems to me like gross negligence, and I would think the state could recover costs for raising and disposal of the vessel. This usually does not happen because of the difficulty of recovering litigation or recovery costs.

Will we have a junk sunken vessel in the channel near downtown Juneau for years, a hazard to navigation and an eyesore appearing above the surface of the water on low tides?

The state cannot afford to raise and dispose sunken derelict vessels and barges. We need tougher laws to deal with the irresponsible people or business who are dumping vessels/barges on state tidelands and public waterways. Proof of liability insurance should be required before a permit is issued to anchor on public tidelands.

Anyone with suggestions for solving the problem of derelict vessels in Alaskan waters should contact their state representatives and senators, and U.S. Congress representatives and senators. We cannot afford to be cleaning up after those who don't clean up after themselves.

- Phillip Gray lives in Douglas.

# Feds sue 'Bering Sea Gold' star over costs of retrieving sunken vessel in Cordova

Author: [Jerzy Shedlock](#) Updated: September 28, 2016 Published December 18, 2014  
Anchorage Daily News

The federal government filed a civil lawsuit on Monday against a gold dredge captain who has appeared on Discovery Channel's "Bering Sea Gold," alleging he refused to take care of his 117-foot landing craft that sank in the Cordova harbor.

Federal prosecutors say it cost \$1.6 million to recover the watercraft Sound Developer. The vessel leaked fuel into harbor waters and was littered with debris, according to a civil complaint. More than 450 gallons of various oils were spilled, [reported the U.S. Coast Guard](#).

The government is asking for a judgment against John Mehelich for removal costs plus interest, among other cash penalties.

Mehelich bought the steel-hulled boat, originally built in 1960, a decade ago and moored it at the Cordova harbor's H dock. A civil complaint states that "the vessel eventually became an unauthorized dump site for waste oil and other debris because defendant Mehelich left the vessel unattended and unsecured."

Cathy Sherman, the acting city manager at the time, said the city sent Mehelich notices asking him to come care for the vessel. There was no response, she said.

"For a number of months if not a year, the harbormaster had been watching the vessel, and basically, if the bilges failed we would pump it, and that's when we were trying to reach the owner," she said.

Sound Developer sank in spring 2009, she said. The boat became submerged near the entrance of the harbor, and the city declared the area a hazard to navigation.

A portion of the boat was visible at low tide, and several masts stretched above the surface of the water at high tide, said Sherman.

Mehelich had told authorities, according to the complaint, that the boat's tanks were emptied. However, its two engines and two generators allegedly contained an unknown amount of oil.

Mehelich retained Alaska Marine Response to address an oil sheen caused by the sinking. The cleanup company's initial efforts to eliminate the sheen failed, and it became apparent the vessel contained more oil than originally reported, according to the complaint.

Through its attorneys, the city discovered Mehelich was in Nome, on the south coast of the Seward Peninsula, dredging gold, Sherman said. According to [Mehelich's Internet Movie Database profile](#), he is the owner of the dredge Goldfish and appeared in two 2013 episodes of "Bering Sea Gold."

Despite repeated requests from the Coast Guard, the complaint says, Mehelich continually refused to address the sheen.

Global Diving and Salvage was hired to remove oil drums and trash and prepare the boat for full removal from the water. A construction company initially tried to pull the Sound Developer from the sea floor using a crane, but damage threatened to cause further oil discharge, according to the complaint. The vessel was lowered back into the water.

Sherman said the vessel was eventually raised, towed out of the harbor and dismantled. On Aug. 15, 2013, a bill totaling \$1,657,085 was issued to Mehelich, according to the complaint. He was also fined \$500 for a Clean Water Act violation.

The former acting city manager, who serves as the city's museum director, said she is happy the government is taking action. She said the city has changed its practices for unattended boats.

"We're trying to be more proactive," she said. "Vessels have been pulled out of the harbor and owners have been billed for the cost of removal. That's a lot better than having them sink in the harbor."

A summons has been issued to Mehelich, according to federal court records.

*Correction: An earlier version of this story misspelled Cathy Sherman's name.*

# Sunken Barge Irks Kuskokwim Residents

By Daysha Eaton, APRN Contributor - July 15, 2014



The barge, Shanks Ark, sitting in Steamboat Slough.

Residents of fish camps along 'Steamboat Slough' near Bethel are calling for an abandoned barge to be removed. The barge has been sitting half submerged in the middle of the slough for more than a year.

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Barbara Anvil is furious the barge has been left in the slough, which serves as a highway for boats in summer and for snow machines and four wheelers in winter. She says the barge is right in the middle of that highway and it's a safety hazard.

"This winter somebody got hurt with a four wheeler ... In fact, my brother's the one who came across his four wheeler over there by the barge. There was lots of blood and stuff around it," said Anvil.

That blood was, then 28-year-old, Jason Fisher's. He says he was driving his 4-wheeler around 10 o'clock on December 16th on his way home from Bethel to Kwethluk, when he hit the barge. He doesn't remember much because the impact knocked him out. He had a head injury and was in the hospital for about a month. He had to have surgery to amputate nine and half of his fingers. Bethel Police and Search and Rescue officials confirm Fisher's story.

The barge, named 'Shanks Ark', sunk in 2012 or 2013. Officials with the Alaska Department of Natural Resources say the barge is owned by Bethel-based Kuskokwim Lighterage and Trucking and was being leased and operated by Faulkner Walsh Constructors, also of Bethel.

Ana Hoffman is CEO of Bethel Native Corporation. She also has a family fish camp on the slough. She wrote to the Coast Guard, which she says identified the barge as a navigational hazard that requires no action on their part.

"I was pretty alarmed that the barge really is left there sunken in the middle of the slough. It seems to be a real hazard," said Hoffman.

She called on Alaska's Senators for help. Senator Lisa Murkowski met with residents about the problem. Murkowski's office says they've been monitoring the situation and in touch with state officials about the barge. Still, nothing has been done.

Harry Faulkner, an owner of Faulkner Walsh Constructors says State Department of Environmental Conservation and the DNR have their facts wrong. He says he was done leasing the 'Shanks Ark' barge, which he was using to haul fish, by the time it was moored in Steamboat Slough.

"We put it away for the year and it decided to float itself out in the Spring of the following year. (Daysha Eaton: They said it happened while it was moored and you were still leasing it.) Faulkner: That is not correct. We had it leased for the year and we were done with it. (Daysha Eaton: Okay, can you send me the documents that show the time period for which you were leasing it?) Faulkner: No. (Daysha Eaton: Why not?) Because it was a verbal agreement between the fish manager and Dave Ausdahl, the owner of the barge," said Faulkner.

Dave Ausdahl refutes Faulkers claim and says Faulkner Walsh failed to secure the vessel when they put it away after fishing season.

"I provided the barge to Faulkner Walsh for their fishery operations in exchange for them fetching and returning to storage each year and keeping it floating. So it was under their care, custody and control through the 2012 season when they were to put it away properly," said Ausdahl.

But they didn't put it away properly, claims Ausdahl, which caused it to float out into the middle of the Slough and get stuck. Neither Faulkner nor Ausdahl said they'd heard about Fisher's terrible crash last winter.

Anvil says she's not sure who is responsible for removing the barge, but she hopes it happens before someone else gets hurt.

"It's gonna start getting dark pretty soon and at nighttime you can't see that there's a barge there ... so I'm sure somebody's gonna get hurt," said Anvil

'Shanks Ark' is one of several rusting vessels that make the slough look like a graveyard for river going barges. At last count, state officials say there were 22 abandoned vessels in the Bethel area, 13 of them in Steamboat slough.

DNR officials say the company operating the barge when it broke loose is responsibility for removing it.

Faulkner Walsh has submitted a plan to remove their sunken barge near Kwethluk, and two vessels in Steamboat Slough, but never removed any of them. They have not submitted a plan to remove 'Shanks Ark' which remains in the middle of the channel.

### **Daysha Eaton, APRN Contributor**

<https://www.alaskapublic.org/author/daysha-eaton/>

Daysha Eaton is a contributor with the Alaska Public Radio Network. Daysha Eaton holds a B.A. from Evergreen State College, and a M.A. from the University of Southern California. Daysha got her start in radio at Seattle public radio stations, KPLU and KUOW. Before coming to KBBI, she was the News Director at KYUK in Bethel. She has also worked as the Southcentral Reporter for KSKA in Anchorage. Daysha's work has appeared on NPR's "Morning Edition" and "All Things Considered", PRI's "The World" and "National Native News". She's happy to take assignments, and to get news tips, which are best sent via email. Daysha became a journalist because she believes in the power of storytelling. Stories connect us and they help us make sense of our world. They shed light on injustice and they comfort us in troubled times. She got into public broadcasting because it seems to fulfill the intention of the 4th Estate and to most effectively apply the freedom of the press granted to us through the Constitution. She feels that public radio has a special way of moving people emotionally through sound, taking them to remote places, introducing them to people they would not otherwise meet and compelling them to think about issues they might ordinarily overlook.



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Resurrection Sunday



# Ghost Boat Legislation Clears the House

By MIKE MASON • APR 5, 2013



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2:27

A bill that would give cities and boroughs in Alaska the ability to deal with derelict and abandoned vessels is on the move in Juneau.

On Friday House Bill 131 received a unanimous vote in the Alaska House.

The prime sponsor of the Bill is Representative Paul Seaton from Homer. He says the bill addresses an important issue.

“Dealing with derelict and abandoned vessels is a costly endeavor and a growing problem. Unfortunately, that onus is falling on our municipalities, since the state has made a policy of giving our ports and harbors back to them. They simply don’t have the financial resources or sufficient legal authority in some cases,” Seaton, R-Homer, said. “HB 131 gives municipalities better legal traction to address this problem.”



[http://kdlg.org/sites/kdlg/files/styles/x\\_large/public/2013/04/derelict-boat.jpg](http://kdlg.org/sites/kdlg/files/styles/x_large/public/2013/04/derelict-boat.jpg)

A derelict fishing vessel on the North Shore of Egegik in Bristol Bay.

CREDIT MIKE MASON

Back in October the Alaska Association of Harbor Masters and Port Administrators passed a resolution requesting stronger municipal powers in regards to abandoned and derelict vessels. That resolution was supported by the Alaska Department of Transportation and Public Facilities. House Bill 131 basically allows a state agency or municipality to remove a derelict vessel from State waters if the vessel obstructs navigation or constitutes a danger to the environment. The bill also stipulates that a vessel that has been denied entrance to a harbor by a state agency or municipality may not be stored on the waters of the State for more than 14 consecutive days unless all hazardous materials and petroleum products have been removed. House Bill 131 also gives a state agency or municipality the authority to dispose of vessels that have been left unattended for 30-days if the vessel is on public property or on private property without the authorization of the owner of the property.

House Bill 131 now moves to the Alaska Senate, which has until Sunday, April 14th to move the bill. If not the bill will be waiting on the Senate next year when the 2nd session of the 28th Alaska Legislature gets underway.



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# Problems plagued fish processing vessel that went hard aground on Alaska's Kodiak Island



By **The Associated Press**

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on March 18, 2013 at 7:50 PM, updated March 18, 2013 at 7:59 PM

ANCHORAGE, Alaska -- A fish processing vessel that went hard aground on Kodiak Island was struck by other problems earlier this year, including a diesel spill and two ammonia leaks.

The 169-foot Pacific Producer grounded in 9-foot tides early Friday while traveling through Ouzinkie Narrows between Kodiak and Spruce islands. The vessel had just left the city of Kodiak two hours earlier when the mishap occurred in relatively calm seas, according to the [Alaska Department of Environmental Conservation](#).

"It hit the beach fairly hard," said Steve Russell, the DEC's state on-scene coordinator.

Crew members likely won't be able to refloat it until higher tides return next week, responders said Monday.

No one among the 16-member crew was injured and no fuel spilled when it grounded near the Spruce Island village of Ouzinkie, [the Coast Guard](#) said. A Good Samaritan fishing vessel transported 10 of the crew members to Kodiak while six others remained on board.

The vessel, home-ported in Seattle, sustained a 10-inch crack in the hull wall of a water tank, according to the DEC.

Crews are working to repair the hull, Russell said. The gash, however, would not prevent the refloating because the tank is designed to hold water, he said.

But tides up to two feet lower have hampered the crew's attempt to move the Pacific Producer under its own power after lightering it.

The Coast Guard is investigating the cause of the grounding, Petty Officer Sara Francis said.

The Coast Guard also is monitoring the Pacific Producer and work was being planned to minimize any pollution threats, including the pending removal of diesel fuel on board the vessel.

On board are 10,000 gallons of diesel fuel, 6,000 pounds of anhydrous ammonia and an unknown amount of various lubes and oils, the DEC said. Also on board are 10,000 to 15,000 pounds of frozen bait being kept in operational freezers.

Ouzinkie Narrows is critical habitat for endangered Steller sea lions and the threatened southwest population of sea otters, according to the DEC.

Francis said the owner has a valid certificate of financial responsibility and is working with a salvage company to remove the vessel.

The vessel is owned by Chris Tsaouris and his Seattle business called East West Seafood. Tsaouris did not immediately return calls from The Associated Press seeking comment Monday.

Last week's grounding adds to a string of problems involving the Pacific Producer in Kodiak.

In January, firefighters responded to reports of an ammonia leak on the vessel, which was docked at a busy commercial pier after crews walked off the job. Another ammonia leak was reported later after the Pacific Producer was moved to St. Herman Harbor.

Days after the first leak, an estimated 150 gallons of diesel fuel spilled into the water, according to the Coast Guard.

**The Kodiak Daily Mirror** said a former employee was accused of damaging the vessel's engines with an ax in February.

**Kodiak harbor master Marty Owen** said the vessel has been in Kodiak since October and this was the first time it left to process fish. It sat idle for months while Tsaouris was outside the state trying to raise operating capital, according to Owen. He said Tsaouris still owes significant moorage fees to the city and is not likely to keep the vessel any longer, Owen said.

Owen described the Pacific Producer as part of an operation that appears to be underfunded. But he was puzzled by the grounding, saying he didn't know how the vessel could have landed on the beach.

"So far, it's not leaking so that's good news," he said.

-- The Associated Press

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# Sunken Vessels Lifted, Removed from Jakalof Bay

By **Aaron Selbig, KBBI - Homer** - January 25, 2013

A pair of commercial fishing vessels that sank in Jakalof Bay on Christmas Eve have been removed and transported to the Homer harbor.

The vessels F/V Kupreanof and F/V Leading Lady were safely refloated last weekend by a team of experts, including people from the U.S. Coast Guard, the Homer and Seldovia Harbormaster's offices, the Alaska Department of Environmental Conservation and Global Diving and Salvage.

Coast Guard Petty Officer Jonathan Alexander says the operation took four days, beginning on Friday, January 18th. He says lift bags and a crane were used to lift both vessels, which were then de-watered and transported to the Homer harbor.

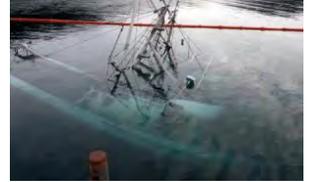
Alexander says both vessels are awaiting a higher tide so that they can be lifted up out of the water. He says he does not know if either or both vessels are a total loss but says the damage to both is extensive.

No one is sure what caused the vessels to sink but heavy snowload is suspected. More than 48 inches of snow fell in the area during a large storm that moved through Southcentral Alaska December 24th and 25th.

The 53-foot Leading Lady sank down about 40 feet and was laying on its side on the sea floor. The other vessel – the F/V Kupreanof – was directly on top, with its bow buried into the Leading Lady. The sinkings occurred in the middle of a sensitive area on the fringes of Kachemak Bay, used for oyster farming.

During the recovery operation, five hundred feet of containment boom was deployed around the vessels to mitigate any further pollution. Alexander says twelve containers of various sizes containing oil products were collected from the vessels and will be properly disposed of by response crews.

Alexander says the clean-up is complete and as far as the Coast Guard is concerned, there is no longer a pollution threat at the sinking site in Jakalof Bay.



The F/V Kupreanof and F/V Leading Lady had been submerged since Christmas (Coast Guard photo)

**Aaron Selbig, KBBI - Homer**

<http://www.kbbi.org>

Aaron Selbig is a reporter at **KBBI** in Homer.

[http://www.newsminer.com/news/local\\_news/derelict-ship-causes-ammonia-scare/article\\_9c2bee14-553d-11e2-bb07-001a4bcf6878.html](http://www.newsminer.com/news/local_news/derelict-ship-causes-ammonia-scare/article_9c2bee14-553d-11e2-bb07-001a4bcf6878.html)

## Derelict ship causes ammonia scare

The Associated Press Jan 2, 2013



Firefighters from the U.S. Coast Guard and Kodiak Fire Department board the processing ship Pacific Producer Monday, Dec. 31, 2012 at Kodiak, Alaska's Pier 2. Crewmen aboard the Pacific Producer, which has been moored at the pier for almost two months despite city requests for its removal, reported that they were driven from the ship by a strong smell of ammonia. High winds prevented firefighters from obtaining readings on the scale of the leak from the ship's refrigeration system. (AP Photo/James Brooks, Kodiak Daily Mirror)

James Brooks

KODIAK, Alaska - A derelict fish processing ship caused an ammonia scare in Kodiak when two crewmembers living onboard the vessel reported a leak.

Kodiak firefighters were joined by Coast Guard firefighters on Monday in responding to reports of a leak on the 169-foot Pacific Producer, according to the Kodiak Daily Mirror (<http://is.gd/ZqpKgN>). Kodiak City Pier 2 was cordoned off for five hours.

Anhydrous ammonia is commonly used as a refrigerant aboard fishing vessels and in fish processing plants. It can cause severe lung damage if inhaled. High concentrations can be fatal.

Firefighters boarded the ship and shut all the valves connected to the ship's ammonia system.

Subsequent tests found no ammonia circulating in the air.

A storm rolling through Kodiak both helped and hampered firefighters' efforts. Winds gusting up to 52 mph whisked away the ammonia leak so quickly that firefighters were able to walk next to the boat without protective gear, and no evacuations were required.

The wind also prevented firefighters from getting an accurate reading on the size of the ammonia leak.

"We never got a reading because it was always going away from us, which was a good thing," Kodiak deputy fire chief Jim Mullican.

The Pacific Producer has been tied up at Pier 2 for more than two months after its owner, captain and chief engineer all walked away from the boat. Kevin Briggs, the sole remaining engineer aboard the Pacific Producer, said he came aboard 3 months ago to help process fish, but the ship hasn't seen a single fish and he's ready to go home.

"It's just been a nightmare, basically," he said.

Last month, the Pacific Producer's owner left Kodiak to find operating capital, and he hasn't returned since.

"We've just been waiting for him to come up with what he calls 'investment money,'" Briggs said.

Deputy Kodiak harbormaster Lon White said the city wants the ship gone.

"We've asked the owner to remove it from city facilities and they have not done so, either been unable or refused to. Regardless, it's still at our facility," he said.

# Alaska Dispatch News

## Features

### Cordova harbor saga ends: Polluted, abandoned vessel finally removed

✎ Author: Jennifer Gibbins   ⌚ Updated: September 29, 2016   📅 Published December 28, 2011

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CORDOVA -- Something is missing from the Cordova harbor and at least this time, it's not another finger float hammered by the north wind. Earlier this month, the Sound Developer, a 117-foot landing craft, left from the harbor under tow by the tug Oswell Foss.

For more than two years, the vessel sat sunken in the Cordova harbor, quietly spewing pollution and posing a potential threat to navigation. It became a poster child for the national issue of derelict vessels. The Sound Developer has been discussed at meetings of the Alaska Association of Harbor Masters and Port Administrators, written about by state-wide news outlets and cautiously watched by those far beyond. The core issue: funding.

U.S. harbors are faced with a lose-lose proposition when dealing with negligent vessel owners. If a harbor impounds or seizes a vessel, even temporarily to enforce late slip fees, the harbor assumes liability. As a result, many harbors are reluctant to take control. Vessels deteriorate further and are abandoned, leaving the community to deal with costly removal, cleaning and disposal.

The bill for removing and cleaning the Sound Developer -- not including disposal of the vessel, which falls to the city of Cordova -- was in the neighborhood of \$1.2 million, paid for through the oil spill liability trust fund.

When the vessel sank in August 2009, a Cordova company named Alaska Marine Response (AMR) moved in to contain and remove pollution at the site. As the situation unfolded, and the vessel was abandoned by its owner, the city and U.S. Coast Guard worked together to develop a strategy for removal. Because of the vessel's condition, Global Diving and Salvage was contracted to remove the vessel and a failed attempt was made later that fall. Timing, tides and weather conspired against the removal. With winter closing in, the partners stepped back to reassess.

Over the next two years, another plan was tediously vetted through naval architects, Global's engineers and through every level of the Coast Guard as the town waited anxiously. AMR continued to contain and remove pollution from the site. Finally, the Coast Guard issued its approval.

"The biggest challenge we had with this project was the unknown," said Kerry Walsh, Global Diving and Salvage. "Unknowns included condition, structure and contents."

In the absence of drawings or any real information about the structure of the Sound Developer, aside from its horrendous condition, Global's engineers relied on the little information they could garner through examination of her sister ship, lying ashore in Seward. One option for removal involved using a heavy lift crane, a sure way to go but also the most expensive. Using heavy lift bags to float the vessel was the other option -- and the one selected.

According to Walsh, divers created a basket around the vessel by running cables underneath and connecting them with chains. More than 30 heavy lift bags were staged on the scene, inflated and attached to the basket. Staging of the bags was a complex process itself with each bag weighing in excess of 500 pounds.

Floatation of the vessel had to be tested, and then timed with the tides. On the initial test float, the vessel proved to be far heavier than anticipated, temporarily dashing hopes of success. More heavy lift bags were added to the bow for additional floatation. On the day the team planned to tow the Sound Developer to its new temporary location adjacent to the travel lift, the weather kicked up and the move was delayed.

Finally, late on the afternoon of Dec. 8, the Sound Developer, towed by Oswell Foss and accompanied by three bowpickers, made her final trip out of the Cordova harbor. People lined the surrounding docks, taking photos and video, cheering and clapping as the Sound Developer passed beyond the breakwater.

When the flotilla arrived at the other end of town, people stood on the ferry dock, along the shoreline and sat in their cars watching as she was staged on the mudflats and boomed off for an exterior pressure wash.

Asked to describe what divers have found on board, Walsh jokes, "Mason jars of gold."

"We found a real mess," said Walsh. "Everything from 55 gallon drums of unknown material to debris and trash; countless batteries and bags of disposed used oil that folks had flung on board. That is another typical problem with abandoned vessels, they become a convenient dumping ground."

As crews prepared to tackle the interior of the vessel earlier this week, Walsh added, "There is a lot of accumulated sludge in the hull. How much of a mess we are dealing with is yet to be fully realized."

Walsh was pleased.

"The Coast Guard asked Global to develop a plan with a simple but clear end result of removing the vessel. That is our area of expertise, that is why they hired us and we delivered.

"Most importantly," added Walsh, "the Coast Guard had a desire to finish what they started and to do Cordova good."

*This story was first published The Cordova Times.*

#### **About this Author**

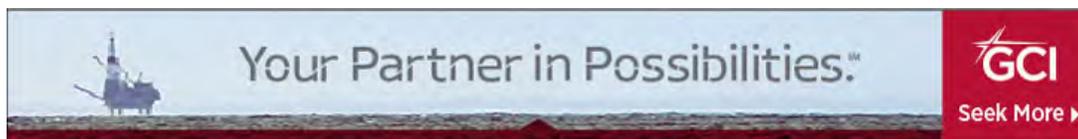
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Story last updated at 7:49 PM on Wednesday, February 25, 2009

## Derelict ships cause problems in Seldovia, Homer harbors

By McKibben Jackinsky

Staff writer

There's the romantic notion of old ships. Then there's the ruination old ships can cause when left unattended. The Husky II, a 158-foot World War II era vessel built in 1944 and currently in Seldovia, is an example.

Efforts currently underway to clean up the ship also illustrate the value of combined efforts and the need for a statewide plan to deal with derelict vessels.

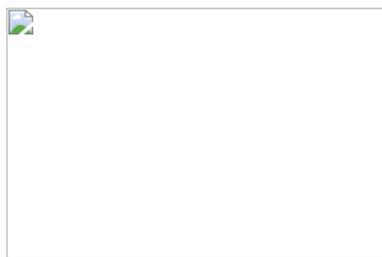


Photo provided by US Coast Guard

### Husky II

In January, the U.S. Coast Guard took responsibility for clean-up efforts after the Husky II's owner failed to comply with a letter from the USCG outlining the need to boom off the vessel and remove oil and hazardous materials still on board.

"The federal government goes to great lengths to work with owners to handle potential pollution cases such as these," said Cmdr. Joseph LoSciuto, deputy commander of Sector Anchorage. "In this case the owner was uncooperative and the Coast Guard was obliged to take steps to protect the environment and the public welfare of the citizens of Seldovia."

Tied up in Seldovia for more than five years, the vessel had become an increasing concern for Seldovia residents. Its engines no longer operated. Marine inspectors deemed it unseaworthy and in need of substantial improvements to the engines and the hull before it could be removed from Seldovia.

After Tim Dillon became Seldovia's city manager in October, he made inquiries into how to deal with the problem the Husky II posed. That led to a visit by the Coast Guard, the letter to the vessel's owner, and finally, when the owner failed to comply with written requests, the classification of the vessel as a federal clean-up site. Funding out of the Oil Spill Liability Trust Fund is paying for the clean-up, which is estimated to cost approximately \$450,000.

"The total cost of the clean-up can possibly be recovered through pursuit of civil penalties against the vessel owner for up to three times the total costs incurred," the Coast Guard stated in a Feb. 17 press release.

The project is proving a boon to Seldovia.

"There are 26 total (people) working in the project," Dillon said. "Probably somewhere between six to 10 are local and the rest are people (the Coast Guard) had to bring in."

As a result, Seldovia businesses are feeling a welcomed boost.

"The restaurant is now able to be open for dinner, there's rooms in the hotel and this thing is getting cleaned up," Dillon said. "It's pretty amazing."

Dillon has two goals for the clean-up project: not having a hazardous fluid leak and getting the ship out of Seldovia.

"How its departure is handled is probably still a couple weeks away because there's so many pieces that have to fall into place right now," he said, adding, "I promise I won't send it to Homer."

The Husky II has already spent time on this side of the bay, according to Homer Harbormaster Bryan Hawkins. It was moored in Homer in 2002, moved to Jakalof Bay for a year or two and then was taken to Seldovia.

"That boat is an over-achiever when it comes to hazardous waste," Hawkins said. "It was almost like a dumping ground, with lots of materials on there that wouldn't normally be on a boat."

The dangers caused by derelict -- homeless -- boats are not unique to Seldovia. Several years ago, the Coast Guard stepped in when the Spanky Paine, a 115-year-old steel tugboat, raised concerns in Homer.

"We completely emptied the tanks, pumped all the sumps out of the engines and the bilge was completely emptied by a big vac truck," Hawkins said of efforts similar to the clean-up project now underway in Seldovia. "We haven't cleaned any others out that way, but we do have other vessels we're concerned about."

With owners failing to keep an eye on their vessels, harbor personnel are forced to watch for changes signaling a problem.

"We watch these boats like they were our own. If something happens to them, it affects our harbor, the whole community," Hawkins said.

In fact, he added, the impacts reach statewide.

"The state is only 50 years old and we've been so busy building and growing that we never gave any thought to cradle-to-grave," he said. "What do we do with vessels that are aged out and don't have any commercial value left in them? All of our harbors have vessels like that."

A smaller, 50-foot wood boat is one thing, but a 150-foot steel vessel is a different matter.

"It's beyond our ability to handle that," Hawkins said. "As a state, we need to take this on and talk about developing a facility to dispose of old, aged-out vessels that have no value left in them."

Dillon agreed with Hawkins.

"He's 100 percent correct," Dillon said. "This boat sat here six years. Thank goodness when the folks came over and looked at this, they were trying to do the best thing for not only our community, but the state and keeping the pristine waters."

McKibben Jackinsky can be reached at [mckibbenjackinsky@homernews.com](mailto:mckibbenjackinsky@homernews.com).

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# Resolutions & Letters of Support

## **1990**

House Concurrent Resolution 53

## **2017-18**

Alaska Association of Harbormasters and Port Administrators

Alaska Municipal League

Cook Inlet Harbor Safety Committee

Ketchikan

Juneau

Cordova

Homer

Seward

Dillingham

## **2016-17**

Alaska Association of Harbormasters and Port Administrators

Alaska Municipal League

Orutsararmiut Native Council

Ketchikan

Thorne Bay

Seward

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Referred: Rules

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Original sponsor(s): REP. JACKO

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE  
2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 53 (Transportation)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION  
5 Relating to abandoned vessels on the  
6 beaches of Alaska.  
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 WHEREAS many abandoned vessels, including merchant vessels, fishing  
9 vessels, and other vessels, are grounded on the coast of Alaska; and  
10 WHEREAS abandoned vessels are an environmental hazard and are aesthet-  
11 ically unpleasing; and  
12 WHEREAS the state does not have the resources to salvage or dispose of  
13 abandoned vessels; and  
14 WHEREAS the state does not currently have statutory authority to  
15 impose liability on the owners of abandoned vessels for the cost of salvag-  
16 ing or demolishing abandoned vessels; and  
17 WHEREAS communities are not compensated for the aesthetic and physical  
18 trespass resulting from abandoned vessels;  
19 BE IT RESOLVED by the Alaska State Legislature that the governor is  
20 respectfully requested to study the problems posed by abandoned vessels and  
21 to make appropriate recommendations to the First Session of the Seventeenth  
22 Alaska State Legislature for legislation necessary to remedy existing  
23 problems and prevent future problems.

# Alaska Association of Harbormasters and Port Administrators



## RESOLUTION NO. 2017-2

### A RESOLUTION OF THE ALASKA ASSOCIATION OF HARBORMASTERS AND PORT ADMINISTRATORS IN SUPPORT OF SENATE BILL 92: AN ACT RELATING TO ABANDONED AND DERELICT VESSELS

**Whereas**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**Whereas**, in the past two years alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau,

**Whereas**, the Alaska Association of Harbormasters and Port Administrators recognizes the widespread costs and then environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

**Whereas**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

**Whereas**, in 1990 the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

**Whereas**, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

**Whereas**, in 2013 the AAHPA supported the creation of the ad-hoc derelict vessel task force which includes representatives from state and federal agencies as well as the AAHPA, regional tribal representatives, federal and state legislative offices, and private industry; and

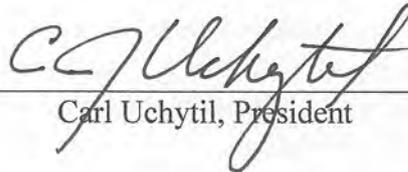
**Whereas**, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

**Whereas**, this will help our members protect harbor infrastructure, keep valuable moorage space in our harbors available, and will prevent unsustainable economic, environmental and navigational hazards; and

**Whereas**, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**Now therefore be it resolved** that the Membership of the Alaska Association of Harbormasters and Port Administrators fully supports the passage by the state legislature of Senate Bill 92.

Passed and approved by a duly constituted quorum of the Alaska Association of Harbormasters and Port Administrators on this 5th day of October, 2017.

  
\_\_\_\_\_  
Carl Uchytel, President

ATTEST:

*Rachel Lord*

\_\_\_\_\_  
Rachel Lord, Executive Secretary



## ALASKA MUNICIPAL LEAGUE

### RESOLUTION #2018-08

#### **A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE IN SUPPORT OF SB 92; AN ACT RELATING TO ABANDONED AND DERELICT VESSELS**

**WHEREAS**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**WHEREAS**, in the past two years alone, there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government, considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau; and

**WHEREAS**, the Alaska Municipal League recognizes the widespread costs and then environmental and navigational risks for both municipalities and the state, associated with derelict vessels; and

**WHEREAS**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

**WHEREAS**, in 1990, the Alaska Legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

**WHEREAS**, the State of Alaska has outdated statutes regarding derelict vessels, which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding and vessel insurance requirements; and

**WHEREAS**, in 2013, an ad-hoc Derelict Vessel Task Force was put into place and included representatives from state and federal agencies, municipal representatives, regional tribal representatives, federal and state legislative offices and private industry; and

**WHEREAS**, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

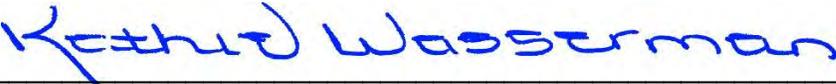
**WHEREAS**, this will help our members protect harbor infrastructure, keep valuable moorage space available in our harbors and prevent unsustainable, economic, environmental and navigational hazards; and

**WHEREAS**, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased cost associated with managing derelict vessels.

**NOW, THEREFORE BE IT RESOLVED** that the Alaska Municipal League fully supports the passage of SB 92 by the State Legislature.

**PASSED AND APPROVED** by the Alaska Municipal League on this 17<sup>th</sup> day of November, 2017.

Signed:   
Pat Branson, President, Alaska Municipal League

Attest:   
Kathie Wasserman, Executive Director, Alaska Municipal League

**A RESOLUTION OF THE COOK INLET HARBOR SAFETY COMMITTEE IN SUPPORT OF SENATE BILL 92: AN ACT RELATING TO ABANDONED AND DERELICT VESSELS**

**Whereas**, the mission of the CIHSC is to promote marine safety and environmental stewardship in the Cook Inlet through pro-active communication between stakeholders; and

**Whereas**, per the CIHSC's Charter the CIHSC may provide recommendations to regulatory bodies on maritime safety issues and seek actions to enhance maritime safety; and

**Whereas**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**Whereas**, in Cook Inlet there have been and continue to be numerous costly and potentially dangerous derelict vessel incidents including the F/V Leading Lady and F/V Kupreanof, dozens of abandoned boats in Port Graham Bay, and regular derelict vessels taking up valuable moorage at the Port of Homer; and

**Whereas**, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

**Whereas**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and recognizing the value of vessel insurance for certain vessels on public waters; and

**Whereas**, in 1990 the Alaska legislature passed a resolution acknowledging the need to better understand and address the state's existing and growing problem of derelict vessels; and

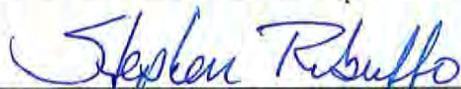
**Whereas**, provisions in SB92 will help protect harbor infrastructure, keep valuable moorage space in our harbors available, and will prevent unsustainable economic, environmental and navigational hazards throughout Alaska's waters; and

**Whereas**, the proposed changes will improve pro-active communication and coordination between all affected stakeholders;

**NOW, THEREFORE BE IT RESOLVED** that the Cook Inlet Harbor Safety Committee fully supports the passage by the state legislature of Senate Bill 92.

**PASSED AND APPROVED ON THE 29<sup>th</sup> DAY OF Nov, 2017.**

Signed: \_\_\_\_\_



**Stephen Ribuffo, Chairman of the Cook Inlet Harbor Safety Committee**

**CITY OF KETCHIKAN, ALASKA**

**RESOLUTION NO. 17-2681**

**A RESOLUTION OF THE CITY OF KETCHIKAN, ALASKA IN SUPPORT OF SENATE BILL 92: AN ACT RELATING TO ABANDONED AND DERELICT VESSELS; AND ESTABLISHING AN EFFECTIVE DATE.**

**Whereas**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**Whereas**, in the past two years alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau; and

**Whereas**, the Council of the City of Ketchikan recognizes the widespread costs and the environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

**Whereas**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

**Whereas**, in 1990 the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

**Whereas**, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

**Whereas**, in 2013 an ad-hoc derelict vessel task force was formed which includes representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

**Whereas**, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

**Whereas**, this will help protect harbor infrastructure, keep valuable moorage space in our harbors available, and will prevent unsustainable economic, environmental and navigational hazards; and

**Whereas**, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Ketchikan, Alaska as follows:

**Section 1:** By this resolution, hereby fully supports the passage by the state legislature of Senate Bill 92.

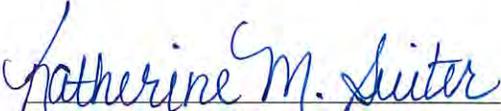
**Section 2:** This resolution shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the City Council for the City of Ketchikan on this 2nd day of November, 2017.



Robert Sivertsen, Vice-Mayor

ATTEST:



Katherine M. Suiter, City Clerk

Presented by: The Manager  
Introduced: 12/19/2016  
Drafted by: A. G. Mead

## RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2778

### **A Resolution in Support of Proposed Changes to Alaska Statute Chapters 30.30 and 05.25 Relating to Improving the Management and Prevention of Derelict Vessels.**

WHEREAS, hundreds of derelict vessels currently litter Alaska's coastline and harbors;  
and

WHEREAS, these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

WHEREAS, in the past year alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including incidents involving two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the Challenger tug off Juneau; and

WHEREAS, the Assembly of the City and Borough of Juneau recognizes the widespread costs and the environmental and navigational risks associated with derelict vessels; and

WHEREAS, neighboring states have dramatically strengthened their laws in the past five years to better prevent, track, and manage derelict vessels, including raising fees to support the management of derelict vessels and requiring vessel insurance; and

WHEREAS, in 1990, the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

WHEREAS, the State of Alaska's current statutory scheme regarding derelict vessels is outdated and lacks the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding, or vessel insurance requirements; and

WHEREAS, in 2013, the Alaska Clean Harbors program convened an ad-hoc derelict vessel task force at the urging of the Association of Harbormasters and Port Administrators, which included representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

WHEREAS, over the course of nine full-day meetings, the task force developed thoughtful, robust, and meaningful proposed revisions to Alaska Statute Chapters 30.30 and 05.25 designed to help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

WHEREAS, these proposed changes would better protect harbor infrastructure; keep valuable moorage space in harbors available; and prevent economic, environmental, and navigational hazards; and

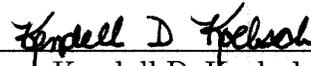
WHEREAS, the proposed changes would improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

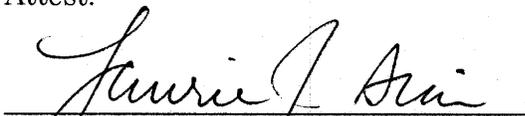
**Section 1.** The Assembly of the City and Borough of Juneau fully supports the passage of all proposed revisions to Alaska Statute Chapters 30.30 and 05.25.

**Section 2. Effective Date.** This resolution shall be effective immediately after its adoption.

Adopted this 19<sup>th</sup> day of December, 2016.

  
\_\_\_\_\_  
Kendell D. Koelsch, Mayor

Attest:

  
\_\_\_\_\_  
Laurie J. Sica, Municipal Clerk

**CITY OF CORDOVA, ALASKA  
RESOLUTION 01-18-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA  
SUPPORTING PROPOSED CHANGES TO ALASKA STATUTES CHAPTERS 30.30 AND  
5.25 RELATING TO IMPROVING THE MANAGEMENT AND PREVENTION OF  
DERELICT VESSELS**

**WHEREAS**, hundreds of derelict vessels currently litter Alaska's coastline and harbors; and

**WHEREAS**, these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**WHEREAS**, in the past year alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including incidents involving two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the Challenger tug off Juneau; and

**WHEREAS**, the Council of the City of Cordova recognizes the widespread costs and the environmental and navigational risks associated with derelict vessels; and

**WHEREAS**, neighboring states have dramatically strengthened their laws in the past five years to better prevent, track, and manage derelict vessels, including raising fees to support the management of derelict vessels and requiring vessel insurance; and

**WHEREAS**, in 1990, the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

**WHEREAS**, the State of Alaska's current statutory scheme regarding derelict vessels is outdated and lacks the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding, or vessel insurance requirements; and

**WHEREAS**, in 2013, the Alaska Clean Harbors program convened an ad-hoc derelict vessel task force at the urging of the Association of Harbormasters and Port Administrators, which included representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

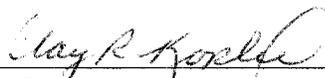
**WHEREAS**, over the course of nine full-day meetings, the task force developed thoughtful, robust, and meaningful proposed revisions to Alaska Statutes Chapters 30.30 and 5.25 designed to help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

**WHEREAS**, these proposed changes would better protect harbor infrastructure; keep valuable moorage space in harbors available; and prevent economic, environmental, and navigational hazards; and

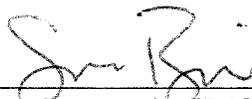
**WHEREAS**, the proposed changes would improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF JANUARY, 2018.**



  
\_\_\_\_\_  
Clay R. Koplín, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Susan Bourgeois, CMC, City Clerk

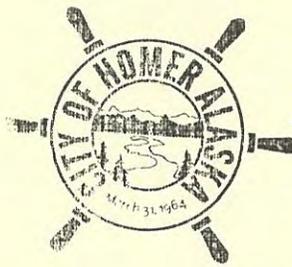


43 WHEREAS, This will help our members protect harbor infrastructure, keep valuable  
44 moorage space in our harbors available, and will prevent unsustainable economic,  
45 environmental and navigational hazards; and

46  
47 WHEREAS, The proposed changes will improve communication and coordination  
48 between Alaska's harbors and state and federal agencies, directly leading to decreased costs  
49 associated with managing derelict vessels.

50  
51 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, fully  
52 supports the passage by the state legislature of Senate Bill 92.

53  
54 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 30<sup>th</sup> day of October,  
55 2017.



CITY OF HOMER

A handwritten signature in blue ink, which appears to read "Bryan Zak", is written over a horizontal line.

BRYAN ZAK, MAYOR

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64 ATTEST:

A handwritten signature in blue ink, which appears to read "Melissa Jacobsen", is written over a horizontal line.

65  
66  
67 MELISSA JACOBSEN, MMC, CITY CLERK

68  
69 Fiscal Note: N/A

**CITY OF SEWARD, ALASKA  
RESOLUTION 2017-074**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD,  
ALASKA, IN SUPPORT OF SENATE BILL 92: AN ACT RELATING TO  
ABANDONED AND DERELICT VESSELS**

**WHEREAS**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**WHEREAS**, in the past two years alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau; and

**WHEREAS**, the City of Seward recognizes the widespread costs and the environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

**WHEREAS**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

**WHEREAS**, in 1990, the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

**WHEREAS**, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

**WHEREAS**, in 2013, the Alaska Association of Harbormasters and Port Administrators supported the creation of the ad hoc derelict vessel task force, which includes representatives from state and federal agencies, as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

**WHEREAS**, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

**CITY OF SEWARD, ALASKA  
RESOLUTION 2017-074**

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**WHEREAS**, this will help protect harbor infrastructure, keep valuable moorage space in our harbor available, and will prevent unsustainable economic, environmental and navigational hazards; and

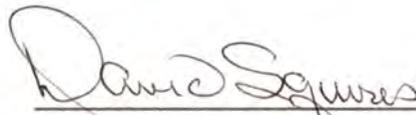
**WHEREAS**, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA** that:

**Section 1.** The Seward City Council fully supports the passage by the Alaska State Legislature of Senate Bill 92.

**PASSED AND APPROVED** by the City Council of the City of Seward, Alaska, this 27<sup>th</sup> day of November 2017.

**THE CITY OF SEWARD, ALASKA**

  
\_\_\_\_\_  
**David Squires, Mayor**

AYES: Casagranda, Keil, McClure, Slater, Towsley, Horn, Squires  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Brenda J. Ballou, MMC  
City Clerk

(City Seal)



# Agenda Statement



Meeting Date: November 27, 2017

To: City Council

Through: Jim Hunt, City Manager *[Signature]*

From: Norm Regis, Harbormaster

Agenda Item: SUPPORT OF SENATE BILL 92: AN ACT RELATING TO ABANDONED AND DERELICT VESSELS

**BACKGROUND & JUSTIFICATION:**

In 1990, the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state. In 2013, the Alaska Association of Harbormasters and Port Administrators supported the creation of the ad-hoc derelict vessel task force which includes representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry. Over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels. The proposed changes will improve communication and coordination between Alaska’s harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**INTENT:**

To support Senate Bill 92: an act relating to abandoned and derelict vessels.

<b><u>CONSISTENCY CHECKLIST:</u></b>		Yes	No	N/A
1.	2030 Comprehensive Plan (page 9): Public Safety, Encourage marine safety activities.	X		
2.	Strategic Plan (page 18): Promote a safe community	X		
3.	Other (list):			

**FISCAL NOTE:** There is no fiscal note for this Agenda Statement and Resolution; this is to support Senate Bill 92: an act relating to abandon and derelict vessels.

Approved by Finance Department: *[Signature]*

**ATTORNEY REVIEW:** Yes \_\_\_\_\_ No   X

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**RECOMMENDATION:**

Council approve Resolution 2017-074, authorizing the City Administration and lobbyist to urge the state legislature passage of Senate Bill 92.

CITY OF DILLINGHAM, ALASKA

**RESOLUTION NO. 2017-42**

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL SUPPORTING RESOLUTION NO. 2017-02 FROM THE ALASKA ASSOCIATION OF HARBORMASTERS AND PORT ADMINISTRATORS IN SUPPORT OF SENATE BILL 92: AN ACT RELATING TO ABANDONED AND DERELICT VESSELS**

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WHEREAS, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

WHEREAS, in the past two years alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau,

WHEREAS, the Alaska Association of Harbormasters and Port Administrators recognizes the widespread costs and then environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

WHEREAS, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

WHEREAS, in 1990 the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

WHEREAS, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

WHEREAS, in 2013 the AAHPA supported the creation of the ad-hoc derelict vessel task force which includes representatives from state and federal agencies as well as the AAHPA, regional tribal representatives, federal and state legislative offices, and private industry; and

WHEREAS, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

WHEREAS, this will help our members protect harbor infrastructure, keep valuable moorage space in our harbors available, and will prevent unsustainable economic, environmental and navigational hazards; and

WHEREAS, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

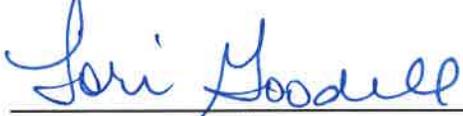
NOW, THEREFORE, BE IT RESOLVED that the City Council fully supports the passage by the state legislature of Senate Bill 92.

PASSED and ADOPTED by the Dillingham City Council on October 5, 2017.

  
\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

[SEAL]

  
\_\_\_\_\_  
Lori Goodell, Acting City Clerk

# **Alaska Association of Harbormasters and Port Administrators**



## **RESOLUTION NO. 2016-3**

### **A RESOLUTION OF THE ALASKA ASSOCIATION OF HARBORMASTERS AND PORT ADMINISTRATORS IN SUPPORT OF PROPOSED CHANGES TO ALASKA STATUTES CHAPTER 30.30 AND 05.25 IMPROVING THE MANAGEMENT AND PREVENTION OF DERELICT VESSELS.**

**Whereas**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**Whereas**, in the past year alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau; and

**Whereas**, the Alaska Association of Harbormasters and Port Administrators recognizes the widespread costs and the environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

**Whereas**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

**Whereas**, in 1990 the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

**Whereas**, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

**Whereas**, in 2013 the Alaska Association of Harbormasters and Port Administrators supported the creation of the ad-hoc derelict vessel task force which includes representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

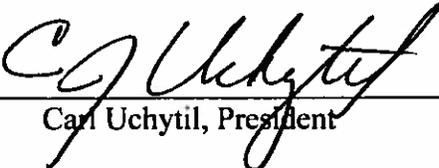
**Whereas**, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

**Whereas**, this will help our members protect harbor infrastructure, keep valuable moorage space in our harbors available, and will prevent unsustainable economic, environmental and navigational hazards; and

**Whereas**, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**Now therefore be it resolved** that the Membership of the Alaska Association of Harbormasters and Port Administrators fully supports the passage by the state legislature of all proposed revisions in Alaska Statutes 30.30 and 05.25.

Passed and approved by a duly constituted quorum of the Alaska Association of Harbormasters and Port Administrators on this 28th day of September, 2016.

  
\_\_\_\_\_  
Carl Uchytel, President

ATTEST:

*Kim Elliot*

\_\_\_\_\_  
Kim Elliot, Executive Secretary

Dear Senator Giessel and Senator Micciche,

As the President of the Alaska Association of Harbormasters and Port Administrators (AAHPA), our organization is fully in support of increased legislation to mitigate the increasing challenges of meeting derelict and potentially derelict vessels throughout Alaska. Other NW Pacific States have taken proactive stances to protect their waters and to reduce financial risk to states and municipalities. The unintended consequences of these stricter statutes have resulted in Alaska being viewed as a soft target. It is more than plausible that we will see increasing number of WWII aged vessels being brought to Alaska because of our lax enforcement rules.

AAHPA is supportive of increased user fees to help defray the cost to remediate abandoned and derelict vessels as well as initiatives to require vessels to be insured. In the case of Juneau, which I am very familiar with, it was once acceptable for boat owners to dispose of their vessels along Thane Road on CBJ property. It was also commonplace to scuttle unwanted vessel in any deep water. In 2015, the vessel CHALLENGER was anchored in Gastineau Channel before sinking – because the Coast Guard could not determine the Responsible Party, the cost to the Coast Guard was in excess of \$1.7M and to my knowledge the ownership of the vessel remains uncertain.

What was once commonplace is now unacceptable and we need more sophisticated statutes to deal with abandoned and derelict vessels. The Alaska Association of Harbormasters & Port Administrators thank you for your consideration in advancing SB 92.

Sincerely,

Carl Uchytel, P.E.

President, AAHPA

<http://alaskaharbors.org/>





## ALASKA MUNICIPAL LEAGUE

### RESOLUTION #2017-13

#### A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE IN SUPPORT OF PROPOSED CHANGES TO ALASKA STATUTES 30.30 AND 05.25, IMPROVING THE MANAGEMENT AND PREVENTION OF DERELICT VESSELS

**WHEREAS**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**WHEREAS**, in the past year alone, there have been numerous derelict vessel situations that have cost the state, municipalities and the federal government, considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sank off Juneau; and

**WHEREAS**, the Alaska Municipal League recognizes the widespread costs and the environmental and navigational risks for both municipalities and the state, associated with derelict vessels; and

**WHEREAS**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

**WHEREAS**, in 1990, the Alaska Legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

**WHEREAS**, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

**WHEREAS**, in 2013, the Alaska Clean Harbors program convened an ad-hoc derelict vessel task force at the urging of the Alaska Association of Harbormasters and Port Administrators which includes representatives from state and federal agencies, as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

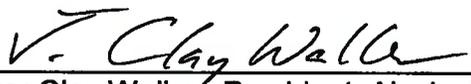
**WHEREAS**, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities better address and prevent derelict vessels; and

**WHEREAS**, these changes will protect municipal harbor infrastructure, keep valuable moorage space in harbors available, and will prevent unsustainable economic, environmental and navigational hazards; and

**WHEREAS**, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**NOW, THEREFORE BE IT RESOLVED** that the Alaska Municipal League fully supports the passage by the State Legislature, of all proposed revisions in Alaska Statutes 30.30 and 05.25.

**PASSED AND APPROVED** by the Alaska Municipal League on this 18<sup>th</sup> day of November, 2016.

Signed:   
Mayor Clay Walker, President, Alaska Municipal League

Attest:   
Kathie Wasserman, Executive Director, Alaska Municipal League



One Sealaska Plaza, Suite 200 • Juneau, Alaska 99801

Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

April 3, 2017

Sen. Peter Micciche  
Alaska Senate  
Room 508  
Juneau, Alaska 99801

RE: SB 92 – Vessels: Registration/Titles; Derelicts

Dear Senator Micciche,

Please accept my apology for not making it to the hearing in order to provide testimony. I was in a hearing as part of “invited testimony” that seemed to be dragging on a bit longer than I anticipated.

During AML’s Annual Local Government Conference held last November in Anchorage, the membership adopted Resolution #2017-13 which supports the issues you have addressed in your bill, SB 92.

The issue of derelict boats along the coastlines of Alaska has become an issue on which many municipalities have found themselves providing more and more time and money. The laws and regulations, while wisely allowing for protection and freedom with regard to the vessel owner, has become slow and ineffective for municipalities. The Alaska Municipal League supports this legislation in the hopes that it can be a tool in allowing municipalities to rid themselves of these unsafe eyesores that clutter shipping lanes, harbors, and beaches, while yet allowing numerous opportunities for public input and notification of previous owners.

We thank you for submitting this bill and stand in full support of the passage of SB 92.

Sincerely,

Kathie Wasserman  
Executive Director



ORUTSARARMIUT NATIVE COUNCIL P.O. Box 927, Bethel, AK, 99559 Office: 907-543-2608 Fax: 907-543-2639

March 27, 2017

Senator Peter Micciche  
Senator Cathy Giessel, Senate Resources Chair  
Email: Senator.Peter.Micciche@akleg.gov  
Senator.Cathy.Giessel@akleg.gov

RE: Alaska Senate Bill 92, Derelict Vessel Accountability Act

Dear Senators Micciche & Giessel:

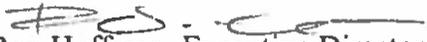
The Orutsararmiut Native Council (ONC) is writing to support Senate Bill 92, an act that holds people accountable for abandoning boats on public waters and streamlines the state's ability to prevent and manage derelict vessels.

The Orutsararmiut Native Council (ONC) is a federally recognized governing body per Federal Register/Vol. 6, No. 49, notices for the native village of Bethel, Alaska. ONC's ability and capacity to lead numerous aspects of governance services per PL 93-638, a law provided by the Federal Government to utilize Indian self-determination by its membership.

Currently there are hundreds of documented derelict and abandoned vessels in Alaska. Out of those hundreds there are over 40 large abandoned barge vessels in Steamboat Slough. These have become uneconomical abandoned vessels mooring among the tidal grounds of the slough or pulled up on land. Over the past decade, ONC and other organization in Bethel have been asking for assistance to remove the vessels. After the "Shanks Ark" sunk in the middle of Steamboat Slough. The vessel became very dangerous and hazardous to motorized boats, vehicles, people, subsistence harvesting, and the environment. There are no agencies that have the ability to help remove any of the vessels, especially the more hazardous sunken vessel, "Shanks Ark."

SB92 will provide a program with pro-active strategies to address such occurrences as Bethel's derelict vessels. Without this action towns like Bethel will continue to suffer the dangerous burden of derelict and abandoned vessels. They will continue to be a hazardous to traffic, human life, and our ecosystem. We strongly urge and recommend your support of this important legislation.

Thank you,

  
Ron Hoffman, Executive Director  
Orutsararmiut Native Council

## CITY OF KETCHIKAN, ALASKA

### RESOLUTION NO. 16-2643

#### **A RESOLUTION OF THE CITY OF KETCHIKAN, ALASKA IN SUPPORT OF PROPOSED CHANGES TO ALASKA STATUTES 30.30 AND 05.25 IMPROVING THE MANAGEMENT AND PREVENTION OF DERELICT VESSELS; AND ESTABLISHING AN EFFECTIVE DATE.**

**Whereas**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**Whereas**, in the past year alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau; and

**Whereas**, the City of Ketchikan Port and Harbors Advisory Board recognizes the widespread costs and the environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

**Whereas**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance; and

**Whereas**, in 1990 the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state; and

**Whereas**, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements; and

**Whereas**, in 2013 an ad-hoc derelict vessel task force was formed which includes representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry; and

**Whereas**, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels; and

**Whereas**, this will help protect harbor infrastructure, keep valuable moorage space in our harbors available, and will prevent unsustainable economic, environmental and navigational hazards; and

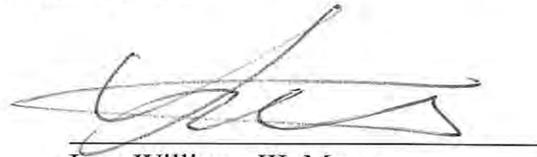
**Whereas**, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Ketchikan, Alaska as follows:

**Section 1:** By this resolution, hereby urges the passage by the state legislature of all proposed revisions in Alaska Statutes 30.30 and 05.25.

**Section 2:** This resolution shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the City Council for the City of Ketchikan on this 10th day of November, 2016.

A handwritten signature in black ink, appearing to read 'Lew Williams III', written over a horizontal line.

Lew Williams III, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Katherine M. Suiter', written over a horizontal line.

Katherine M. Suiter, City Clerk

Senators Micciche, Giessel and Stedman,

I am e-mailing you to express the City of Thorne Bays support for the Derelict Vessel Accountability Bill – SB 92. Thorne Bay and the waters connecting Thorne Bay with Clarence Strait have several vessels ranging for skiffs to a barge that have been abandoned on the State tidelands, some with known owners such as the Sonny Martin Barge. The small skiffs are easy to clean up but the barge continues to rust away on the tidelands. Sonny Martin attempted to use the barge as a floating lodge but was denied permission by the city and the state would not issue a tideland lease. Sonny then towed the barge to a beach along the channel that access Thorne Bay. Tied it to trees on National Forest Lands and has refused to remove or have it salvaged.

I am sure there are hundreds of other cases just like this, that pollute the waters and distract from the natural beauty. The real issue is, just like vehicles and other scrap, the cheapest way to unload unwanted items is just abandoned them on state or federal lands.

Thank you for the opportunity to share our support.

Thank You

Wayne Benner,

City Administrator

City of Thorne Bay

PO Box 19110

Thorne Bay, AK 99919

**CITY OF SEWARD, ALASKA  
RESOLUTION 2016-077**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD,  
ALASKA, IN SUPPORT OF PROPOSED CHANGES TO ALASKA  
STATUTES CHAPTER 30.30 AND 05.25 IMPROVING THE MANAGEMENT  
AND PREVENTION OF DERELICT VESSELS**

**WHEREAS**, hundreds of derelict vessels currently litter Alaska's coastline and harbors and these numbers will increase every year unless action is taken to address aging fleets and changing commercial fisheries; and

**WHEREAS**, in the past year alone there have been numerous derelict vessel situations that have cost the state, municipalities, and the federal government considerable expense, including two ex-Navy tugs in Adak, abandoned barges in Steamboat Slough near Bethel, and the tug Challenger that sunk off Juneau; and

**WHEREAS**, the City of Seward recognizes the widespread costs and the environmental and navigational risks for both municipalities and the state associated with derelict vessels; and

**WHEREAS**, neighboring states have dramatically strengthened their derelict vessel prevention laws in the past five years to better prevent, track and manage derelict vessels, including raising fees to support state management of derelict vessels and requiring vessel insurance ; and

**WHEREAS**, in 1990 the Alaska legislature passed a resolution acknowledging the need to better understand and address the existing and growing problem of derelict vessels around the state ; and

**WHEREAS**, the State of Alaska has outdated statutes regarding derelict vessels which lack the ability to track vessel owners, agency enforcement authority, statewide coordination of response, funding or vessel insurance requirements ; and

**WHEREAS**, in 2013 the Alaska Association of Harbormasters and Port Administrators supported the creation of the ad-hoc derelict vessel task force which includes representatives from state and federal agencies as well as the Alaska Association of Harbormasters and Port Administrators, regional tribal representatives, federal and state legislative offices, and private industry ; and

**WHEREAS**, over nine full-day meetings, the task force developed thoughtful, robust and meaningful proposed changes that will help all stakeholders around the state, including harbor facilities, better address and prevent derelict vessels ; and

**WHEREAS**, this will help protect harbor infrastructure, keep valuable moorage space in our harbor available, and will prevent unsustainable economic, environmental and navigational hazards; and

**CITY OF SEWARD, ALASKA  
RESOLUTION 2016-077**

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**WHEREAS**, the proposed changes will improve communication and coordination between Alaska's harbors and state and federal agencies, directly leading to decreased costs associated with managing derelict vessels.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA** that:

**Section 1.** Fully supports the passage by the state legislature of all proposed revisions in Alaska Statutes 30.30 and 05.25.

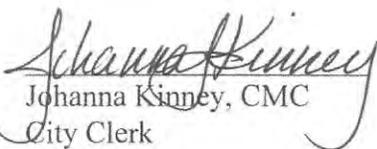
**PASSED AND APPROVED** by the City Council of the City of Seward, Alaska, this 21<sup>st</sup> day of November 2016.

**THE CITY OF SEWARD, ALASKA**

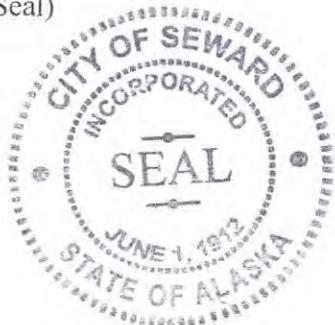
  
\_\_\_\_\_  
**Jean Bardarson Mayor**

AYES: Casagrande, Keil, Squires, McClure, Altermatt, Slater, Bardarson  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
Johanna Kinney, CMC  
City Clerk

(City Seal)



# ADV Task Force Newsletters

Task Force Update #1 Summer 2014

Task Force Update #2 Summer 2015

Task Force Update #3 Summer 2016

# ADV in Alaska

Links to a few  
state ADV  
programs:

## Washington

[http://www.dnr.wa.gov/recreationeducation/topics/derelectvessels/pages/aqr\\_derelect\\_vessel\\_removal\\_program.aspx](http://www.dnr.wa.gov/recreationeducation/topics/derelectvessels/pages/aqr_derelect_vessel_removal_program.aspx)

## Oregon

<http://www.oregon.gov/OSMB/BoatLaws/Pages/VesselRemovalFund.aspx>

## Florida

<http://myfwc.com/boating/grant-programs/derelect-vessel/>

Please see page 4 for information on how to contact the Task Force. Facilitated by Cook Inletkeeper and Alaska Clean Harbors.



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Background & Overview **P.1**

Ad-hoc Task Force Members **P.2**

Objectives & Products **P.3**

HB131 and Update on F/V Leading

Lady and the F/V Kupreanof **P.4**

## Abandoned & Derelict Vessels in Alaska

With a coastline longer than that of the Lower 48 states combined, the State of Alaska has many coastal and riverine communities located off of the road network and accessible only by water. As a result, these communities see considerable marine and riverine vessel traffic. While still a young state, an ever aging fleet of vessels call Alaska home due to federal and state fishing rationalization programs, economic downturns, the inevitable aging and increased maintenance costs of these vessels, and increased requirements of vessel regulations and permits. With all of these things in play, many of these vessels have become uneconomical to operate as intended and often continue to degrade while left moored in a public harbor or anchored over public or state tidelands. These abandoned and derelict vessels (ADV) continue to dot the map along Alaska's coastline and rivers. Without a clear and pro-active response strategy and program for dealing with and preventing ADV in public waters, the number of abandoned and derelict

vessels will continue to increase and will leave the public to pay for the consequences of ADV—including vessel salvage and clean-up and disposal of fuel, oil and other hazardous materials.

The purpose of the ad-hoc Alaska ADV Task Force is to bring together state and federal agencies, municipalities and other interested stakeholders to address ADV in Alaska in a coordinated manner. Cook Inletkeeper and Alaska Clean Harbors convened the group after establishing interest from multiple stakeholders to move forward following the passage of House Bill 131 in 2013 (see pg. 3 for more on HB 131). The Task Force is currently an informal group working to improve coordination for addressing ADV and identifying long-term needs for prevention and effective management of ADV around Alaska. We hope this newsletter will provide some interesting and useful information for anyone interested in ADV in Alaska. Contact Rachel (see page 4) for more information or to get involved.

## ad-hoc ADV Task Force Members

State, federal and municipal partners are working together to develop tools and identify needs to more effectively deal with ADV in Alaska.



Since February 2014, the following agency representatives have participated in the ad-hoc ADV Task Force:

**Alaska Department of Natural Resources:** Emily Haynes (Mining, Land & Water Southcentral), Clark Cox (Mining, Land & Water Southcentral), Doug Sanvik (Mining, Land & Water Southeast), Richard Vanderhoek (History & Archaeology)

**Alaska Department of Environmental Conservation:** Steve Russell (Spill Response, Southcentral), Jade Gamble (Spill Response, Southcentral), Sarah Moore (Spill Response, Southeast)

**Alaska Department of Transportation:** Mike Lukshin (Port and Harbors)

**Alaska Department of Fish & Game:** Brad Dunker (formerly with Habitat, Southcentral), Jesse Coleman (Habitat, Southcentral)

**Alaska Legislature:** Rep. Paul Seaton, Rep. Jonathan Kreiss-Tomkins

**Alaska Association of Harbormasters and Port Administrators:** Bryan Hawkins (Port of Homer)

**United States Coast Guard:** Senior Chief Tony McDade, Chief Eric Vogel

**National Oceanic and Atmospheric Administration:** Peter Murphy (Marine Debris), Erika Ammann (Habitat Restoration)

**Environmental Protection Agency:** Bob Whittier (Response, Alaska Region 10)

**Birch Horton Bittner and Cherot** (pro-bono legal assistance for Cook Inletkeeper): Holly Wells, Mitchi McNabb, Adam Cook

**Cook Inletkeeper/Alaska Clean Harbors:** Rachel Lord (facilitator)

*The United States Army Corps of Engineers has been made aware of this effort, and a representative is included in all email correspondence.*





## Objectives & Products

The one-year **objectives** for the ADV Task Force are to:

- 1) Increase coordination and understanding for dealing with ADV between agencies and stakeholders;
- 2) Create a report on ADV in AK to establish best practices and templates for dealing with ADV, including prevention and identified gaps and needs; and,
- 3) Create a web-based database for understanding the scope of ADV statewide.

The group is working on developing a series of products that will help meet the objectives listed above. These **products** include:

- ⇒ A joint agency reporting form for vessels of concern. This will standardize the basic information gathered on ADV around Alaska, and allow all partners to participate in the tracking and inventorying of ADV and Vessels of Concern. This form is in use as of July 2014, with completed forms returned to ADNR for compiling. A copy of the VOC Reporting form can be found on the Alaska Clean Harbors ADV webpage (see page 4 for details).
- ⇒ An online ADV Database. Through ADNR, the Task Force is working to develop a simple online database to consolidate basic information on ADV in Alaska.
- ⇒ A workbook of resources and tools for municipalities state-wide to better deal with and prevent ADV.
- ⇒ A report detailing current ADV practices and identifying needs moving forward to improve on ADV management in Alaska. This will be done through a series of in-person meetings where we will analyze case studies of past (and in some cases ongoing) ADV situations. This will begin during our next in-person meeting, set for early-October 2014.

## House Bill 131

### A catalyst for change.

In early 2013, the Alaska legislature took up the issue of Abandoned and Derelict Vessels for the first time in decades.

HB131, introduced by Rep. Paul Seaton, passed unanimously in both the house and senate and brought much-needed change to AS30.30—state statute dealing with ADV.

This was a great first step in a long road to improve on Alaska's ADV management and prevention to save money and the environment.

You can read background information on HB131 online at:

[http://www.akleg.gov/basis/get\\_bill.asp?ses-session=28&bill=HB131](http://www.akleg.gov/basis/get_bill.asp?ses-session=28&bill=HB131)



## For more information or to get involved, please contact:

**Rachel Lord, facilitator**

(907) 235-4068 x29  
rachel@inletkeeper.org

<http://alaskacleanharbors.org/resources/harbor-management/derelect-vessels/>



Cook Inletkeeper and Alaska Clean Harbors are supporting the facilitation of this effort. To learn more about Cook Inletkeeper—a community-based organization dedicated to protecting clean water and healthy salmon in Alaska’s Cook Inlet, please visit [www.inletkeeper.org](http://www.inletkeeper.org).



Alaska Clean Harbors is a voluntary, non-regulatory program that works with harbormasters and boaters around the state to reduce pollution in the marine environment through common-sense waste management solutions and education—including implementation of best practices for dealing with Abandoned and Derelict Vessels.

*This newsletter is funded (in part) with qualified outer continental shelf oil and gas revenues by the Coastal Impact Assistance Program, U.S. Fish and Wildlife Service, U.S. Department of the Interior.*

## An update on the F/V Leading Lady and the F/V Kupreanof

In December 2012, two fishing vessels – the F/V Leading Lady and the F/V Kupreanof – sunk in Kachemak Bay. Presumably taken down by heavy snow loads, these vessels sank with fuel on board and released diesel and other oils into the bay – a Critical Habitat Area and home to over a dozen commercial oyster farms. The vessels were raised by the U.S. Coast Guard, and were repossessed by the AK Dept. of Natural Resources. Arguably this situation helped to move forward HB131 (see an overview in the sidebar on page 3). Where are these vessels now? The owner repaid (most) incurred costs to ADNR for the F/V Kupreanof (\$11,474.94, less \$612.76 for additional storage of the vessel that was never recovered) and took possession back of that vessel in mid-April 2014. She is currently in the Homer Harbor as of June 20, 2014. The F/V Leading Lady is still in ADNR’s possession, under contract for disposal for an additional cost to the state of \$13,250. This is one of the cases that the Task Force will look at as we move forward understanding current practices, gaps and needs to help the state better manage and prevent ADV in the future.



# ADV in Alaska

New Task Force Products available on our website:

## AK Case Studies

This document highlights cases from around the state compiled by Task Force members to highlight some of the challenges and costs associated with these vessels.

## Vessel Impoundment - Municipal Templates

A resource manual developed by Birch Horton Bittner & Cherot, providing helpful templates for the vessel impoundment process.

Please see page 4 for information on how to contact the Task Force. Facilitated by Cook Inletkeeper and Alaska Clean Harbors.



## this issue

Task Force Update **P.1**

Task Force Members & AK Joins  
National ADV Workshop **P.2**

Vessels of Concern Reporting &  
Federal Attention on ADV **P.3**

Steamboat Slough Update **P.4**

## ADV Task Force Update

The ad-hoc Alaska Abandoned & Derelict Vessel Task Force met for the first time in February 2014. Facilitated by Cook Inletkeeper and the Alaska Clean Harbors program, this group was originally conceived by members of the Alaska Association of Harbormasters and Port Administrators. In 2013, important legislation (HB131) passed in Juneau, updating the state's outdated ADV statutes, giving greater authority to all state agencies and municipalities when dealing with ADV (see AS 30.30).

While HB131 was a great first step, representatives from harbor facilities around the state, as well as state and federal agencies, recognized the need for improvement around Alaska to not only address current ADV but to prevent them in the future. The recent report 'Trends and Opportunities in the Alaska Maritime Industrial Support Sector' (McDowell Group, 2014) highlights the issue:

"By 2025, the Alaska fleet will include roughly 3,100 vessels between 28' and

59' that are more than 45 years old... The Alaska fleet also includes 75 passenger vessels, tugs, and barges over 50 years old."

This aging fleet, while posing an opportunity for some in the maritime industrial support sector, should be a red flag to the state and municipalities. The problem of ADV exists throughout Alaska, and is not one that each municipality, state and federal agency should face on its own. Other coastal states, and indeed many members of the U.S. Congressional Delegation including all of those from Alaska (see the sidebar on page 3), recognize the breadth of this issue and the current and potential future deleterious financial and environmental impacts. The ADV Task Force is continuing to work together to learn from others, educate one another about the current ADV situation in Alaska, and set a course for pro-active management, removal and ultimate prevention of ADV throughout the state.

## Alaska Joins in National ADV Workshop

Representatives from the Alaska Department of Natural Resources and the Alaska Department of Environmental Conservation attended a two-day ADV workshop hosted by the NOAA Marine Debris Program and held in Alabama from April 21-22.

Wyn Menefee (ADNR) and Jade Gamble (ADEC) brought back valuable lessons from the workshop that will help the ADV Task Force and individual agencies better address and prevent ADV around Alaska.

You can read proceedings from NOAA's 2009 ADV Workshop here:

<http://marinedebris.noaa.gov/proceedings-workshop-state-level-responses-abandoned-and-derelict-vessels>



## ad-hoc ADV Task Force Members

State, federal, municipal and private partners are working together to develop tools and identify needs to more effectively deal with ADV in Alaska.

*State, federal and municipal partners are working together to develop tools and identify needs to more effectively deal with ADV in Alaska. For contact information of participants, please see meeting summaries or contact Rachel at [rachel@inletkeeper.org](mailto:rachel@inletkeeper.org).*

The following agencies and stakeholders have representatives who have participated in the ad-hoc ADV Task Force to-date:

**Alaska Department of Natural Resources**, Division of Mining, Land and Water

**Alaska Department of Environmental Conservation**, Spill Prevention & Response

**Alaska Department of Transportation**, Port & Harbors

**Alaska Department of Fish & Game**, Habitat

**Alaska Legislature**, Rep. Paul Seaton, Rep. Jonathan Kreiss-Tomkins

**Alaska Association of Harbormasters and Port Administrators**, Representatives from Homer, Bethel, Sitka

**United States Coast Guard**, Sector Anchorage, Division of Waterways Management

**National Oceanic and Atmospheric Association**, Marine Debris Program, Restoration Center

**Environmental Protection Agency**, Response, Alaska Region 10

**Alaska Marine Response**

**Birch Horton Bittner and Cherot**, pro-bono legal assistance for Cook Inletkeeper

**Cook Inletkeeper/Alaska Clean Harbors**, Facilitator

*The United States Army Corps of Engineers has been made aware of this effort, and a representative is included in all email correspondence.*



## NEW! Vessel of Concern Reporting in Alaska

One of the initial goals of the ADV Task Force was to increase coordination and understanding for dealing with ADV between agencies/stakeholders. One example of the need for improved communication regarding vessels of concern comes from recommendation 4.4 in the 2014 Cook Inlet Risk Assessment Report. As a risk reduction strategy, the Advisory Panel included improving communications between harbor masters and the Coast Guard of unsafe vessels, especially those that are turned away from a harbor facility. From the report, “The Advisory Panel recommends that Harbor masters and Port Directors in Cook Inlet establish procedures to help them identify unsafe and unseaworthy vessels, and to contact the U.S. Coast Guard when they turn such vessels away.”

The ADV Task Force recognized early on that improved communication between agencies and stakeholders around the state would help to prevent and respond to ADV incidents. Therefore, one of our first efforts in 2014 was developing a joint agency reporting form for vessels of concern. By using this form, agencies and stakeholders are taking an important step forward in standardizing the basic information gathered on ADV around Alaska. It also allows for increased participation from harbors and municipalities in the tracking and inventorying of ADV and Vessels of Concern. ADNR has set up a listserv through which agency and stakeholder representatives can submit and distribute these reports. Although Alaska still lacks a cohesive ADV database, the VOC reporting form and listserv creates an effective

mechanism to get pertinent information out about current and potential ADV in a timely manner.

Find the VOC form on our website: <http://alaskacleanharbors.org/resources/harbor-management/derelict-vessels/>

Contact the Task Force (see page 4) to subscribe to the listserv.



## Federal Attention on ADV

On June 2, 2015 the three members of Alaska’s Congressional Delegation signed on to a letter with 19 other Congressional leaders to the Government Accountability Office (GAO), asking for an assessment of and action on abandoned and derelict vessels around the country.

We applaud Senators Lisa Murkowski and Dan Sullivan and Representative Don Young for recognizing this important issue at a federal level. We look forward to continued attention and we are hopeful for progress towards a more proactive approach to ADV prevention and response not only in Alaska but around the country.

Read the letter on our website: <http://alaskacleanharbors.org/resources/harbor-management/derelict-vessels/>

## For more information or to get involved, please contact:

**Rachel Lord, facilitator**

(907) 235-4068 x29  
rachel@inletkeeper.org

<http://alaskacleanharbors.org/resources/harbor-management/derelect-vessels/>



Cook Inletkeeper and Alaska Clean Harbors are supporting the facilitation of this effort. To learn more about Cook Inletkeeper—a community-based organization dedicated to protecting clean water and healthy salmon in Alaska’s Cook Inlet, please visit [www.inletkeeper.org](http://www.inletkeeper.org).



Alaska Clean Harbors is a voluntary, non-regulatory program that works with harbormasters and boaters around the state to reduce pollution in the marine environment through common-sense waste management solutions and education—including implementation of best practices for dealing with Abandoned and Derelict Vessels.

**The next ADV Task Force Meeting is scheduled for August 19, 2015.**

## Steamboat Slough Update

During our in-person meeting on June 17 in Anchorage, Curtis Mann from the Orusararmiut Native Council (ONC) gave a presentation to the ADV Task Force on the current situation in Steamboat Slough. There are over thirty barges in and around Steamboat Slough—a narrow channel heavily used for not only navigation but also for fishing and private property access. From the ONC presentation, the biggest concerns for the community regarding the barges in Steamboat Slough and the surrounding areas are fisheries and navigation, and concerns for life, health and safety of people transiting the slough year-round. During open water, and especially around the sunken barge Shank’s Ark, there are no navigational aids and so people boating are in a dangerous situation - especially when there are other vessels traveling at the same time in the area. Impacts on habitat and fish passage are also big concerns, with anecdotal declines in reds and other fish in the Slough. The Task Force discussed the situation at length, with DNR representatives indicating that there is some movement at prosecution under either civil or criminal rules, however that process is slow and complicated. Curtis brought videos from Steamboat Slough, and a compiled short video overview of the area can be seen via our website: <http://alaskacleanharbors.org/resources/harbor-management/derelect-vessels/>



# ADV in Alaska

Products  
available on our  
website:

- Alaska ADV Case Studies
- Vessel Impoundment Municipal Templates
- Vessel of Concern Reporting Form
- Video overview of ADV in Steamboat Slough
- Past Meeting Summaries

Please see page 4 for information on how to contact the Task Force. Facilitated by Cook Inletkeeper and Alaska Clean Harbors.



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Task Force Members & Thanks to

Wyn Menefee **P.2**

Alaska ADV Program **P.3**

Database Update **P.3**

1990 Resolution **P.4**

## ADV Task Force Update

Since February of 2014, the ad-hoc Abandoned & Derelict Vessel Task Force has met in person nine times in Anchorage (a list of participating entities is included on page 2). As facilitator for this group, I will say that I have never worked with a more pro-active and convivial group of people, especially on such a complex and thorny issue. I believe this is born from a real understanding from all participants that the increasing number of derelicts throughout our coast and rivers poses a substantial threat to Alaska's environment, navigation, public safety and economy. Countless hours are being spent by agency staff and municipal employees on tracking down vessel owners, trying to prevent vessel abandonment, and mitigating damage as much as possible when owners can't or won't take responsibility. Recently one of our Task Force members found a copy of a resolution from our 16<sup>th</sup> Legislature in 1990 declaring the risk abandoned vessels pose to the state and the need to systematically address the issue (see pg. 4). Finally, almost twenty years later, Alaska

Clean Harbors (through the support of Cook Inletkeeper) is facilitating that effort with all of the major players at the table. The Task Force is working hard to put together a suite of recommendations for the legislature to take up in Ju-



neau during the next session, with the ultimate goal of preventing future derelict vessels, reducing the overall burden on our state and municipal entities, and mitigating the negative impacts derelict vessels have on the general public throughout the state. Our next update will be in the fall, prior to the start of the legislative session. In the meantime, please don't hesitate to contact me with any questions or feedback!

## Thanks to Wyn

Earlier this year, Wyn Menefee moved to a new position at ADNR and left the ADV Task Force. This summer we will present Wyn with a letter of commendation, thanking him for the huge amount of knowledge and expertise he brought to the table to help craft potential solutions to the growing challenge of ADV throughout Alaska. Thank you, Wyn, and best of luck in your new endeavors!



## ad-hoc ADV Task Force Members

State, federal, municipal and private partners are working together to develop tools and identify needs to more effectively deal with ADV in Alaska.

*State, federal and municipal partners are working together to develop tools and identify needs to more effectively deal with ADV in Alaska. For contact information of participants, please see meeting summaries or contact Rachel at [rachel@inletkeeper.org](mailto:rachel@inletkeeper.org).*

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**Alaska Department of Natural Resources**, Division of Mining, Land and Water

**Alaska Department of Environmental Conservation**, Spill Prevention & Response

**Alaska Department of Transportation**, Port & Harbors

**Alaska Department of Fish & Game**, Habitat

**Alaska Legislature**, Rep. Paul Seaton, Rep. Jonathan Kreiss-Tomkins

**Alaska Association of Harbormasters and Port Administrators**, Representatives from Homer, Bethel, Sitka

**Office of Senator Lisa Murkowski**

**United States Coast Guard**, Sector Anchorage, Division of Waterways Management

**National Oceanic and Atmospheric Administration**, Marine Debris Program, Restoration Center

**Environmental Protection Agency**, Response, Alaska Region 10

**Orutsararmiut Native Council**

**Alaska Marine Response**

**Birch Horton Bittner and Cherot**, pro-bono legal assistance for Cook Inletkeeper

**Cook Inletkeeper/Alaska Clean Harbors**, Facilitator

*The United States Army Corps of Engineers has been made aware of this effort, and a representative is included in all email correspondence.*

## Pondering a State ADV Program

Last spring, representatives from ADNR and ADEC attended a three-day national workshop on ADV held by the NOAA Marine Debris Program. One of the big take-home messages they brought back was the high return on investment for having a dedicated person at the state level who consolidates efforts on derelict vessels. Currently in Alaska, nobody in the state is tasked with addressing derelict vessels. When a vessel is abandoned, the effort to track down its owner, push for removal, outreach about options, and coordinate with other state, federal, local and tribal entities on options, funding and other concerns is stacked on top of multiple staff members at several different agencies.

Building on resources provided from other states (specifically our nearest neighbors in Washington), we envision an ADV Program for the State of Alaska that would allow for streamlined assessment and management of derelict vessels. There would be increased and institutionalized communication and processes between agencies and federal, local and tribal entities on derelict vessel identification, management and removal. This would lead to reduced bureaucracy and increased efficiency, with a goal of timely management of derelict vessels. Without this



level of coordination, often times the state agencies are unable to move quickly on new cases, and lose opportunities to save money by “piggybacking” on clean-up efforts from the US Coast Guard and ADEC, where funding exists to mitigate pollution damage.

Within the suggested revisions to the state derelict vessel chapter 30.30, this fall the Task Force will be presenting an opportunity for the formation of an ADV Program and the consolidation of personnel resources to streamline derelict vessel management for the state of Alaska. Please see page 4 for contact details to provide feedback or suggestions.

## Alaska ADV Database Update

How many derelict vessels are littering Alaska’s coast and rivers? This is an important question to answer, but it’s no easy task! For the past year, ADNR has been working with the Task Force on developing a statewide database that shows each vessel on a map, along with data and photos where available. Agency and municipal staff can enter data on new derelicts, and can update existing records, in the field and on their smartphones or tablets. Vessel of Concern (VOC) reporting forms (found on the ADV webpage, and soon on agency websites) can be filled out and submitted to ADNR for eventual inclusion to the database. It’s important to note that

even with this fantastic new tool, the state does not have a point person for derelict vessels. As such, VOC reporting forms and other field assessments of new derelict vessels will have to wait to be vetted before being added to the master database. We believe that having the base map, and the ability to at least compile consistent data on additional vessels, will be a huge improvement in our long-term ability to track, manage and prevent derelict vessels and their associated environmental/navigational/safety hazards and negative economic impacts.

## For more information or to get involved, please contact:

**Rachel Lord, facilitator**

(907) 235-4068 x29  
rachel@inletkeeper.org

<http://alaskacleanharbors.org/resources/harbor-management/derelict-vessels/>



Cook Inletkeeper and Alaska Clean Harbors are supporting the facilitation of this effort. To learn more about Cook Inletkeeper—a community-based organization dedicated to protecting clean water and healthy salmon in Alaska's Cook Inlet, please visit [www.inletkeeper.org](http://www.inletkeeper.org).



Alaska Clean Harbors is a voluntary, non-regulatory program that works with harbormasters and boaters around the state to reduce pollution in the marine environment through common-sense waste management solutions and education—including implementation of best practices for dealing with Abandoned and Derelict Vessels.

## 1990 Alaska Joint Resolution

*Relating to abandoned vessels on the beaches of Alaska.*

WHEREAS many abandoned vessels, including merchant vessels, fishing vessels, and other vessels, are grounded on the coast of Alaska; and

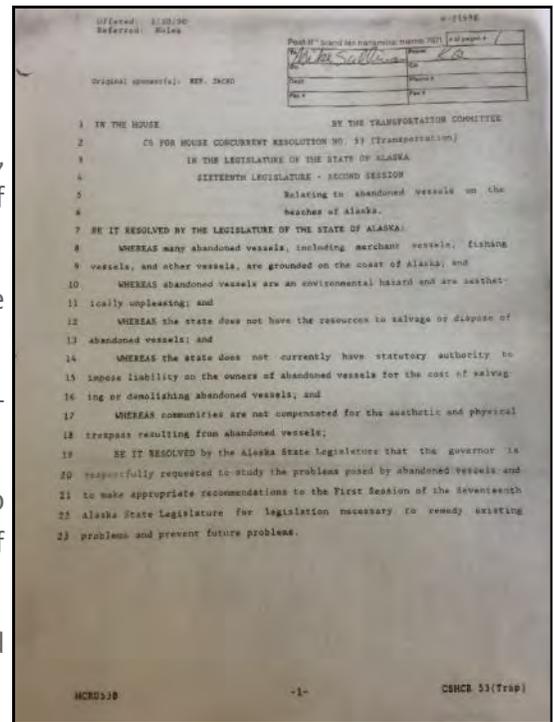
WHEREAS abandoned vessels are an environmental hazard and are aesthetically unpleasing; and

WHEREAS the state does not have the resources to salvage or dispose of abandoned vessels; and

WHEREAS the state does not currently have statutory authority to impose liability on the owners of abandoned vessels for the cost of salvaging or demolishing abandoned vessels; and

WHEREAS communities are not compensated for the aesthetic and physical trespass resulting from abandoned vessels;

**BE IT RESOLVED** by the Alaska State Legislature that the governor is respectfully requested to study the problems posed by abandoned vessels and to make appropriate recommendations to the First Session of the Seventeenth Alaska State Legislature for legislation necessary to remedy existing problems and prevent future problems.



# Alaska Case Studies

**This document, compiled by ADV Task Force members in 2015, is fifty-six pages long. It can be found on the ADV Task Force website: <http://alaskacleanharbors.squarespace.com/derelict-vessels/>**

Case studies included in the document:

- Steamboat Slough, Bethel
- F/V Leading Lady and F/V Kupreanof, Homer
- Sound Developer, Cordova
- M/V Seabird, Hoonah
- St. Harold, Juneau
- Port Protection Float Houses, Por Protection
- Saginaw Bay Floating Facility, Kake
- Martin, Barge Trespass, Thorne Bay
- F/V Pacific Producer (Vessel of Concern), Ouzinkie/Kodiak
- St. Joseph (Remote Salvage), Yakutat/Cordova

In the interest of space, included in this Briefing are the F/V Leading Lady and F/V Kupreanof (Homer) and the Martin Barge (Thorne Bay) cases. The rest may be accessed online.

# Alaska Abandoned and Derelict Vessel (ADV) and Vessel Salvage Case Studies

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## Introduction

This series of case studies was developed by members of the ad-hoc Alaska Abandoned and Derelict Vessel Task Force in 2014-15. Each case was selected to highlight particular challenges and concerns in Alaska when dealing with abandoned and/or derelict vessels, as well as vessel salvage operations in remote locations. Each case is not an exhaustive review, and updated information may be available since the development of this document. ADV Task Force meeting summaries, background information, and other associated documents can be found on our webpage: <http://alaskacleanharbors.org/resources/harbor-management/derelict-vessels/>. For more information about the ad-hoc Alaska Abandoned and Derelict Vessel Task Force, please contact Rachel Lord with Cook Inletkeeper/Alaska Clean Harbors: [rachel@inletkeeper.org](mailto:rachel@inletkeeper.org).

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## ADV Case Studies – Leading Lady & Kupreanof

**Vessel Name:** F/V Leading Lady and F/V Kupreanof



**Nearest community:** Seldovia/Homer

### **Narrative Timeline:**

On December 25, 2012, State and federal agencies were informed of two vessels sunk in Jakolof Bay (Kachemak Bay Critical Habitat Area) in approximately 30 feet of water, due to heavy snowfall and an absent owner. Both of these vessels had been recently denied access to the Homer and Seldovia harbors. The vessels were secured to one another with the *F/V Leading Lady* pulling the *F/V Kupreanof* down. *F/V Leading Lady* had an estimated 50 gallons of fuel and 20-30 gallons of miscellaneous oils on board, and leaking, while the *F/V Kupreanof* was free of fuel. Weather was very uncooperative and limited hazmat containment. Local interest in the cleanup, especially from nearby affected oyster farms, generated political attention.

USCG contracted with Global Diving and Salvage for the removal of the pollution threat. Due to the positioning of the vessels, they were required to be raised prior to fuel removal which began on January 18, 2013. At the point of pollution elimination (and the vessels not being a hazard to navigation), USCG no longer had any jurisdiction. ADNR contracted with Cook Inlet Marine to, at that point, tow the vessels to the Homer Harbor for temporary moorage and then to a local boat yard for storage. The *F/V Kupreanof* was towed to Homer Harbor on January 20<sup>th</sup> and the *F/V Leading Lady* was towed in the following day. Due to tides, relocating the vessels to the boat yard were delayed until January 26<sup>th</sup> for the *F/V Leading Lady* and February 9<sup>th</sup> for the *F/V Kupreanof*.

Per AS 30.30, ADNR took possession of the vessels and began processing the disposal. Both vessels were appraised on March 11<sup>th</sup> and found to be valueless as the cost of disposal would exceed any salvage worth. Initial notice of intended disposal and one follow-up extension were sent, requesting repossession of the vessel by July 10, 2013. Continued minimal, but somewhat timely, responses were received by the RP until a final repossession of the *F/V Kupreanof* was completed on April 16, 2014. The *F/V Leading Lady* was demolished, at cost to ADNR, and removed on June 30, 2014. Currently, the *F/V Kupreanof* is in the Homer Harbor.

**Responsible Party Identification/Contact History:**

Original RP declared ownership of both vessels. Later, it was determined the *F/V Kupreanof* was owned by an individual in Washington and was on loan to the RP. Additionally, International Seafoods of Alaska had a lien against the *F/V Kupreanof* in the name of the RP, unknown to the actual owner.

Communications were regular throughout the process but made extremely difficult as the RP had no residence, would not respond via email and regularly ignored phone calls.

**Agencies Involved:**

ADNR, ADEC, USCG, ADF&G, City of Homer, and the City of Seldovia

**Environmental Damage:**

Event did not affect local oyster farm products but the release of contaminants required all farmers to test shellfish during the 2013 season. Sheen was observed in Jakolof Bay throughout the Spring of 2013 but no remaining effects are known at this time.

**Costs Incurred (include costs to each agency, if known):**

ADNR – \$25,299.96 (Leading Lady), \$12,087.70 (Kupreanof), plus approximately \$2000 in additional storage fees  
USCG – nearing \$400,000 (unconfirmed)  
ADEC – ?

**Costs Recovered (include costs recovered by each agency, if known, and source):**

ADNR received a check for \$11,474.94 on July 18, 2013 for the *F/V Kupreanof* from the RP.

**Legal Actions (impoundment, etc):**

ADNR took custody of both derelict vessels and processed the disposition, under AS 30.30.100. The RP complied with all conditions set by ADNR and repossessed the *F/V Kupreanof*. The disposal of the *F/V Leading Lady* went to bid and was removed for \$13,250.

**Fate of the Vessel:**

*F/V Kupreanof* currently in the Homer Harbor, under the City's jurisdiction – actions by the City are unknown. *F/V Leading Lady* destroyed and removed on June 30, 2014.

**Private contractors/other parties involved:**

Global Diving and Salvage  
Cook Inlet Marine, LLC  
Northern Enterprises Boat Yard, Inc.  
Arctic General Contracting  
59 North Vessel Services  
City of Homer  
Seldovia Oil Spill Response Team

**Other Notes:**

Representative Paul Seaton's office became highly interested in this event. HB 131 was introduced and passed during the immediately-following legislative session.

## ADV Case Studies – Martin Barge

**Vessel Name:** Unnamed barge previously used as a floating camp

**Nearest community:** Thorne Bay, Alaska

**Narrative Timeline:** 2004 to present (on-going)

Wm. “Sonny” Martin purchased a barge/work camp around 2004 and moved it onto state submerged land. His stated intent was to operate it as a floating lodge. It took DNR a couple of years of correspondence to get a permit application from Martin. Martin never followed through on the permit process and the barge was declared in trespass in 2006. File records show that Martin was consistently unresponsive to threats of enforcement and notice to quit correspondence.

DNR enlisted the assistance of the Department of Law and filed trespass charges in criminal court against Martin in 2011. Martin asked for court dates to be postponed to allow him time to sell the barge. Finally, in early 2013, Martin was found guilty of criminal Trespass II by the court. He was sentenced to 30 days in jail with 30 days suspended and fined \$100 with \$100 suspended and placed on probation. The court said the barge must be removed by September 30, 2013.

The barge wasn’t removed and in 2014, the state requested Martin’s probation be revoked. That has not happened. The most recent court date on June 4, 2015 resulted in the court giving him until July to come up with a plan for removal and maybe until October to raise money to pay for the barge removal.

**Responsible Party Identification/Contact History:**

Wm. “Sonny” Martin, Thorne Bay. Contact history summarized above.

**Agencies Involved:** DNR, DOL, DPS, District Court.

**Environmental Damage:**

Barge is grounded on state tideland causing recurring environmental damage. The potential is there for a huge mess to remain on state land indefinitely. Residents of Thorne Bay are upset that the barge still remains at its present location.

**Costs Incurred (include costs to each agency, if known):** Hours spent working on the casefile, corresponding with Martin, working with DOL, and trying to find a potential salvor of the barge. Continual State of Alaska attorney fees and court costs.

**Costs Recovered (include costs recovered by each agency, if known, and source):** \$100 permit application fee.

**Legal Actions (impoundment, etc.):** See above.

**Fate of the Vessel:** Barge remains aground on state tideland two miles from Thorne Bay.

**Private contractors/other parties involved:** N/A

**Other Notes:**

The legislature apparently contends that they have equipped us with all of the tools required to resolve unauthorized occupancy and use of state land.

According to DOL, the current legal tools, while perhaps theoretically adequate, are in practice woefully inadequate to actually get a float house moved by the owner. Because of the “no blood from a turnip” rule, there can be no effective new tool that does not include a revenue source for actually getting rid of these things. Even with a judgment against the owner for the state costs the recovery rate would probably be very small. The only source of money might be through garnishment of a person’s PFD.

According to DOL, if we can’t get this lodge removed via a contempt order in a criminal case, we could never move one in a civil court.



