

RESOLUTION of the
Greater Farallones National Marine Sanctuary (GNFMS) Advisory Council (SAC)

To adopt and forward the following recommendations to the sanctuary superintendent for improving response capabilities to abandoned & grounded vessels

Whereas, abandoned, derelict, or grounded vessels pose a threat to the environment, marine life, human health, and navigational safety; and

Whereas, abandoned, derelict, or grounded vessels can damage important ecosystems, by scouring or crushing sensitive marine habitats or by discharging oil and/or hazardous substances into the environment; and,

Whereas, abandoned, derelict, or grounded vessels have the potential to bring about direct and indirect negative impacts to Sanctuary resources; and,

Whereas, grounded vessels including the American Challenger (2021), F/V Verna A II (2016), F/V Sea Biscuit (2015), and numerous other commercial & recreational vessels have impacted Sanctuary Resources and highlighted the need to address gaps in response ability and funding for removal or abatement; and

Whereas, the National Response Team (NRT) developed jointly by 15 member agencies has published the "[Abandoned Vessel Authorities and Best Practices Guide](#)" provides guidance for the federal response community in developing solutions for the abatement of pollution from abandoned vessels including removal of abandoned vessels and informs this resolution; and,

Whereas, the Pacific States/British Columbia Oil Spill Task Force ADV (ADV) Work Group published the "[Abandoned and Derelict Vessel \(ADV\) Blue Ribbon Program for Western U.S. States \(AK, CA, HI, OR, WA\)](#)" developed a comprehensive, blue-ribbon or "model" state/provincial-level program to address ADVs that consists primarily of recommendations that may be implemented by states to address ADV issues and informs this resolution; and,

Whereas, it has been observed that a combination of and communication between federal, state and local authorities and programs may provide the most effective and comprehensive approach for addressing abandoned, derelict, or grounded vessels yet no comprehensive policy to address the growing issue exists at the state or Federal level; and,

Whereas, it is the role of the Regional Response Team (RRT) to meet regularly at varying locations within their region to develop working relationships, exchange information, and develop regional policies and procedures for response to oil pollution incidents.

Whereas, the Federal Agencies with ADV authorities-National Oceanic and Atmospheric Association (NOAA), The United States Army Corps of Engineers (USACE), The United

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States Coast Guard (USCG), The Environmental Protection Agency (EPA), and the Federal Emergency Management Agency (FEMA)-report that there is not adequate funding to support actions beyond responding to vessels posing navigational hazards in federally maintained waterways or pollution and public health threats.

Whereas, the USCG and EPA have responsibility to remove pollution threats from vessels. Petroleum removal funds come from the Oil Spill Liability Trust Fund (OSLTF) and are administered by the U.S. Coast Guard's National Pollution Funds Center but these funds are not available for removal or disposal of the vessel. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) administered by the EPA funds removal of hazardous substances. Neither agency has dedicated vessel removal funding and vessel removal funds would have to come from the agency's budget; and,

Whereas, there is no federal law or agency policy to require removal or salvage of a grounded vessel; and,

Whereas, state authority to address removal of abandoned, derelict, or grounded vessels is granted by statute; however, state programs and funding often have a narrow focus on recreational vessels and reasons for removal are limited in scope to emergencies or threats to human safety; and,

Whereas, the [Surrendered And Abandoned Vessel Exchange \(SAVE\)](#) grant program administered by the California State Parks Division of Boating and Waterways (DBW) and awarded annually to qualified local public agencies statewide is designed to remove, reduce and prevent abandoned **recreational** vessels only and does not provide funding for removal of commercial vessels; and,

Whereas, abandoned, derelict, or grounded vessels includes both commercial and recreational vessels. The majority of these vessels are recreational, yet commercial vessels are typically larger and on a per vessel basis, can cost several orders of magnitude more than recreational vessels to remove; and

Whereas, in California, it is not required by law to have boat insurance unless the vessel is over 300 gross registered tons, nor are there insurance requirements for wreck removal; and,

Whereas, identification of a documented vessel owner increases the chance of removing a vessel and vessel registration can be used to track ownership; and,

Whereas, vessels documented by the USCG must also be registered in Washington; but vessels documented by USCG are not required to register in California even if owned by a California resident and operating in California waters; and,

Whereas, California does not include fees dedicated for wreck removal or enforcement in their boater registration fees; and,

Whereas, successful ADV programs in other states such as Washington fund removal of grounded, derelict, or abandoned vessels through nominal yearly boater registration fees for commercial and recreational vessels; and,

Whereas local jurisdictions and first responders generally do not have standardized Tactics, Techniques, and Procedures (TTP) for addressing abandoned, derelict, or grounded vessels or vehicles including the necessity to notify the Sanctuary of all occurrences of groundings which cause or could cause impacts to Greater Farallones National Marine Sanctuary (Sanctuary) resources; and

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Whereas, there is no legal requirement for the Responsible Party (RP) to notify the Sanctuary of a grounded vessel within the Sanctuary; and

Whereas, the Greater Farallones National Marine Sanctuary Advisory Council advises the Superintendent of the Greater Farallones National Marine Sanctuary (GFNMS) on issues affecting the GFNMS site and its resources;

Whereas, many abandoned, derelict or grounded vessel are not insured or their insurance is inadequate to cover the costs of their removal and damages caused, and in most cases NOAA and other authorities do not pursue available legal remedies to seek compensation from those responsible.

Therefore be it resolved that the Sanctuary Advisory Council of the Greater Farallones National Marine Sanctuary hereby adopts the grounded vessel response recommendations contained herein and presented to the Sanctuary on May 20, 2021.

Proposed Recommendations for Improving Response Capabilities To Abandoned, Derelict, & Grounded Vessels

1. With the Greater Farallones National Marine Sanctuary (Sanctuary) as a lead, convene a multi-stakeholder working group comprised of Federal, state, & local authorities to facilitate a comprehensive approach to improving response capabilities to abandoned, derelict or grounded vessels in or near the Sanctuary and map a path forward to implement recommendations.
2. The Working Group should identify needs for additional funding for removal & salvage for agencies responsible for addressing abandoned, derelict, and grounded vessels, make recommendations as to sources for such funding, and identify the needs for statutory and regulatory changes to address these issues.
3. The Working Group should also consider the problem of uninsured and underinsured vessels and recommend a solution, including the use of available legal remedies to seek compensation from those responsible (whether cost effective or not) to encourage boat owners and operators to obtain adequate insurance.
4. Sanctuary attend Regional Response Team (RRT) IX and Area Committee meetings and bring forward a request for Federal, State, and local agencies to develop a Regional Contingency Plan (RCP) or Area Contingency Plans (ACPs) to coordinate vessel removal with pollution abatement of grounded, abandoned, or derelict vessels within the Sanctuary; Be prepared to participate in incident specific cases, and ensure notification and preparedness for specific incidents.
5. Working with local stakeholders, coastal land managers, & first responders via webinar and video conference; the Sanctuary will solicit input, provide guidance, and develop strategies to coordinate & improve abandoned, derelict or grounded vessel response within the Sanctuary.

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6. Working with the appropriate agencies and legislators, the Sanctuary will provide guidance on policies that could mandate insurance requirements for commercial and recreational vessels including wreck removal insurance and secondary liability coverage for older and larger vessels to ensure funding to cover response, deconstruction, removal and disposal of abandoned or grounded vessels.
7. Working with the appropriate agencies and policymakers, the Sanctuary will provide guidance on policies to expand the Oil Spill Liability Trust Fund (OSLTF) beyond pollution response to ensure that in instances where the USCG accesses the OSLTF for pollution response in National Marine Sanctuaries that those funds would also be available for the removal and disposal phase of abandoned, derelict or grounded vessels.
8. Working with the appropriate agencies and policymakers, the Sanctuary will provide guidance on policies to expand the California Surrendered and Abandoned Vessel Exchange (SAVE) grant program administered by the California State Parks Division of Boating and Waterways (DBW) to apply to both commercial & recreational vessels.
9. Working with the appropriate agencies and policymakers, the Sanctuary will provide guidance on policies to establish a California yearly vessel registration requirement for both commercial and recreational vessels including fees dedicated for ADV removal programs and adequate enforcement of these requirements.
10. Working with the appropriate agencies and policymakers, the Sanctuary will provide guidance on policies to establish a mechanism for law enforcement agencies to be funded or compensated for time and equipment needed to enforce vessel registration and aquatic laws and to issue civil penalties.

Attachment: none

cc:

Maria Brown, Superintendent, Greater Farallones National Marine Sanctuary

This resolution was passed with majority vote by a quorum of voting members at a public meeting on May 20, 2021 held via Google Meet. SAC discussion regarding this resolution can be found in Meeting Highlights documentation at https://farallones.noaa.gov/manage/sac_meetings.html.

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NON-GOVERNMENT SEATS

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Community-at-Large San Francisco/San Mateo

Joe Fitting/Primary

Kris Lannin Liang/Alternate

Community-at-Large Marin

Dominique Richard (Chair)/Primary

George Clyde/Alternate

Community at-Large Mendocino/Sonoma

Cea Higgins/Primary

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Conservation

Richard Charter/Primary

Bruce Bowser/Primary

Francesca Koe/Alternate

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Education

Bibit Traut/Primary

Mary Miller/Alternate

Maritime Activities - Commercial

John Berge/Primary

Julian Rose/Alternate

Maritime Activities - Recreation

Abby Mohan (Vice Chair)/Primary

Joshua Russo/Alternate

Research

John Largier/Primary

Jaime Jahncke/Alternate

Youth

Ezra Bergson-Michelson/Primary

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Mark Gold/Primary

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National Marine Fisheries Service

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Channel Islands National Marine Sanctuary

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Mike Murray/Alternate

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Dan Howard/Primary

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SANCTUARY SUPERINTENDENT

Maria Brown, Superintendent

Brian Johnson, Deputy Superintendent

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