



Abandoned and Derelict Vessels (ADV) Overview

Dorothy Diehl

ADV Program Coordinator

Oregon State Marine Board

October 2020



Abandoned Boats

The legal definition of “abandoned” is slightly different from the common usage.

- *ORS 830.908(1) An “Abandoned vessel” means a vessel that has been left without authorization on public or private land, the waters of this state, or any other water.*
- To be declared abandoned, the person or entity that owns or controls the land or water must assert that the boat’s presence is unauthorized.
- On waters of this state, up to the ordinary high water line, the property owner is *most often* the Department of State Lands. Transient boating, including overnight anchoring, on waters of this state is allowed and encouraged in most cases. The DSL will not declare a boat unauthorized unless it has been in one location for more than 30 days.
- Facilities such as docks and marinas are often located on submerged land owned by DSL and leased to a private or public entity. In these cases, the facility manager may assert that a vessel is unauthorized based on their own criteria.



Derelict Boats

A boat must meet specific conditions to be considered “derelict”. An old, deteriorating, or damaged boat is not necessarily a *derelict* boat (yet)!

- *ORS 830.908(3) “Derelict vessel” means a vessel that is on waters of this state and that is:*
 - *(a) Sunk or in imminent danger of sinking*
 - *(b) Obstructing a waterway*
 - *(c) Endangering life or property*
 - *(d) In such a dilapidated condition that it is in danger of becoming a significant environmental hazard as evidenced by repeated and documented instances of leaking fuel, sewage, or other pollutants*

The vessel Sue Sea (left) was observed to be listing and drifting while at anchor. By the time it was removed, it had already capsized.

Enforcement Agency Response to ADVs

For specific information on procedures enforcement agencies must follow when responding to abandoned and derelict vessels, please refer to the following Marine Board document:

**ABANDONED & DERELICT VESSEL
ENFORCEMENT AGENCY RESPONSE GUIDE**

ABANDONED & DERELICT VESSEL ENFORCEMENT AGENCY RESPONSE GUIDE



A REFERENCE MANUAL TO ASSIST PUBLIC AGENCIES IN THE SEIZURE
OF ABANDONED AND DERELICT VESSELS UNDER ORS 830.911

BoatOregon.com | (503) 378-8587

APRIL 2020

OSMB's Role and Efforts

Reactive:

- ❖ Reimbursement to partner agencies
- ❖ Emergency vessel responses

Proactive:

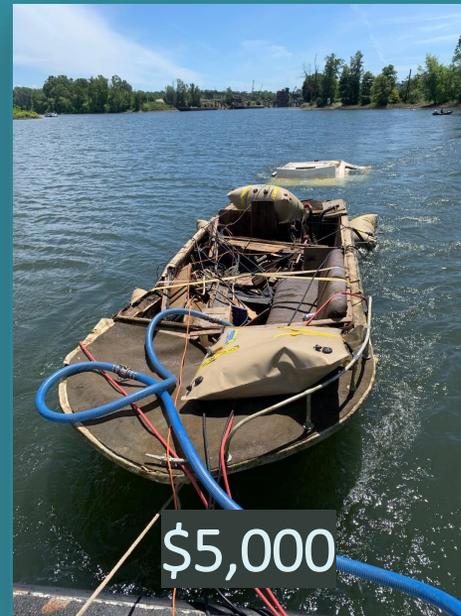
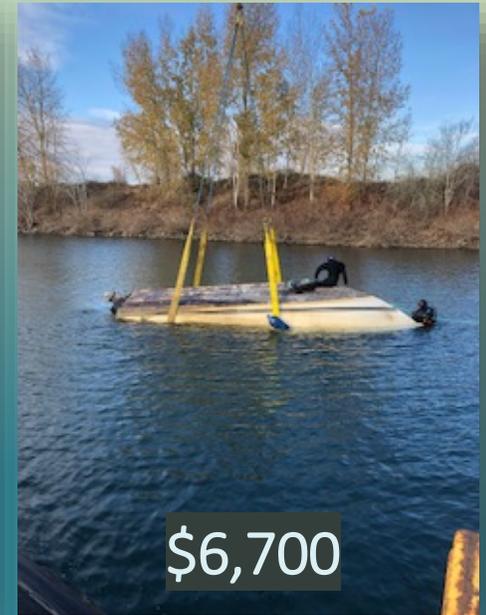
- ❖ Collaborative clean-ups (has both proactive and reactive elements)
- ❖ Outreach to Clean Marina facilities
- ❖ Metro Abandoned & Derelict Vessels and Camping (MADVAC) workgroup
- ❖ Oil Spill Task Force – ADV Workgroup
- ❖ NOAA MDP Grant

The Cost of ADVs

Some of the costs of ADVs are obvious and measurable, such as the price paid to a contractor to remove the vessel. Other costs are not as well-defined and include a decrease in sense of safety and waterway enjoyment for responsible boaters. In many areas, the impacts of ADVs are intertwined with complex social issues such as homelessness, trespassing, mental health, addiction, and crime.

When removal projects are funded by the OSMB's Salvaged Vessel Subaccount, the money comes directly from fee-paying recreational boaters and owners of floating homes. The fund covers the costs of removal, required storage, and disposal.

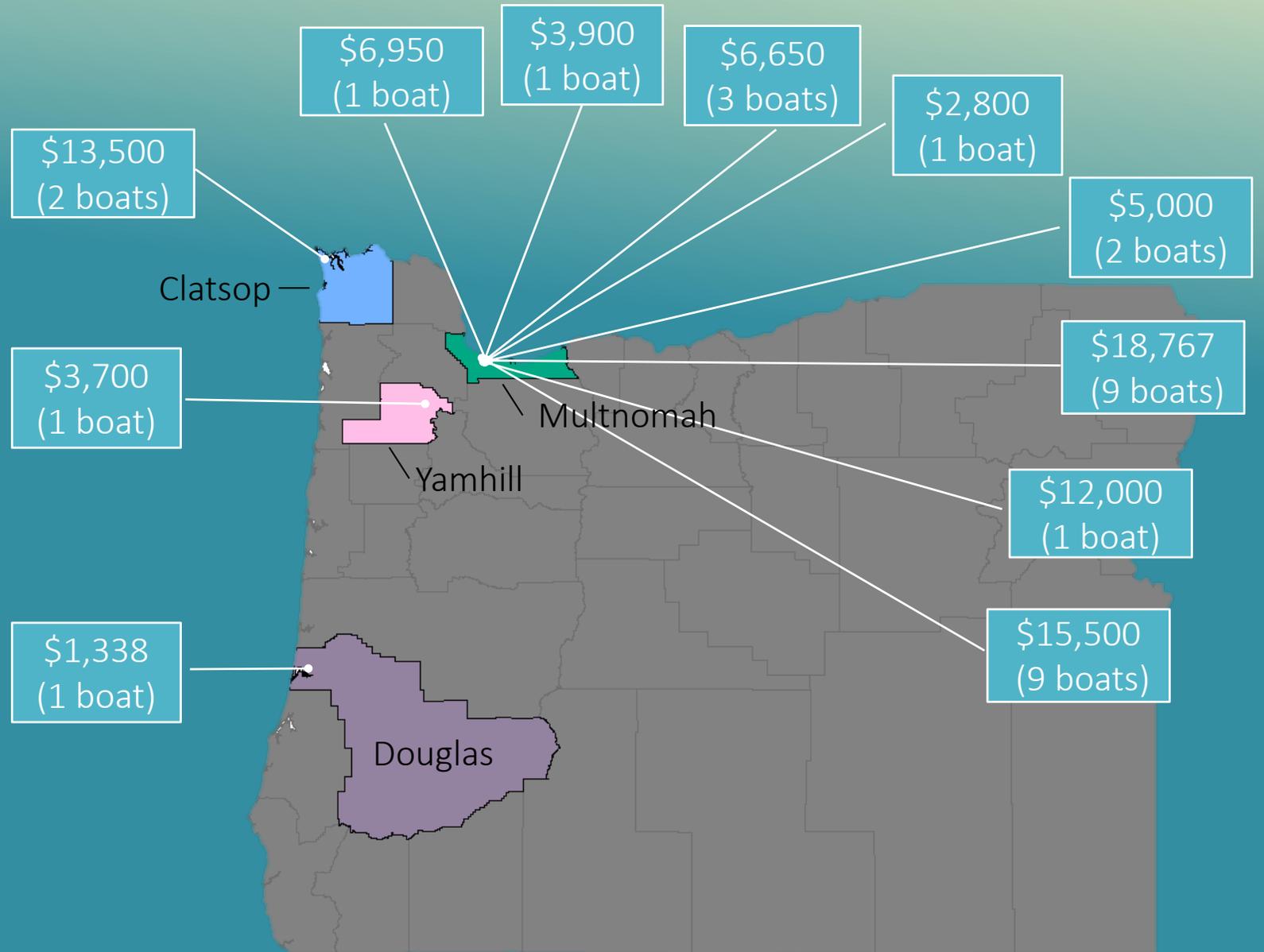
The reported dollar amounts (right) do not include OMSB staff time, LE staff time, or other similar indirect costs.



OSMB Funded ADV Removals July 2019 – Sept 2020 (First 14 months of current biennium)

\$108,000*

*Additional removals
are currently pending
in Multnomah, Yamhill,
and Lincoln Counties



The Board may deposit no more than \$150,000 into the Salvaged Vessel Subaccount per biennium

NOAA Marine Debris Funding Partnership

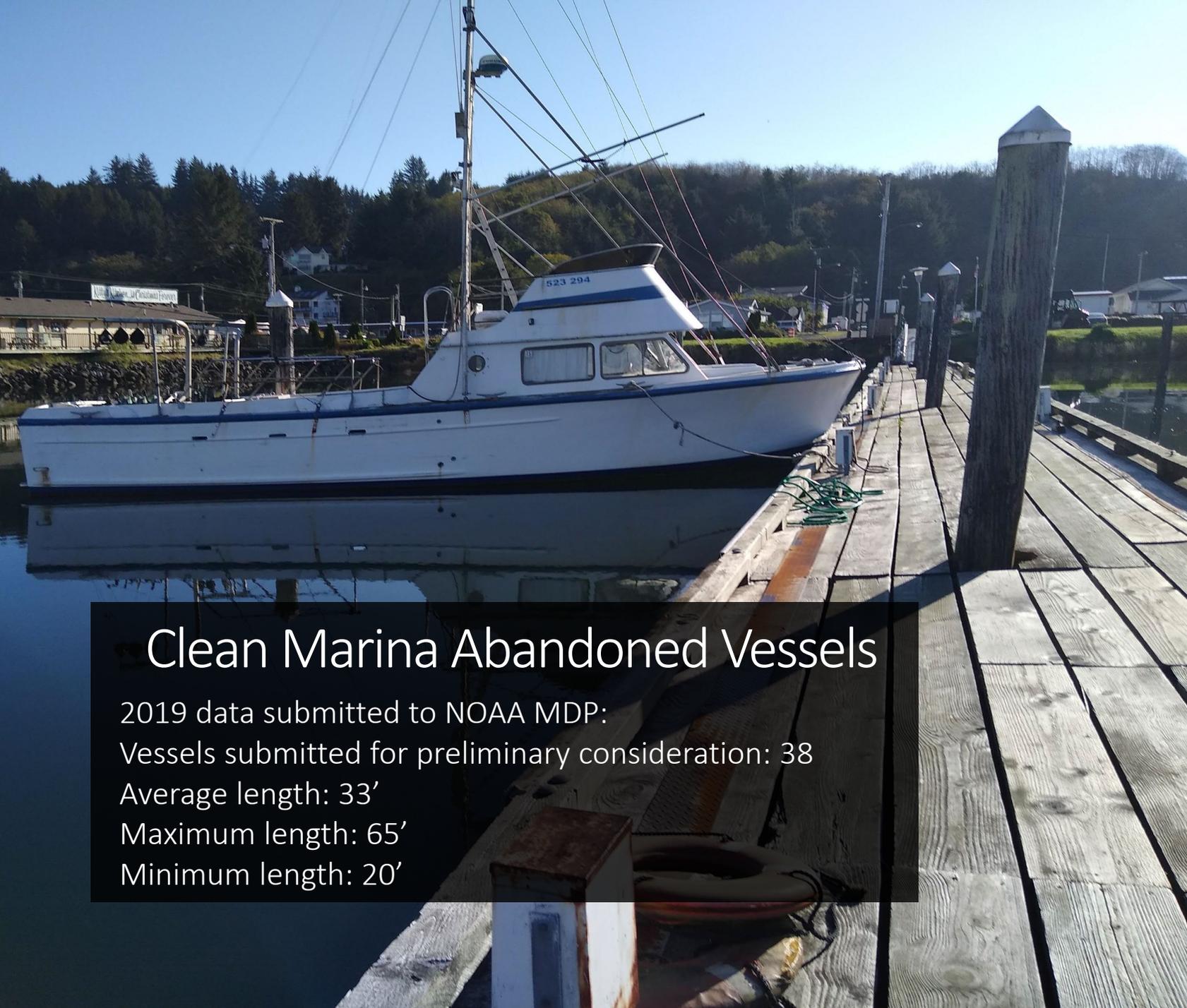
Objectives:

- ❖ Remove at-risk vessels before they become ADVs
- ❖ Encourage marina management practices that may prevent future ADVs

Upcoming Actions:

- ❖ Finalize list of ADV Prevention Best Management Practices (BMPs) for marinas
- ❖ Coordinate with marinas to prioritize vessels for removal, implement BMPs
- ❖ Develop scope of work for RFPs (removal is anticipated for late spring/summer)

More Info: <https://marinedebris.noaa.gov/>



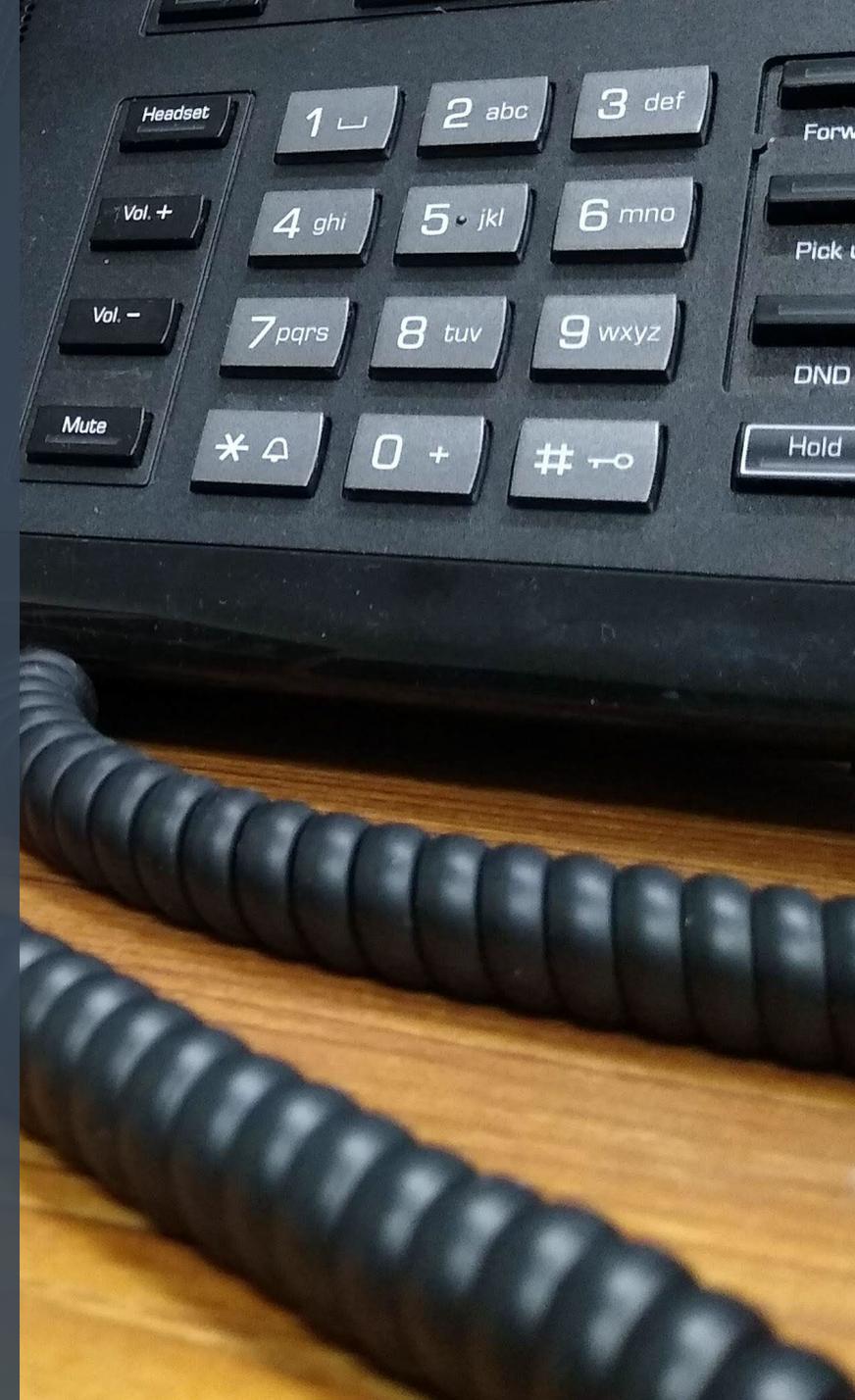
Clean Marina Abandoned Vessels

2019 data submitted to NOAA MDP:
Vessels submitted for preliminary consideration: 38
Average length: 33'
Maximum length: 65'
Minimum length: 20'



ADV Program Caller Profiles

The following slides highlight 10 examples of the most frequent calls received by staff related to abandoned and derelict vessels.

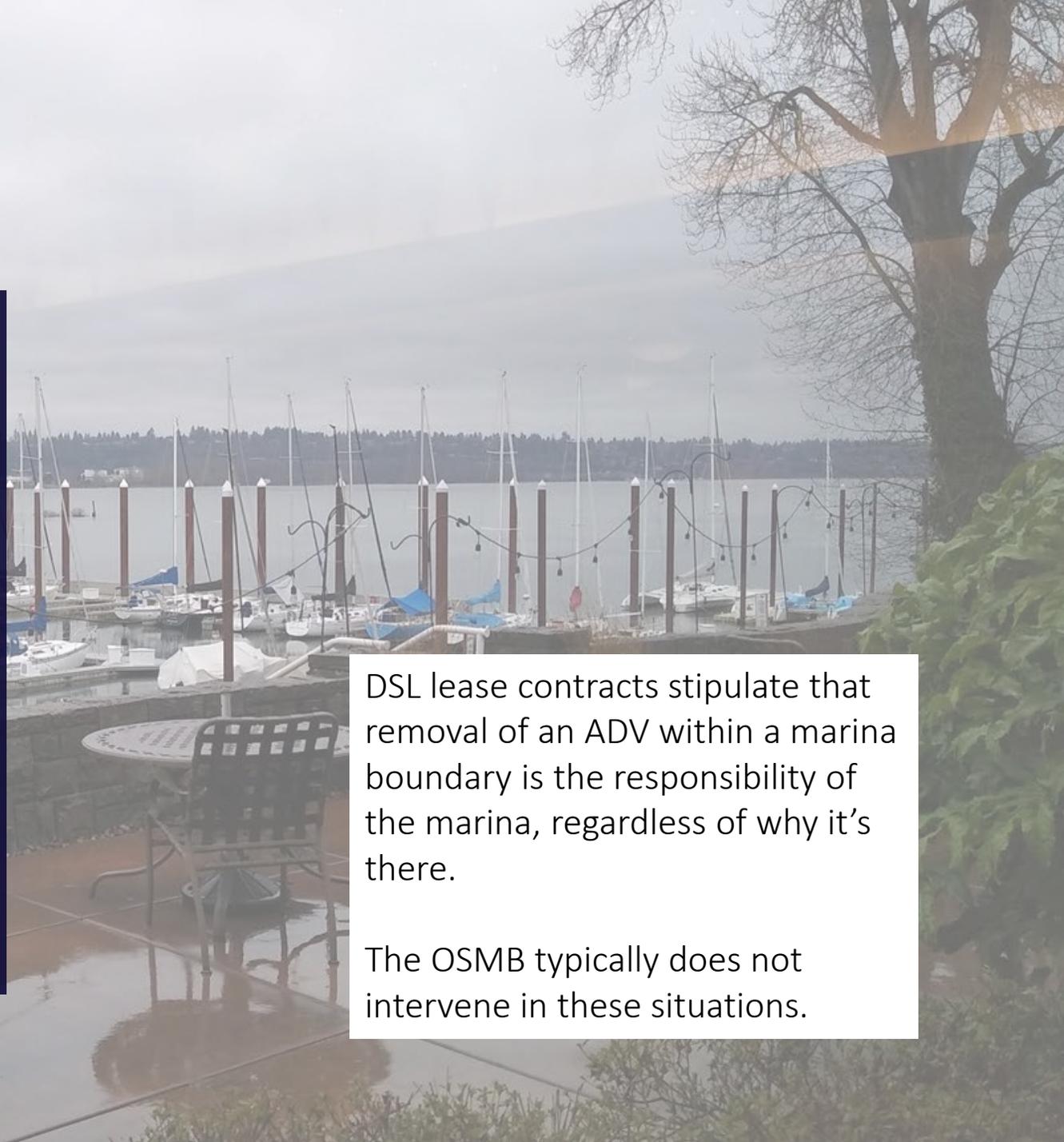


Caller #1 The Marina Manager

“I’m a private marina manager and a derelict boat showed up in my facility. It either drifted in or was intentionally left there without our knowledge or permission. Within a few hours, it sank, and now it is lodged under one of our docks.”

DSL lease contracts stipulate that removal of an ADV within a marina boundary is the responsibility of the marina, regardless of why it’s there.

The OSMB typically does not intervene in these situations.



Caller #2 The Unfortunate Bystander

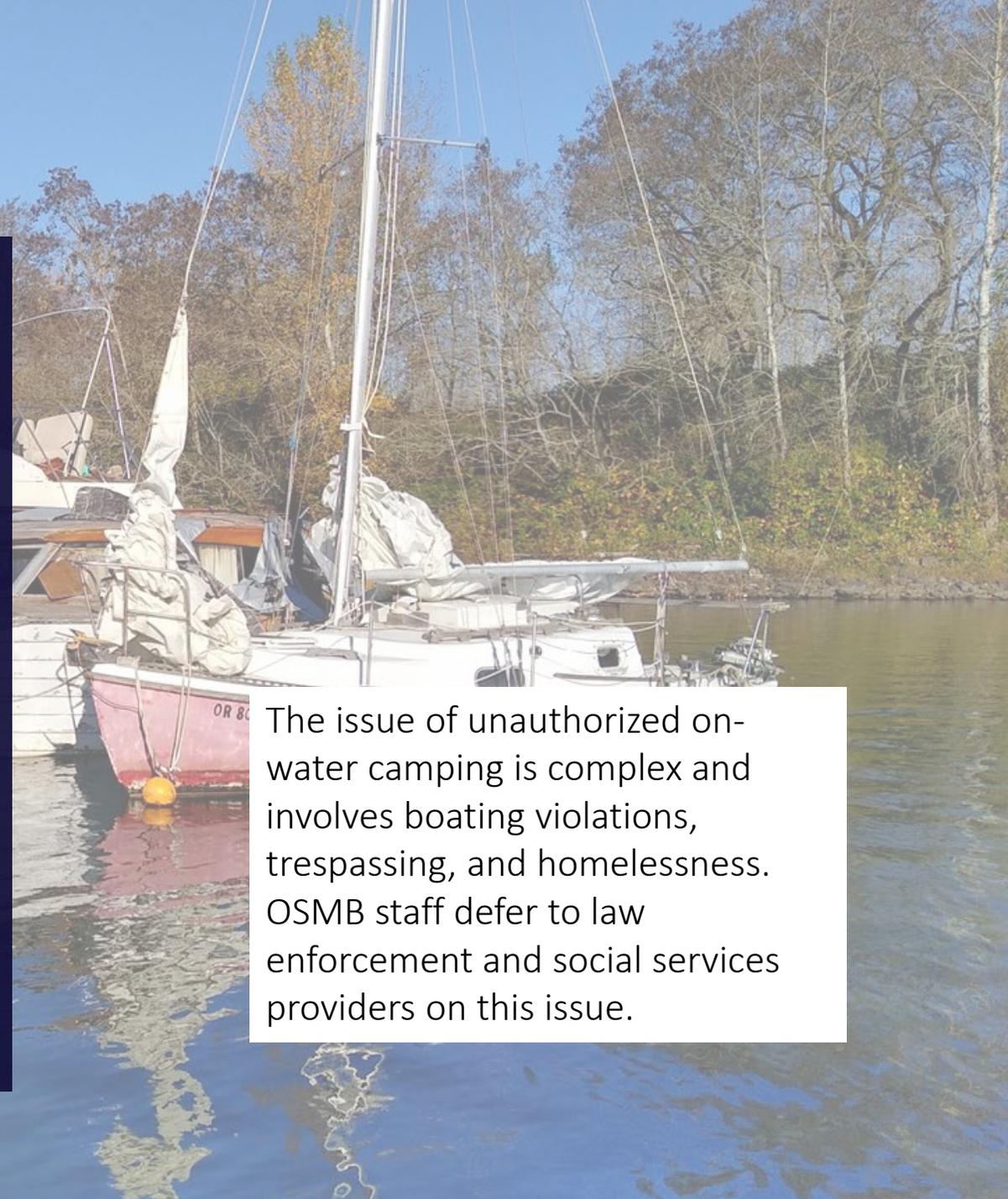
“I’m a private homeowner with waterfront property and a private dock. A boat drifted down the river and lodged itself against my dock. I tied it up and called the sheriff’s office so they could return it to the owner. The titled owner says he sold it (but forgot to report it to the Marine Board) and doesn’t remember the person’s name. Now I’m stuck with the boat.”



The OSMB does not remove vessels that are moored to private docks, but provides technical assistance to the dock owner to obtain authority to sell or dispose of the boat.

Caller #3 The Angler

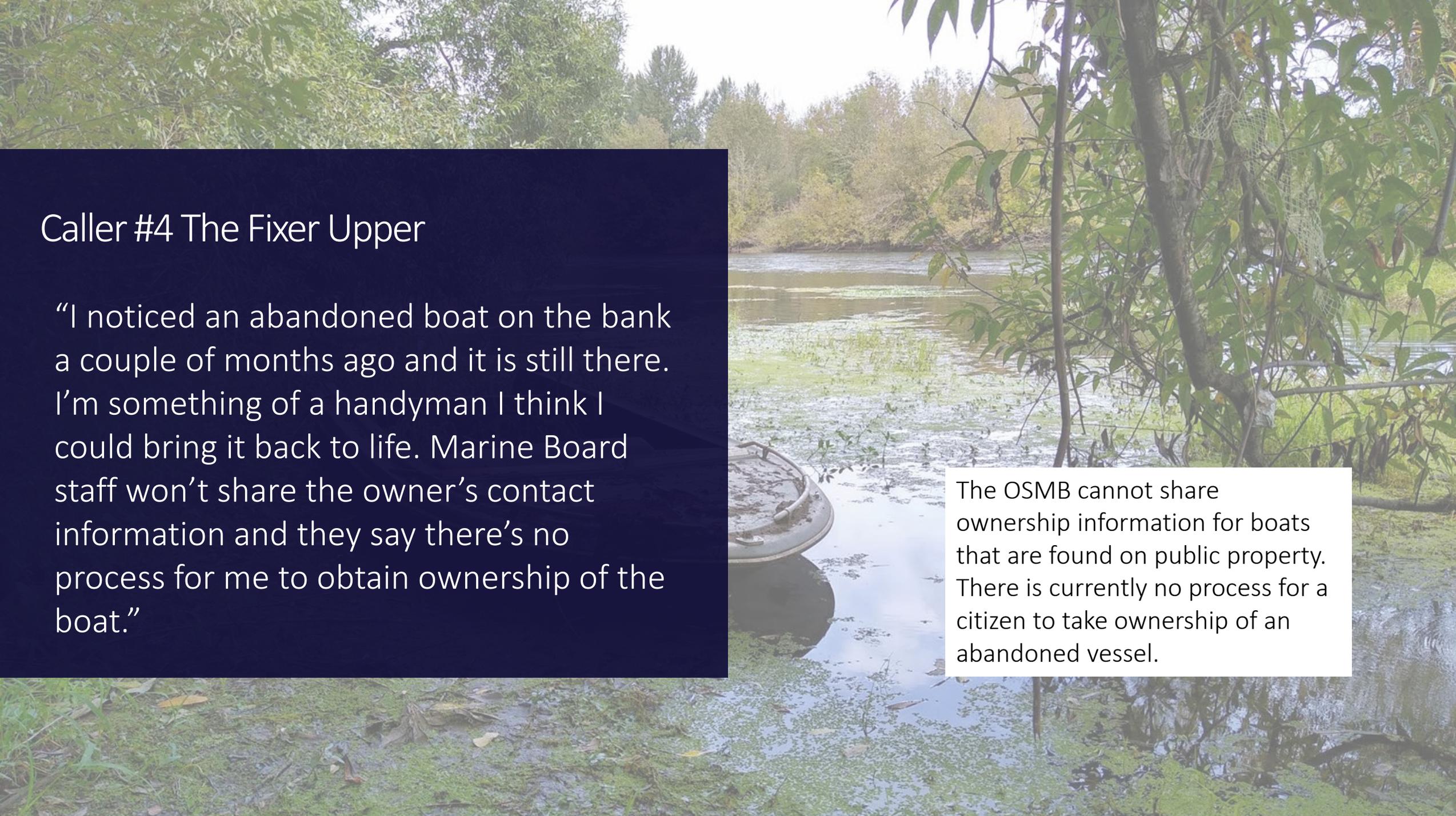
“I’m a salmon fisherman, and I am concerned about the live-aboard boats that remain anchored for months on end in the river where I fish. None of them have current tags and I’ve seen the occupants dump their waste into the river. One of the boats that had been there a while eventually sank.”



The issue of unauthorized on-water camping is complex and involves boating violations, trespassing, and homelessness. OSMB staff defer to law enforcement and social services providers on this issue.

Caller #4 The Fixer Upper

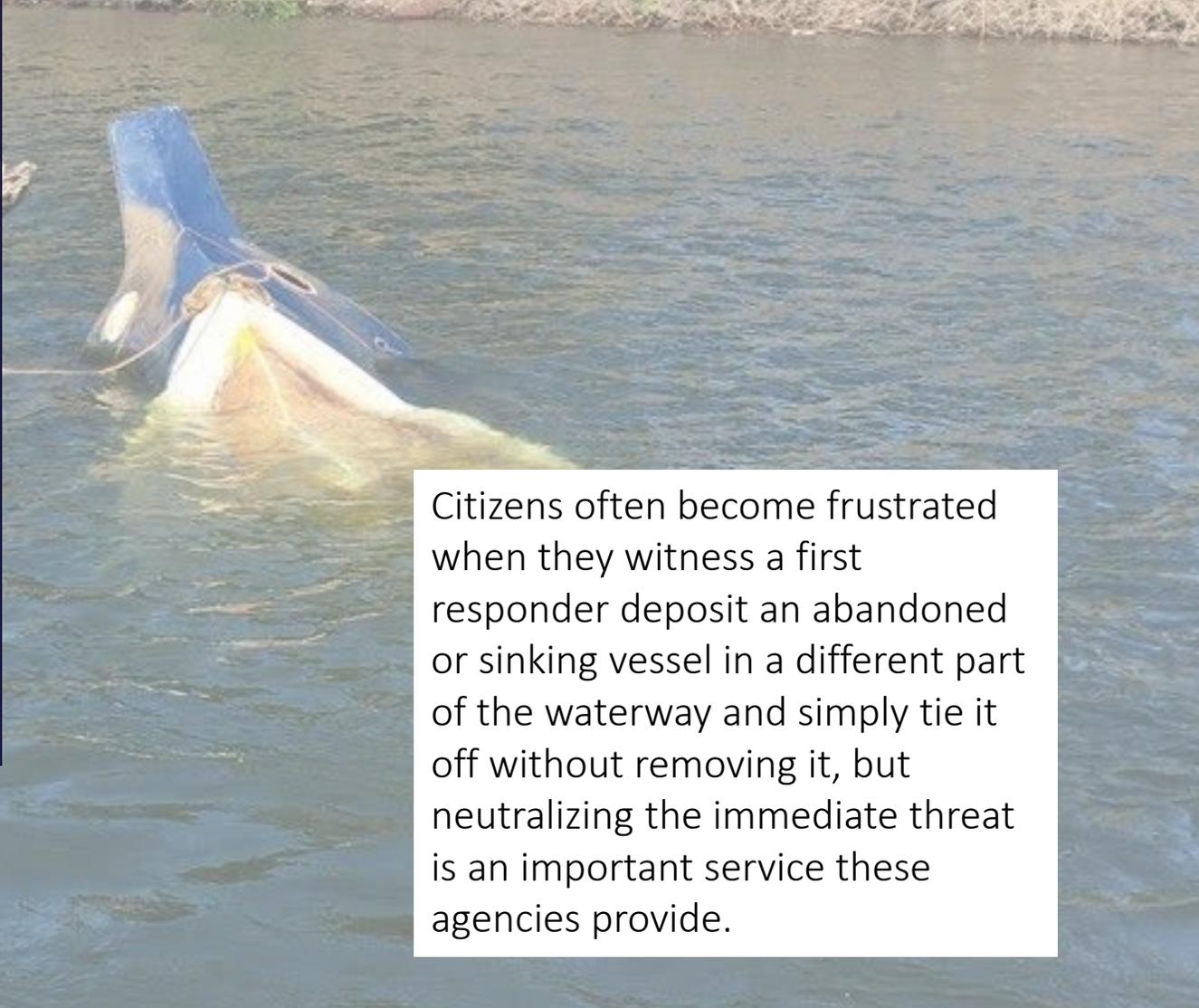
“I noticed an abandoned boat on the bank a couple of months ago and it is still there. I’m something of a handyman I think I could bring it back to life. Marine Board staff won’t share the owner’s contact information and they say there’s no process for me to obtain ownership of the boat.”

A photograph of a riverbank. In the foreground, a small boat is partially submerged in the water, which is covered in green algae. The background shows a dense line of trees and bushes along the riverbank. The sky is overcast.

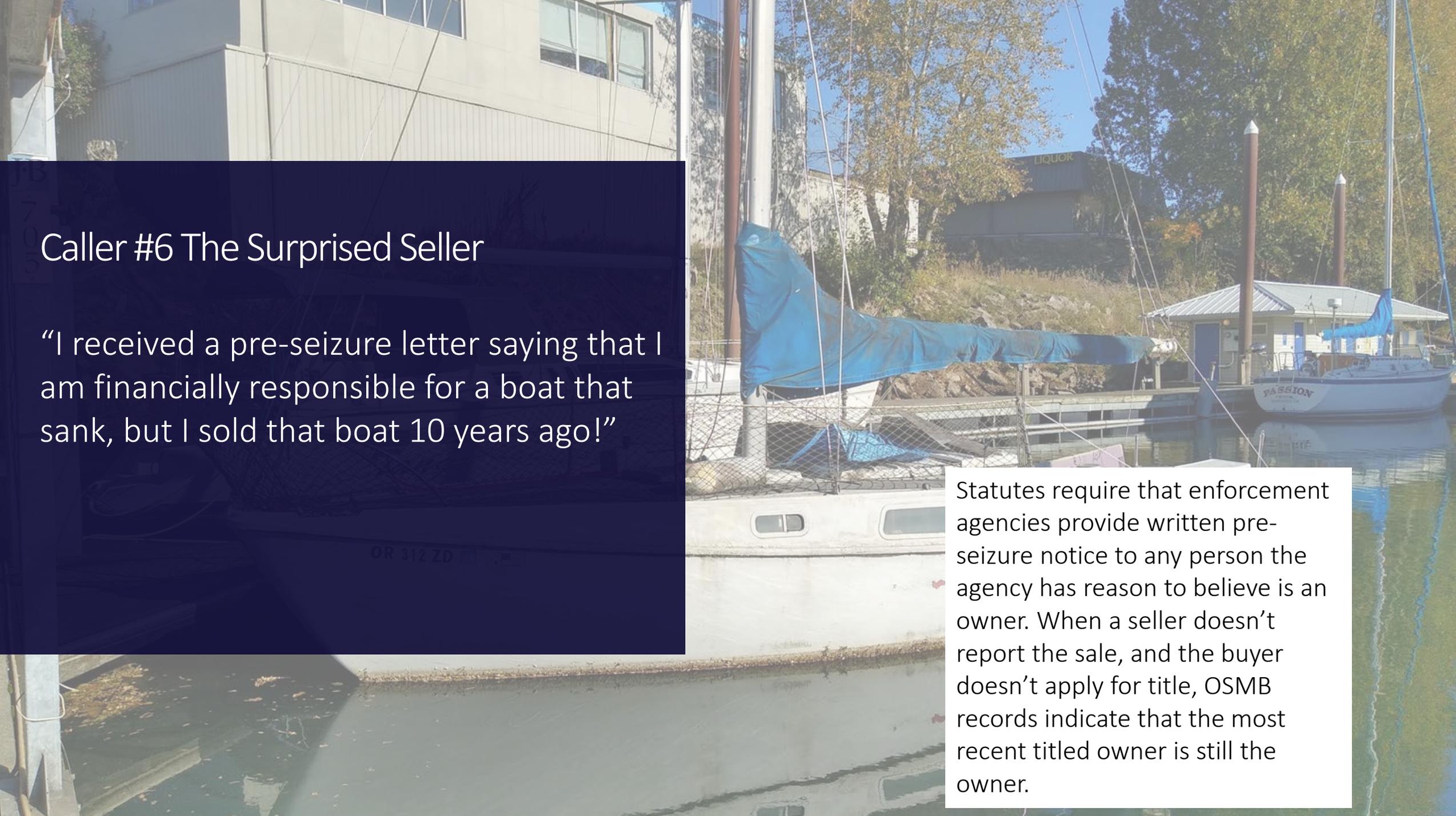
The OSMB cannot share ownership information for boats that are found on public property. There is currently no process for a citizen to take ownership of an abandoned vessel.

Caller #5 The On-Water Responder

“I’m an on-water first responder, and we responded to a late-night call of an unmanned vessel taking on water. We didn’t want it to become a hazard, so we tied it off to an old piling near the shore. We don’t have the resources to do more than that.”

A blue and yellow unmanned vessel (UAV) is floating in a body of water. The vessel is partially submerged, with its blue hull and yellow interior visible. It is tied to a piling near the shore. The water is dark blue, and the background shows a grassy bank with some trees and a fence.

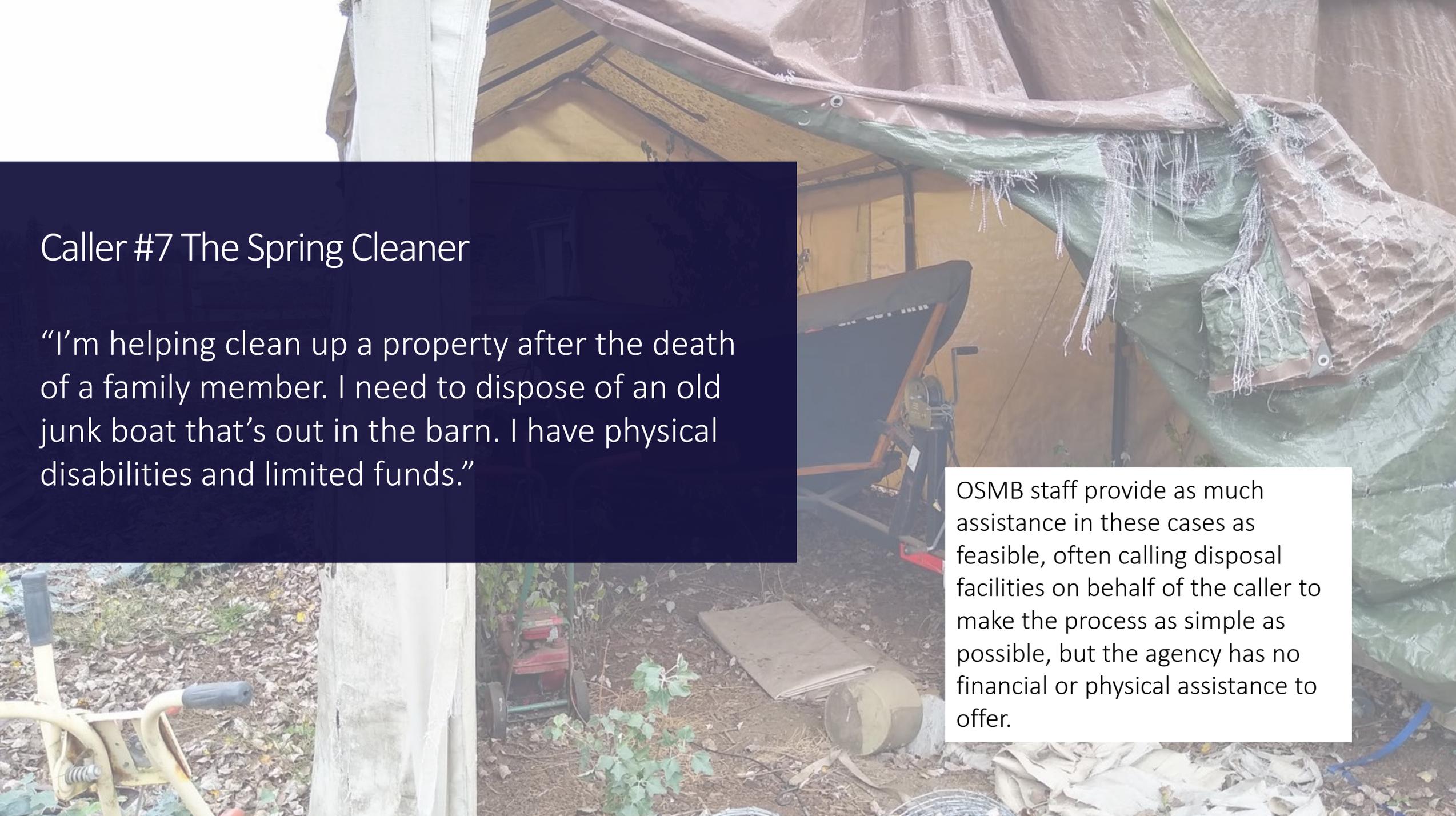
Citizens often become frustrated when they witness a first responder deposit an abandoned or sinking vessel in a different part of the waterway and simply tie it off without removing it, but neutralizing the immediate threat is an important service these agencies provide.



Caller #6 The Surprised Seller

“I received a pre-seizure letter saying that I am financially responsible for a boat that sank, but I sold that boat 10 years ago!”

Statutes require that enforcement agencies provide written pre-seizure notice to any person the agency has reason to believe is an owner. When a seller doesn't report the sale, and the buyer doesn't apply for title, OSMB records indicate that the most recent titled owner is still the owner.



Caller #7 The Spring Cleaner

“I’m helping clean up a property after the death of a family member. I need to dispose of an old junk boat that’s out in the barn. I have physical disabilities and limited funds.”

OSMB staff provide as much assistance in these cases as feasible, often calling disposal facilities on behalf of the caller to make the process as simple as possible, but the agency has no financial or physical assistance to offer.



Caller #8 The Concerned Neighbor

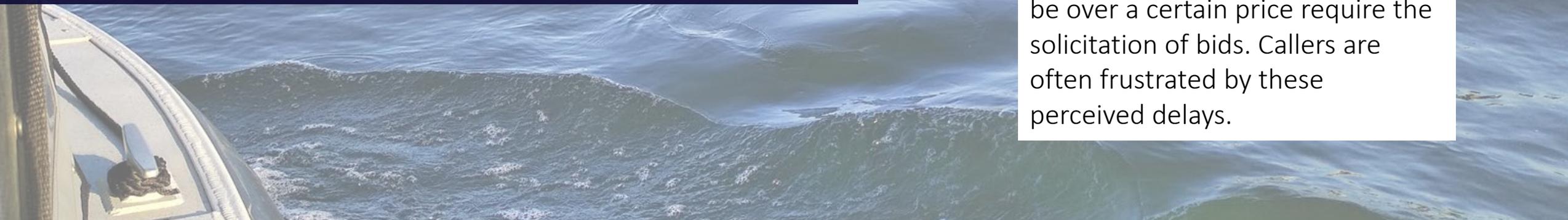
“There has been a boat tied to the shore near my condo for a couple of weeks. At first, I was seeing someone on the boat every day, but now I haven’t seen him for a few days. I’m concerned he may have suffered a medical event in the cabin or fallen overboard.”

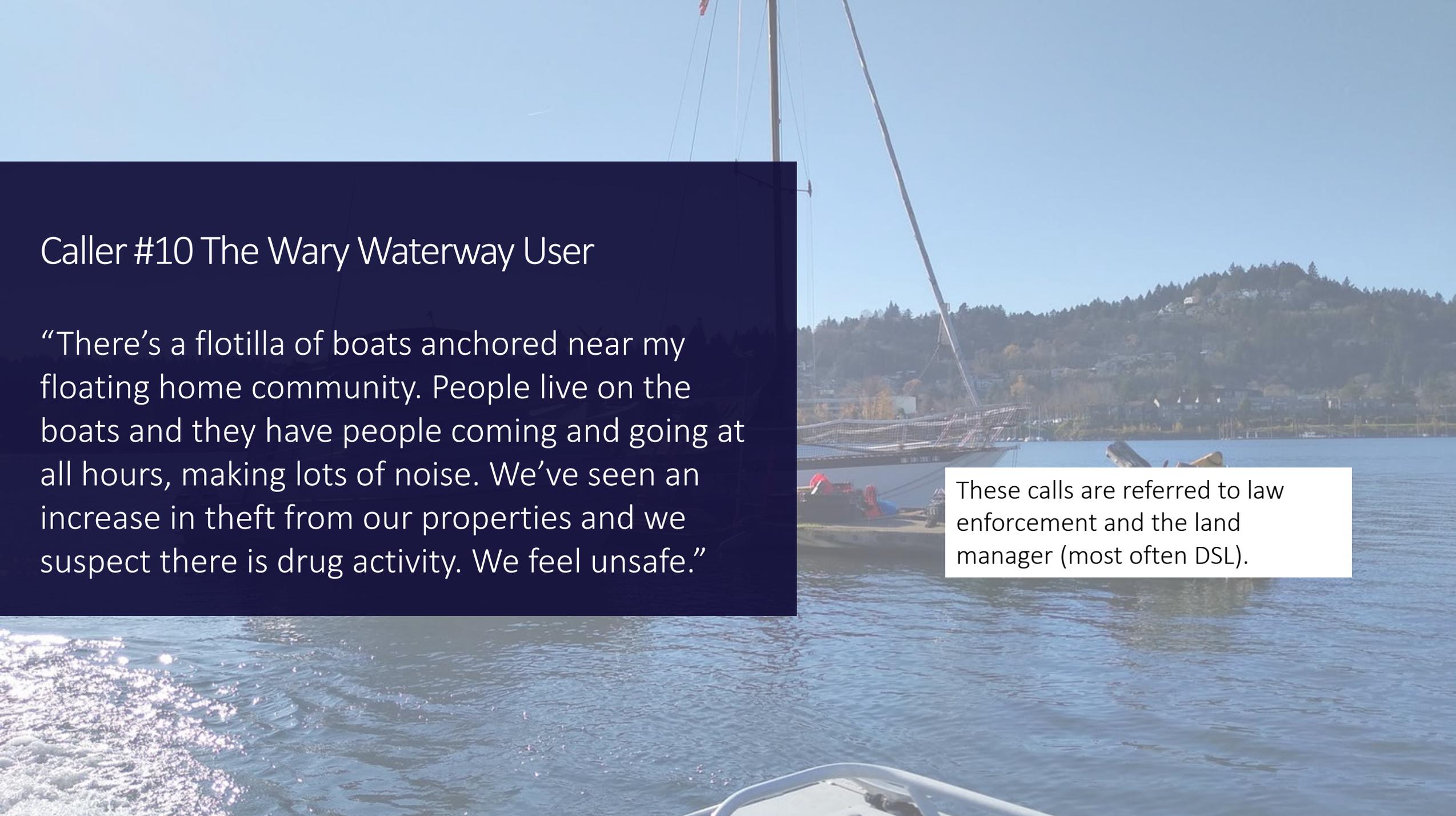
OSMB staff are frequently contacted before law enforcement in these cases and staff either report the information to LE contacts or refers the caller to the correct agency.

Caller #9 The Dissatisfied Complainant

“I reported an abandoned boat to you a week ago. At the time, it was still floating and you could have easily removed it. Now it is almost completely sunk and the cost to remove it has probably tripled.”

Non-emergency vessel seizures require pre-seizure notice two weeks prior to seizing, and projects which are anticipated to be over a certain price require the solicitation of bids. Callers are often frustrated by these perceived delays.



A scenic view of a body of water, likely a bay or harbor, with a forested hillside in the background. In the foreground, the white wake of a boat is visible on the left. A large dark blue semi-transparent box covers the left side of the image, containing text. A white text box is overlaid on the water in the lower right.

Caller #10 The Wary Waterway User

“There’s a flotilla of boats anchored near my floating home community. People live on the boats and they have people coming and going at all hours, making lots of noise. We’ve seen an increase in theft from our properties and we suspect there is drug activity. We feel unsafe.”

These calls are referred to law enforcement and the land manager (most often DSL).

Wrap-Up

Program Updates, Discussion, Questions