



WASHINGTON STATE DEPARTMENT OF  
**NATURAL RESOURCES**



**DERELICT VESSEL  
REMOVAL PROGRAM**

GUIDELINES

June 2016

**GL 09-27.1****DERELICT VESSEL REMOVAL PROGRAM (DVRP) GUIDELINES FOR PROGRAM STAFF AND AUTHORIZED PUBLIC ENTITIES****GOAL**

This document is a reference guideline for the Department of Natural Resources (DNR) Derelict Vessel Removal Program and other Authorized Public Entities using their authority under Chapter 79.100 Revised Code of Washington (RCW) to remove derelict or abandoned vessels. Abandoned and derelict vessels cause public nuisances and safety hazards. RCW 79.100 (Derelict Vessels) provides certain public agencies with tools and funding for dealing with them. The Derelict Vessel Removal Program is administered by DNR to implement this statute. The Derelict Vessel statute is not intended to be the only remedy available to Authorized Public Entities. It is not intended to limit or constrain the ability and authority of an Authorized Public Entity to enact and enforce ordinances or other regulations relating to derelict and abandoned vessels, or to take any actions authorized by federal or state law in responding to derelict or abandoned vessels.

**WHO IS CONSIDERED AN AUTHORIZED PUBLIC ENTITY UNDER CHAPTER 79.100 RCW?**

- Washington State Department of Natural Resources
- Washington State Department of Fish and Wildlife
- Washington State Parks and Recreation Commission
- Port Districts
- Metropolitan Park Districts
- Town, City, or County Governments

**IMPLEMENTATION**

This guideline supersedes all other guidance published regarding the authorities granted in statute to Authorized Public Entities and the DVRP. This document should be placed in the Aquatic Resource Management Reference Manual as Section 27.1.

Division and assistant division managers will ensure that all employees are aware of the Guidelines. DNR will maintain the Guidelines on file in locally maintained Policy Manuals. The Office of Policy Development and Management Systems, or comparable executive office, will ensure that Guidelines and a current index are available on the DNR SharePoint site.

Approval Date: June 29, 2016

Approved By: 

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Aquatics Resources Division

**GL 09-27.1****DERELICT VESSEL REMOVAL PROGRAM (DVRP) GUIDELINES FOR PROGRAM STAFF AND AUTHORIZED PUBLIC ENTITIES****EMERGENCY INFORMATION**

If a vessel is in immediate danger of sinking, breaking up or blocking navigational channels and the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity (DNR, WDFW, State Parks, port districts, city, town or county governments, including their police, sheriff, fire department, shoreline enforcement, etc.) may tow, beach or otherwise take temporary possession of the vessel (RCW 79.100.040(3)).

**For pollution events or emergencies involving immediate threats to life and limb call 911 and/or the following agencies:**

**MARINE EMERGENCIES**

For all marine emergencies in Puget Sound and in the Pacific Ocean north of Grays Harbor (N 47°-00'), staff should notify:

- **USCG Sector Puget Sound at (206) 217-6004, or**
- **24 Hour Emergency Response: (206) 217-6001**

For marine emergencies in the Pacific Ocean from Grays Harbor south and on the Columbia, Snake and Salmon Rivers, staff should notify:

- **USCG Sector Columbia River Command Center (24 hour) at (866) 284-6958 or (503) 861-6211**

**REPORTING AN OIL SPILL OR SPILL OF OTHER HAZARDOUS SUBSTANCES**

All spills or releases of oil or other hazardous substances on water or land should be reported to:

- **U.S. National Response Center at (800) 424-8802**
- **Washington State Department of Ecology 24-hour Spill Response Hotline at (360) 407-6300**

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DNR's Derelict Vessel Removal Program is not a 24-hour response operation. To report an abandoned or derelict vessel please contact the program:

1111 Washington St SE, MS 47027  
Olympia WA 98504-7027  
360-902-1574 or 360-902-1100  
[dvrp@dnr.wa.gov](mailto:dvrp@dnr.wa.gov)

**GL 09-27.1****DERELICT VESSEL REMOVAL PROGRAM (DVRP) GUIDELINES FOR PROGRAM STAFF AND AUTHORIZED PUBLIC ENTITIES****AUTHORITIES and REFERENCES:**

<a href="#">RCW 79.100.010</a>	Definitions
<a href="#">RCW 79.100</a>	Derelict vessels
<a href="#">RCW 79.105.430</a>	Private recreational docks — Mooring buoys
<a href="#">RCW 53.08.310, .320, .480</a>	Port Moorage facilities — Definitions
<a href="#">RCW 88.26</a>	Private Moorage Facilities
<a href="#">RCW 79A.65</a>	Commission Moorage Facilities
<a href="#">RCW 79A.60</a>	Regulation of Recreational Vessels
<a href="#">RCW 88.02.420</a>	Moorage providers — Long-term moorage — Required information
<a href="#">RCW 88.02.500</a>	Certificate of title system — Intent
<a href="#">RCW 46.12.655</a>	Release of owner from liability
<a href="#">RCW 79.02.300</a>	Trespass, waste, damages — Prosecutions
<a href="#">RCW 88.26.020</a>	Securing vessels — Notice — Moving vessels ashore — Regaining possession — Abandoned vessels — Public sale
<a href="#">WAC 332-52-155</a>	Anchorage
<a href="#">WAC 308-93-275</a>	Abandoned vessels
<a href="#">WAC 332-30-122</a>	Aquatic land use authorization
<a href="#">WAC 332-30-127</a>	Unauthorized use and occupancy of state-owned aquatic lands
<a href="#">WAC 332-30-171</a>	Residential uses on state-owned aquatic lands
<a href="#">GL 09-5.1</a>	Resolving Unauthorized Uses of State-owned Aquatic Lands

[Department of Ecology Boatyards Currently Permitted](#)

[Department of Natural Resources Derelict Vessel Removal Program website](#)

- [Vessel Turn-in Program](#)

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**GL 09-27.1****DERELICT VESSEL REMOVAL PROGRAM (DVRP) GUIDELINES FOR PROGRAM STAFF AND AUTHORIZED PUBLIC ENTITIES****1. BACKGROUND****WHAT IS THE DERELICT VESSEL REMOVAL PROGRAM (DVRP)?**

The Washington State Department of Natural Resources' (DNR's) Derelict Vessel Removal Program (DVRP) began in 2002. Established in Chapter 79.100 Revised Code of Washington (RCW), the program facilitates the removal and the disposal of abandoned or derelict vessels across the state. The program provides guidance and funding to other authorized public entities (defined in Section 79.100.010 RCW), and conducts DNR-led removals.

The DVRP web page provides more information on the program and has links to forms and applications. This site also provides information on the Derelict Vessel Removal Program account balance, notices, and postings. The DVRP regularly updates the website at: <http://www.dnr.wa.gov/programs-and-services/aquatics/recovering-derelict-vessels>

**1.1 BASIC DEFINITIONS FROM RCW 79.100.010**

**“Abandoned vessel”** means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

**“Derelict vessel”** means the vessel's owner is known and can be located, and exerts control of a vessel that:

- a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to [RCW 79.02.300](#) or rules adopted by an authorized public entity;
- b) Has been left on private property without authorization of the owner; or
- c) Has been left for a period of seven consecutive days, and:
  - (i) Is sunk or in danger of sinking;
  - (ii) Is obstructing a waterway; or
  - (iii) Is endangering life or property.

**GL 09-27.1****DERELICT VESSEL REMOVAL PROGRAM (DVRP) GUIDELINES FOR PROGRAM STAFF AND AUTHORIZED PUBLIC ENTITIES****2. OVERVIEW – Vessel Reported: This section provides a basic overview of the process.****2.1 If a vessel is reported as abandoned or derelict, gather as much information as possible on the vessel and its situation:**

- a. Location - waterbody, property ownership, nearest street address, accessibility
- b. Owner information: purported owner information and registered/documentated owner information
- c. Vessel description - size, color, name, identification numbers, condition (beached, floating, sunk, moored, anchored)
- d. Fuel sheen? (If yes, make sure Ecology and USCG have been contacted.)
- e. Is vessel a tribal fishing vessel? (If yes, contact the tribal fisheries office in addition to owner to see if they will have an interest in the vessel if the owner doesn't respond.)
- f. Vessels newer than 1976 should have a Hull Identification Number on the transom. This number can be used to identify ownership. The State registration sticker number can also be used to identify ownership.

**2.2 Contact the owner:**

- a. Owner known and locatable: make contact by phone, mail, or in person as necessitated by the situation. If an immediate response is needed, you may be able to ask local police or sheriff's department to send an officer to the person's address. Find out owner's plans. Is owner dealing with the situation in a reasonable fashion?
  - Yes, monitor until vessel is removed or owner is no longer addressing situation responsibly.
  - No. Is vessel in immediate danger of sinking, breaking up, blocking navigation or posing an imminent threat to human health and safety?
    - Yes: proceed to Emergency Removal (see Section 3).
    - No: report the vessel to DNR's DVRP using the Vessel of Concern Reporting Form, located on the DVRP website, and decide whether you will proceed to Custody Process (see Section 4).
- b. If the owner is NOT known or can't be located: Is vessel in immediate danger of sinking, breaking up, blocking navigation or posing an imminent threat to human health and safety?
  - Yes: Proceed to Emergency Removal (see Section 3).
  - No: Report the vessel to DNR's Derelict Vessel Removal Program using the Vessel of Concern Reporting Form, located on the DVRP website and decide whether you will proceed to Custody Process (see Section 4).

**GL 09-27.1****DERELICT VESSEL REMOVAL PROGRAM (DVRP) GUIDELINES FOR PROGRAM STAFF AND AUTHORIZED PUBLIC ENTITIES****3. EMERGENCY REMOVALS under RCW 79.100.040(3)****3.1 Temporary Possession: Authority**

If a vessel is in immediate danger of sinking, breaking up, or blocking navigational channels, or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, and the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any Authorized Public Entity may tow, beach, or otherwise take temporary possession of the vessel.

Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the Department of Natural Resources or the United States Coast Guard to ensure that other remedies are not available.

The basis for taking temporary possession of the vessel must be set out in writing by the Authorized Public Entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable.

If the Authorized Public Entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must start the custody process (see Section 4.3).

**3.2 Permitting – Most emergencies are exempt from permitting under nuisance abatement or emergency abatement clauses.****a. Hydraulic Project Approval (HPA)**

- If the vessel is floating, or otherwise not hard aground, an HPA permit is not needed, proceed to Section 4.
- If the vessel is hard aground, sunk, or beached, an HPA may be required, particularly if the vessel will need to be cut up in place to remove it. It is the responsibility of the Authorized Public Entity conducting the removal operation to ensure the HPA requirements of the Washington Department of Fish and Wildlife are met. WDFW biologists can issue an emergency HPA over the phone if needed. Biologist contacts can be found at this site: [Find a WDFW Biologist](http://www.wdfw.wa.gov/conservation/habitat/ahb/)<sup>1</sup> or by phoning 360-902-2534. During non-business hours, the Emergency HPA Hotline is available at: (360) 902-2537.
- Any fees or other costs associated with obtaining a hydraulic project approval are considered reimbursable expenses.

- b. DNR Only: DNR has a programmatic HPA, which allows for DNR's removal of vessels under many different circumstances. However, some types of removals are not included in this HPA, such as vessels that are in eelgrass beds, sand lance/surf smelt habitat, or on

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<sup>1</sup> <http://wdfw.wa.gov/conservation/habitat/ahb/>

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contaminated sediment sites. In these instances, it is necessary to obtain an individual HPA or emergency HPA for the removal. Review the DNR HPA; look up eelgrass, herring and surf smelt habitat layers in Citrix mapping, or consult with the DNR science section. The DNR HPA does not cover in-water or on-beach demolition of vessels. Does the DNR Program HPA apply?

- No, consult with the Washington State Department of Fish and Wildlife (WDFW) and apply for either an Emergency HPA (can be issued verbally over the phone) or a Project HPA.
- Yes, send the WDFW area biologist an email noting: 1) the removal project, 2) the date of the project, 3) who is hired, 4) what the plans are for removal.

**3.3 Emergency Contracting**

- a. **Local agencies:** Local agencies should follow their own contracting requirements. Local agencies that are part of the state's purchasing network may also use the state's emergency contract #05511, available at [www.des.wa.gov](http://www.des.wa.gov)
- b. **State agencies:**
  - 1) Can do work with their own staff or other agency staff or through an Interagency Agreement.
  - 2) If the project cost will be under the direct buy limit (\$10,000), hire the nearest appropriate resource or use the State Contract #05511. Bids are not legally required, but if there is time, they are a good idea. For DNR staff, obtain bids if the project cost is anticipated to be over \$5,000.
  - 3) If the project cost will be over the direct buy limit (\$10,000), the State Contract #05511 must be used for emergencies. Phone the contractor on call for that area: If the contractor can't do the work or does not respond within an hour, call the 2nd contractor on list. The 2nd contractor has an hour to get back to you. If no response, then call the 3rd contractor.
  - 4) If vessel is larger than 100' or if the project is occurring close to the end of the fiscal year (June 30), check the DVRP budget carefully.
  - 5) Once vessel is secured or hauled out or the emergency has otherwise been resolved, send owner a notification letter within 7 days. (Templates are available from DVRP; See also, Section 3.1).

**3.4 Helpful Tips:**

Know the size of the vessel you are dealing with - for heavy or tall vessels, there are limits on where they can go. Also, some yards allow outside vendors and some don't, which will impact the competitiveness of a final demolition project.

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A list of Ecology-permitted boatyards is available on the right-hand column of the web page: [Department of Ecology Boatyards Currently Permitted<sup>2</sup>](#).

Here are some considerations for some of the state's boatyards (note that this is not an endorsement of any of the yards - there are additional yards available. The notes below were updated January 2014.)

**a. Olympia**

Swantown Boatworks (Port of Olympia)

- Operates a 82-ton Marine Travelift, hauling vessels from 17 feet to 80 feet in length and up to 21 feet wide.

**b. Tacoma**

Hylebos Marina

- "South Lift" is a 35-Ton Marine Travelift handling boats up to 45 feet long, 14.5 feet wide
- "North Lift" is a 75-Ton Marine Travelift handling boats up to 75 feet long, 18.5 feet wide

Commencement Bay Marine Center

- 45 foot vessel length, 20-ton lift capacity.

Modutech

- Can haul out just about any Power Vessel on the 85-ton rail way.
- Has three Boats Lifts, the biggest being the 85-ton lift.
- No storage of vessels.

**c. Seattle**

South Park Marina (Duwamish)

- Haul-outs to 45 feet using a small crane lift
- Allows outside contractors for demolition; will do demolition themselves
- For sailboats, check height restriction and timing on Duwamish Bridges. yard is located upstream from the old 2nd Ave Bridge; boats coming from the Sound need to pass under several drawbridges.

**d. Port Townsend**

Port Townsend Shipyard

- The largest Marine Travelift on site is capable of lifting vessels up to 150 feet long with a maximum beam of 30'6", weighing up to 330 tons. There is also a smaller Marine Travelift.

**e. Bellingham**

Seaview North

- 165-ton large lift capacity

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<sup>2</sup> <http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html>

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- Platypus Marine offers haul-out services, with a 300-ton rated capacity, and refit services for boats up to 200 feet.
- May allow outside contractors

**g. Port of Everett**

- Two travel lifts: one 75-ton capacity, one 50-ton capacity.
- Travelifts are capable of hauling deep-keel sailboats and boats with stabilizer fins. Maximum vessel width is 19'.

**h. Anacortes**

- Cap Santé Marine: 50-ton travel lift
- North Harbor Diesel & Yacht: 45 tons, up to 65-feet long

**4. CUSTODY PROCESS - (Contact DNR for most recent Custody Templates)****4.1 Reporting Form**

Send DNR a [Vessel Reporting Form](#) to get a DVRP number assigned to the vessel and added to the database by emailing [dvrp@dnr.wa.gov](mailto:dvrp@dnr.wa.gov) calling 360-902-1548 or faxing to 360-902-1786.

**4.2 Other Options**

Have you looked at other options besides custody? Is ticketing for anchorage violations or a trespass action under WAC 332-30-127 more appropriate? Would a “pre-custody” warning letter be appropriate? Do you have the funding to remove the vessel and is it a priority for your agency? Verify that reimbursement funding is available by checking the website or calling DNR’s Derelict Vessel Removal Program Manager at (360) 902-1574.

**4.3 Special considerations: Vessels and Tribes**

If the vessel is registered with an Indian Tribe (indicated by a WN number with three numbers and three letters designating which tribe the vessel is registered with), DNR is not precluded from action under the derelict vessel statutes while the vessel is not in Indian Country, but the Tribal Fisheries office and/or Tribal law enforcement should be contacted to see if they want to play an active role in the action. This is particularly important if the vessel is a fishing vessel. Each Tribe keeps track of its own vessel registration and therefore ownership information is not available from the Dept. of Licensing but instead will need to be obtained from the appropriate Tribal office. Tribal vessels will still display a registration decal that looks the same as a DOL decal but DOL batch-issues those to the Northwest Indian Fisheries Commission for distribution to the Tribes.

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If the vessel is owned by a non-Indian but located in Indian Country, DNR may have jurisdiction to take action against the vessel if it meets the definition of ‘abandoned’ or the portion of the ‘derelict’ definition under RCW 79.100.010(5)(b) or (c). However, the particular details of the situation are important and the AG’s office should be consulted prior to taking action.

**4.4 Custody Process**

Go through the custody notice process described in RCW 79.100.040. Templates are available from DNR. Agencies not using those forms should ensure that their notice meets the minimum content requirements laid out in statute. The owner may waive his/her right to the custody process, but this must be done in writing - agencies interested in this option should contact DNR. The custody notice requirements are:

- a. Post Custody Notice on the vessel for 30 days.
- b. Mail a custody letter to the last registered/documented owner(s), and lien holder(s) or secured interests on record. If the vessel is registered with the Department of Licensing (DOL), information can be obtained from them or through local law enforcement. If the vessel is a documented vessel, order an Abstract of Title from the U. S. Coast Guard’s National Vessel Documentation Center (NVDC3) and send custody letter to any listed lien holders. (It is a good idea, but not legally required, to also send the notice to any purported owners.) Note that recreational vessels may be both registered with the state and documented/titled with the U. S. Coast Guard—the DOL registration will state “no title issued” in those cases.
- c. Post Custody Notice to DNR’s website. For agencies other than DNR this can be done by sending the notice to [dvrp@dnr.wa.gov](mailto:dvrp@dnr.wa.gov) and requesting the website post. Verify that the notice was actually posted at <http://www.dnr.wa.gov/programs-and-services/aquatics/derelict-vessels/notices-intent>
- d. Place a legal notice in a newspaper of general circulation for the county in which the vessel is located at least once, more than 10 but less than 20 days prior to the custody date.

**4.5 Emergency or non-emergency**

If vessel was an emergency and the agency took temporary possession, use the templates for an emergency; otherwise, use regular custody templates. For non-emergency vessel actions, pick whether the “abandoned” or “derelict” definition is most appropriate. If the status is not clear, leave it as “abandoned or derelict”. The custody notices should all be substantially the same. It is permissible to use common abbreviations in the legal notice for the newspaper. If

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<sup>3</sup> <http://www.uscg.mil/nvdc/>

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the custody date falls on a weekend or holiday, it is most legally conservative to push the date to the next business day.

**4.6 Physical possession**

It is recommend that the Authorized Public Entity take physical possession of the vessel on the custody date or as soon as possible thereafter to prevent legal confusion and to keep the condition from deteriorating (assuming the agency hasn't already taken temporary possession). Moving a floating vessel to a marina or haul out facility after the custody date while final arrangements are made for the vessel's disposition will also allow better access to the vessel and assessment of its condition. Alternately, physical possession could include posting a notice on the vessel that custody has been obtained.

**5. REMOVAL AND DISPOSAL**

The steps needed to procure removal of the vessel depend on the vessel's location and condition but will generally include moving the vessel to a temporary holding location, assessing the condition, and arranging for sale or disposal of the vessel, including any permits needed to remove a sunken vessel. If the vessel is not going to get appreciably worse in its current location (e.g., it is sunken or beached in a low energy environment), it may be most cost-effectively addressed by doing the assessment and arrangements for disposal while the vessel stays in its original location. While a vessel can be disposed of at any time after the custody date, if an appeal is anticipated, it is best to hold onto the vessel until the end of the appeal period or until a pending appeal is completed.

**5.1 Project Considerations**

- Keep in mind height, weight, length, beam (breadth), draft (amount of vessel below the waterline) and condition of vessel when selecting where to take it or when drafting up a work order. Haul-out or storage facilities and/or salvage companies must have capacity to address all of those elements.
- Small vessels with no keel can sit on the ground in a storage yard; store sailboats on boat stands, unless the sailboat is very small and has a fully retractable keel or is likely to be demolished in place.
- If towing tall vessels to a facility, check the route for bridges that don't open, Government Lock closures, etc.
- Don't store deep draft vessels in shallow water (they may roll over at low tide and flood on the high tide).
- If the vessel is to be tied to a fixed pier (non-floating dock), make sure the vessel can't slide under the pier at low tide and be caught under the dock when the tide comes in. Make sure mooring lines can accommodate predicted tides (particularly high-highs and low-lows, which may happen at night when no one is around).

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- If the vessel is less than 40' long, it may be trailerable to a dry storage location as long as it is not too wide or too tall (>14'9") to go on the roadways.
- If the vessel is floating soundly, leaving it at a marina tied to shorepower or re-anchored in the bay could be the best option until disposition.
- Keels on sailboats or some other vessels (e.g., Ex-USCG rescue vessels) can be made of many different materials including concrete, lead, steel and in rare cases, bronze. Research on the brand will tell you which. Recycling the keel can reduce costs and sometimes bring returns.

**5.2 Permitting Considerations**

- If the vessel is older than 50 years, a historical review may be necessary. DNR and the Washington State Department of Archaeology and Historic Preservation have agreed that reviews will only be mandatory for vessels built before 1950. An exception might be if the 50-year-old plus vessel built after 1950 has something special, like military service or fishing service that may make it historically significant. If federal funds or permits are required for your project, a federal historical review may be necessary for all vessels older than 50 years. DNR has staff for its historic reviews.
- Vessels that are floating generally don't require permits for removal unless the vessel has a potential to sink in a navigation channel or otherwise interfere with navigation, such as when towing decrepit boats over 50' long. These may require a dead ship tow plan to be filed with the U. S. Coast Guard Waterways Division (see <http://www.uscg.mil/d13/dpw> for contact information).
- Filing an HPA (see discussion in Section 3.2) will generally be required for vessels that are hard aground or sunk on the bottom. A number of permits may be required for removal of vessels that have been sunk in a location for a long time, including, but not limited to, a U. S. Army Corps permit (for dredge or fill) and an Ecology water quality permit. For more information, the [Office of Innovation and Regulatory Assistance](#)<sup>4</sup> can help determine what permits may be necessary.
- Vessels generally cannot be cut up in the water unless that is the only way they can be removed.

**5.3 Disposal**

If a vessel is in poor condition, dispose of it and keep it from being a problem into the future. See also Section 3.3, Emergency Contracting. Generally the options for disposal are 1) get the boat whole to a landfill or 2) hire a company to cut the vessel up. Potentially polluting items like paint, solvents and fuels need to be addressed. Asbestos was used in former

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<sup>4</sup> [http://www.oria.wa.gov/site/alias\\_\\_oria/368/default.aspx](http://www.oria.wa.gov/site/alias__oria/368/default.aspx)

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commercial and military vessels and some recreational vessels, particularly in engine rooms and smoke stacks. Agencies must test for asbestos or hire a company to test for asbestos prior to disposal of vessels that may contain it per WAC 296-62-07712.

- a. Local agencies should follow their internal procedures for contract procurement. Local agencies that are part of the state purchasing network can tap into existing state contracts.
- b. In general, agencies can use their own staff for disposals or enter into Interagency Agreements for disposal. For state agencies, contracts under the direct buy limit (\$10,000 at the time of this document writing) can be procured on a convenience basis or through a state contract.
- c. The state Department of Enterprise Services has several state contracts that may facilitate removal or disposal of vessels. Certain services are covered by mandatory-use state contracts (optional for local governments - mandatory for state agencies). Details on these and other contracts are available at <https://fortress.wa.gov/ga/apps/ContractSearch/ContractSearch.aspx>

Relevant contracts include:

- #05511 Derelict Vessel Services: A purchased service contract with an emergency on-call responder component (for western Washington) and a planned removal approved vendor list component. For state agencies this is mandatory use for services over \$10,000, except for planned removals when the vessel is larger than 100'. For planned removals, agencies can submit a work order request to DES ([contractingandpurchasing@des.w.gov](mailto:contractingandpurchasing@des.w.gov) or call 360-407-2210). Upon submittal of a work request, DES staff will put the work request out to bid to the vendor pool, assess the bids and send the winning bidder's proposal to the agency for approval. Once the bid is accepted, DES will release the cost of the contract. If the agency has a budget price limit, that should be indicated to DES in the work order. Do not submit a work request if you do not have the funding to procure the disposal.
- #03505 Hazardous Waste Handling and Disposal: A purchased service contract for statewide service contract for collecting, packaging, removing, transporting, and disposing of hazardous wastes as regulated under Washington State Dangerous Waste Regulations, Chapter 173, and as otherwise defined herein.
- #01110, Marine Waste Management Services: Service for pumping and disposal of oil, oily debris, sewage and bilge water pumping from marine vessels. Pumping on-board (pier-side) or on-shore applications. Not for vessels at anchor.
- #01807, Analytical Laboratory Services.
- #32206, Environmental Consulting Services: (Personal Service Contract) list of pre-qualified firms.
  - #10103, Correctional Industries Umbrella Contract: includes asbestos and lead abatement.

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- #09108, Recycling Services: Electronics and Spent Lighting.
  - #01509, Scrap Metal Collection and Recycling.
  - #05406, Waste Pumping Services: Waste Pumping Services for waste pumping and disposal of waste generated from discarded grease, fats and oils from food preparation facility collection/removal systems, sewage from septic tanks/vaults, and parking lot oil/water separators.
- d. DNR internal disposal: For vessels that will fit on the DNR flatbed trailer and do not have substantial fuel or any other hazardous materials—usually cabin cruisers less than 35'. Contact DNR Heavy Haul truck driver (Equipment Services) to arrange pick up. This will require a DVRP employee to arrange haul out, get the exact height and width measurements of the vessel, and work with the truck driver to secure all debris. Engineering Division staff at the DNR Compound will need to pull the engine block, fuel tanks, batteries, and fire extinguishers. DVRP has a portable drive-on containment diaper at the Compound for deployment under the semi while work is being done on the vessel and a fuel containment barrel storage locker. If there is more than minor residual fuel in the tanks, do not consider this option. The DNR truck driver will arrange pilot cars if needed.
- e. Due to the complexity of the project, vessels over 100', go out to bid separately through a Request for Proposal or Request for Quotations and Qualification as a purchased service contract. State agencies will need to advertise these opportunities on the state's contracting database WEBS. For DNR, talk to contract officer in Financial Management Division for questions on process.

Once a vessel has been disposed of, report disposal of the vessel to the Department of Licensing (state registered or titled vessels) using the [Vessel Report of Sale form \(required in RCW 88.02\)](#) or to the U. S. Coast Guard National Vessel Documentation Center (for documented vessels) at their fax 304-271-2405, to keep their records up to date. DNR has sample letters and forms if desired.

**5.4 Sale.**

If the vessel is in poor condition, it should not be sold. If it is in marginal condition, it shouldn't be sold without some sort of process to make sure that the vessel won't be re-abandoned.

- a. Vessels seized under 79.100 RCW do not become the property of the agency doing the seizure. Transferring title into the agency's name is not required. If the agency sells the vessel, the agency can write a letter stating how it acquired the vessel (samples available from DNR) and the new owner can take that letter and the bill of sale to the Department of Licensing for a new title. The agency must file [a Vessel Report of Sale](#)

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[form](#)<sup>5</sup> with DOL. For documented vessels there is a similar process, but the NVDC will require more backup documentation, such as proof of compliance with the statute. Transfer of title by operation of state law is provided for in 46 CFR 67.91.

- b. If the vessel is offered at auction, a minimum bid, a letter of credit, or both may be required to discourage future re-abandonment of the vessel. Local agencies should follow their own internal process for public sales. For state purposes, vessels seized under Chapter 79.100 RCW are not state property and do not have to be surplused through the Department of Enterprise Services ([DES](#)) [Surplus program](#)<sup>6</sup>, but that is a viable option. Authorized Public Entity staff would write up specifications, provide photos of the vessel (if available), and submit them to DES through [Surplus@des.wa.gov](mailto:Surplus@des.wa.gov) or by calling 360-407-2270.
- c. Proceeds of Sale: The proceeds derived from the sale of the vessel, or any of its parts, must first be applied to the costs incurred by the Authorized Public Entity that performed the removal. If the proceeds exceed the costs incurred by the Authorized Public Entity, the remaining money will be applied to any liens registered against the vessel. If the proceeds of the sale exceed the costs incurred by the Authorized Public Entity and any liens against the vessel, the remaining money will be deposited into the Derelict Vessel Removal Account (DVRA).
- d. Sale of vessels >65' and older than 40 years: there are special requirements for sale of these vessels in RCW 79.100.150 that don't apply to the sale of vessels seized under the DVRP statutes. In general it is a good idea to meet the spirit RCW 79.100.150 and WAC 332-08-122 when selling these vessels but it is not legally required.

**6. REIMBURSEMENT:**

Following the removal of a vessel, the Authorized Public Entity must attempt to obtain reimbursement from the owner of the vessel. If the owner of the vessel is not known or is unable to pay, up to 90% of all reasonable and auditable costs associated with the removal of vessel will be reimbursed from existing DVRA funds and/or emergency removal funds.

**6.1 Reimbursable Expenses**

- a. Funds from the DVRA shall be used to reimburse Authorized Public Entities for up to ninety (90%) percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown (after a reasonable search effort) or unable to pay as described in RCW 79.100.100(1). Reimbursement requests must be submitted within three months of the vessel being destroyed, unless legal proceedings or other extenuating

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<sup>5</sup> <http://www.dol.wa.gov/vehicleregistration/reportsaleboat.html>

<sup>6</sup> <http://www.des.wa.gov/services/Surplus/Pages/default.aspx>

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circumstances prohibited the total cost from being known prior to that. Administrative Costs

All administrative costs associated with obtaining custody, removing or disposing of the abandoned or derelict vessel are considered eligible for reimbursement. This includes, but is not limited to:

- Actual removal and disposal costs,
- The cost of transporting the vessel to the disposal site,
- The cost of any storage prior to disposal, salvage or sale (generally up to 4 months, unless there are extenuating circumstances),
- The cost of in-kind services,
- Use of existing staff or equipment, and
- The value of any volunteers used.

b. Environmental Damage Costs

All costs associated with environmental damages directly or indirectly caused by the abandoned or derelict vessel are eligible for reimbursement from the DVRA. However, the costs eligible for DVRA funds are limited to those costs not reimbursed through other grants or assistance programs.

c. Costs of Removing Hazardous Materials

Costs associated with the removal and disposal of hazardous materials are reimbursable. However, if the vessel poses a substantial pollution threat the entity should consult with the Washington Department of Ecology to see if they will remove fuel or other potential pollutants.

d. Multiple Authorized Public Entities

For abandoned or derelict vessels located within the jurisdiction of multiple Authorized Public Entities, the Authorized Public Entities can join together and divide the cost of the removal operation among them. Forming partnerships will reduce the 10% contribution for individual Authorized Public Entities if the project is reimbursed by the DVRA. For example, in a situation where three Authorized Public Entities have partnered to remove a vessel at a total cost of \$12,000, each Authorized Public Entity would be responsible for \$4,000. 90% of the \$4,000 would be reimbursed by the DVRA, leaving only \$400 unreimbursed per Authorized Public Entity. A single Authorized Public Entity removing the same vessel at the same cost would be responsible for \$1,200.

## **6.2 Reimbursement by Vessel Owner**

The owner of an abandoned or derelict vessel is responsible for reimbursing an Authorized Public Entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel. These costs include, but are not limited to, costs incurred exercising the

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authority granted in chapter 79.100.030 RCW, all administrative costs incurred by the Authorized Public Entity during the procedure set forth in chapter 79.100.040 RCW, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. Reimbursement for costs may be sought from an owner who is identified subsequent to the vessel's removal and disposal. An Authorized Public Entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

**6.3 Reimbursement from the Derelict Vessels Removal Account (DVRA)**

The derelict vessel removal account was created to provide funds for reimbursement to Authorized Public Entities for up to ninety percent (90%) of the total reasonable and auditable costs, such as administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the last owner is either unknown after a reasonable search effort or insolvent as described in RCW 79.100.100 (1). The Authorized Public Entity should bill a known owner. If that bill is not paid within thirty days, they can approach the DVRP for reimbursement. The other option is to prove that the owner is insolvent and has no assets to pursue.

- a. Reasonable Search Effort - Not all conceivable means need be used, but an honest and reasonable search effort should be made to identify and locate the owner. Where the Authorized Public Entity possessed information regarding the owner's identity or location, but failed to follow up on that information, the Authorized Public Entity did not make an honest and reasonable search effort necessary to allow for reimbursement by DVRA. The focus for determining if a reasonable search effort is made will be on what the Authorized Public Entity did rather than on what the Authorized Public Entity failed to do.
- b. Insolvency - Generally, an individual is considered insolvent if they are unable to pay their debts as they fall due, in the ordinary course of trade and business. They may also have liabilities in excess of the reasonable market value of their assets.

**6.4 Additional options for Port Moorage Facilities**

The derelict vessel funding authorization statute (RCW 79.100.100(d)) refers broadly to RCW 53.08.320, which includes sub-sections that apply to vessels abandoned in a boatyard/upland storage.<sup>7</sup> Under the port moorage statute, port rules can be developed to address when to move vessels ashore for storage if the vessel is "in the opinion of port personnel a nuisance, in danger of sinking or creating other damage, or is owing port

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<sup>7</sup> "Costs associated with removal and disposal of an abandoned or derelict vessel under the authority of RCW 53.08.320 also qualify for reimbursement..."

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charges”.<sup>8</sup> If the owner of a vessel that has been moved ashore is not known or unable to reimburse the moorage facility for the costs of the procedure, the facility may seek 90% reimbursement from the derelict vessel removal account.<sup>9</sup>

DNR generally prioritizes funding for addressing vessels *in the water* that have been “abandoned” or have become “derelict” as those terms are defined in RCW 79.100. Nevertheless, as the funding authorization statute appears to be broadly written, at this time DNR will consider reimbursing port moorage facilities for disposal of vessels abandoned on land; however reimbursements will only be done on a quarterly basis (end of Sept, Dec., March, June) and have lowest priority for funding.

For Port Moorage Facilities to be eligible for reimbursement they must meet the insurance requirements in RCW 53.08.480. Port moorage facilities are required to be insured and to require their moorage tenants to be insured (except transient moorage tenants). If a port moorage facility does not have insurance or does not require its moorage tenants to have insurance in accordance with RCW 53.08.480, it is not eligible for reimbursement from the Derelict Vessel Removal Account (DVRA), regardless of the statute used to seize the vessel. A facility’s ineligibility for funding through the DVRA does not diminish its authority to seize vessels under RCW 79.100 or RCW 53.08.

**6.5 Funding Requests**

The DNR will review all funding requests on a monthly basis. Funding requests will be reimbursed in order of the priority of the vessel removed, starting with priority 1 vessels and working down to the priority 5 vessels.

The oldest applications will be reimbursed first. The estimated fund balance and the estimated funds available for removal will be adjusted and posted quarterly on the [DVRP web page](#).<sup>10</sup>

**7. REQUESTING DNR TO ASSUME PRIMARY RESPONSIBILITIES OF ANOTHER AUTHORIZED PUBLIC ENTITY**

An Authorized Public Entity has primary responsibility to remove a derelict or abandoned vessel when the Authorized Public Entity is the owner, lessee, or operator of the moorage facility or the aquatic lands where the vessel is located. If the Authorized Public Entity is unwilling or unable to exercise its authority, it may request that DNR assume the Authorized Public Entity’s authority for the vessel.

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<sup>8</sup> RCW 53.08.320(2)

<sup>9</sup> *Id.*

<sup>10</sup> <http://www.dnr.wa.gov/programs-and-services/aquatics/derelict-vessels/derelict-vessel-inventory-and-funding>

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To request that DNR assume the Authorized Public Entity's authority for a vessel, the Authorized Public Entity must make the request in writing to DNR. The DNR may, at its discretion, assume the Authorized Public Entity's authority for a particular vessel after being requested to do so. The criteria DNR will use to determine whether or not it will assume an Authorized Public Entity's authority for a vessel include, but are not limited to:

**7.1 Ability of the Primary Authorized Public Entity to Fund the Removal**

For a vessel on lands not owned by the state (e.g., privately owned tidelands or county-owned aquatic lands), primary Authorized Public Entities that do not have the financial ability to fund the removal, but are willing to partner and/or share costs, may use this as a reason to request DNR take responsibility for the removal of a vessel. Primary Authorized Public Entities with the ability to fund a vessel removal will be required to demonstrate that other conditions exist that would justify DNR assuming responsibility for the removal of that vessel.

**7.2 Technical Complexity of the Removal**

If the technical complexity of a removal operation exceeds the ability of the primary Authorized Public Entity to perform the operation, it may request DNR assume responsibility for the removal. Factors adding to the technical complexity of a removal include, but are not limited to, extensive permitting, sensitive environmental conditions, coordination between multiple entities and agencies, large quantities of hazardous materials, and complex legal considerations.

**7.3 Availability of DVRA Funds**

DNR will consider if DVRA funds or other funds are available for reimbursement of project costs. In the case where DVRA funds are not available but can be secured through an assurance of future funds, DNR may choose to accept primary responsibility for the removal of the vessel.

**7.4 Availability of DNR Funds for 10% Match Contribution**

DNR will consider the availability of funds to cover its 10% contribution of the total cost for the removal (matching funds). Normally, DNR will not accept responsibility for a vessel removal if the 10% matching funds are not available.

**7.5 Property Ownership**

DNR will take into consideration whether a public or private entity owns the aquatic lands where the vessel is located. Ownership will be considered to ensure that DVRA funds and the resources of DNR are committed to providing the maximum benefit possible to the citizens of the state.

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DNR will attempt to collect debts from the vessel owner in cases where DNR was the lead agency and where DNR reimbursed another agency for a vessel's removal. DNR may seek cost recovery directly, in court, or through a collection agency. DVRP staff will follow the collections procedure established by the DNR Financial Management Division. Attempts to collect, including default letters, phone calls, etc., should be well documented in the file:

**9. DOCUMENTING INSPECTIONS FOR LARGER, OLDER VESSELS.**

The 2013 Washington State Legislature passed House Bill 1245 into law which required owners of vessels that are older than 40 years and longer than 65' to conduct a marine survey of their vessels prior to sale and to provide the surveys to both the prospective buyers and DNR. The law amended RCW 79.100.060 and .150 Derelict Vessels Act. It recognized that larger older vessel pose a higher risk of becoming derelict and threatening Washington state's marine and freshwater environment, public safety, and navigation.

The law directed DNR to develop administrative rules that specify procedures and standards for these vessel inspections. DNR conducted a formal public rulemaking process which resulted in the Board of Natural Resources adopting additions to WAC 332-08 on May 6, 2014. The rules took effect on July 1, 2014. As part of the rule implementation DNR will maintain records of inspection as provided by owners of these vessels.

**9.1 Criteria for Which Vessels Require Inspections**

A vessel must be inspected prior to sale or transfer if it is:

More than sixty-five feet in length and more than forty years old; and

Either:

- Is registered or required to be registered under chapter 88.02 RCW; or
- Is listed or required to be registered under chapter 94.40 RCW.

**9.2 Entities Responsible for Providing DNR with Inspection Documentation**

Before transferring ownership of the vessel, the seller/transferor must provide the department a hard copy of the vessel inspection disclosure report and department-issued Acknowledgement Form with original, notarized signatures of the seller/transferor and the buyer/transferee acknowledging receipt of the vessel inspection disclosure report. (see RCW 79.100.15 and WAC 332-08-123).

**9.3 Minimum Criteria for Vessel Inspections**

Vessel inspection disclosure reports must document the condition, valuation, and suitability of the vessel for service. Current U.S. Coast Guard certificates of inspection are acceptable forms of vessel condition determination. The vessel inspection disclosure report may be

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prepared for either the owner, lien holder, buyer/transferee, vessel broker, or associated financial and insurance provider(s) for the vessel. Vessel inspections must be prepared by a professional marine surveyor who is a third party to the transaction. The vessel inspection must be completed within thirty (30) days prior to the seller/transferor transferring ownership of the vessel.

**9.4 Procedure for Vessel Inspection Documentation**

The seller/transferor must file a hard copy vessel inspection disclosure report and supporting documentation at the following address:

DNR Aquatic Resources Division Derelict Vessel Removal Program  
1111 Washington Street SE; MS 47027  
Olympia, WA 98504-7027

DNR will accept hard copies of a vessel inspection disclosure report and completed Acknowledgement Form from sellers/transferors. DNR will transmit either a hard copy or electronic notice of receipt to the seller/transferor within ten (10) business days of receiving the vessel inspection disclosure documentation. DNR-issued notices of receipt do not constitute concurrence that the vessel inspection disclosure documentation meets the minimum criteria for a vessel inspection disclosure report, specified in WAC 332-30-123 or that the documentation was received prior to ownership transfer of the vessel. DNR will maintain records of vessel inspection disclosure documentation for future determination of potential secondary liability.

DNR may pursue secondary liability under RCW 79.100.150 for costs associated with removal and disposal of a derelict or abandoned vessel if the prior owner(s) did not provide the department copies of a vessel inspection disclosure report, as specified in WAC 332-30-123, before transferring ownership of the vessel.

DNR will notify a prior owner of a vessel, determined to be derelict or abandoned, that they have secondary liability when cost recovery is sought, if:

- An authorized public entity has taken, or is in the process of taking, custody of the derelict or abandoned vessel;
- The current owner cannot be identified or is financially insolvent;
- The department does not have vessel inspection disclosure documentation on record for the derelict or abandoned vessel; and
- The vessel was transferred after July 1, 2014.

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DNR keeps an [inventory](#) of “vessels of concern” that are ranked by priority for DVRA funding based on the following [criteria](#) (lowest number = highest priority):

Severity of potential threats to human health and safety and the environment will be evaluated based on many factors, including, but not limited to:

- Condition of the vessel
- Condition of its anchoring or mooring system
- Size of the vessel
- Proximity to navigation channels
- Anticipated weather conditions
- General potential for harmful encounters with people or property
- The toxicity or hazard potential of the hazardous substance(s) on board the vessel
- Location of the vessel, particularly its proximity to potentially sensitive areas or populations
- Potential as an attractive nuisance
- Owner’s involvement with vessel, including factors such as proper registration, actions actually taken or not taken, and owner’s ability to take care of the vessel or lack thereof

<b>Priority 1</b>	<b>Emergencies</b>	<p>Vessels that are in danger of sinking, breaking up or blocking navigational channels, or that present environmental risks such as leaking fuel or other hazardous substances.</p> <p>Category includes, but is not limited to, vessels that meet the <a href="#">temporary possession criteria</a> or that will meet those criteria if owner stops taking or fails to take action.</p> <p>Examples include: vessels adrift, sinking, dragging anchor, badly anchored/moored, pumps barely keeping up with water intake, beached and breaking up, sunk in a navigation channel, presenting environmental risk such as leaking fuel or other hazardous materials, etc.</p>
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<p><b>Priority 2</b></p>	<p><b>Non-emergency existing threats to human health, safety and environment</b></p>	<p>Vessels, floating or sunken, which pose an existing or probable future—but not immediate—threat to human health, safety and the environment. These vessels are likely to become Priority 1 vessels after a minor change in circumstances.</p> <p>Examples include: vessels sunk near a boat launch; vessels beached near a public access area; vessels abandoned and unattended in an area of high current or vessel traffic; vessels that need to be pumped continuously to stay afloat and are not tied to shore power; vessels sunk where they may be a hazard to small vessel navigation (e.g., sunk just under the surface); vessels in advanced state of deterioration and/or dismantled - particularly those with fuel on board.</p>
<p><b>Priority 3</b></p>	<p><b>Vessels impacting habitat and not already covered in prior category</b></p>	<p>Any vessel, floating or sunken, that doesn't meet one of the previous categories but still poses a direct threat to any of the elements of the <a href="#">natural environment</a>, including vessels that impact:</p> <ul style="list-style-type: none"> <li>• Any plant or wildlife species listed on a state or federal endangered, threatened, proposed, sensitive, candidate, concern or monitor list.</li> <li>• Essential Habitats where listed species have primary association, such as spawning areas.</li> <li>• Any other plant or animal species protected by local, state, or federal agency.</li> <li>• <a href="#">Aquaculture practices</a> and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or saltwater areas.</li> <li>• <a href="#">Marine protected areas</a>, restoration areas or <a href="#">aquatic reserves</a>. (A vessel can potentially impact these areas without being located within its boundaries.)</li> </ul> <p>Examples include vessels: in close proximity to shellfish beds or public beaches, sunk or abandoned in or near a marine reserve, aground on surf smelt or sand lance habitat, creating barriers to fish passage, etc.</p>
<p><b>Priority 4</b></p>	<p><b>Minor navigation or economic impact</b></p>	<p>Vessels, floating or sunken, that don't meet one of the previous categories but pose an economic impact, such as: blocking a marina slip, a public park buoy or guest dock; or vessels in trespass in a planned buoy field, or at a private mooring buoy, etc.</p>

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<b>Priority 5</b>	<b>Other abandoned or derelict vessels</b>	Vessels that meet the definition of abandoned or derelict, but do not satisfy any of the criteria listed above. These vessels may be sunk at depth; floating but well-kept, and attended vessels in trespass, etc.
<b>Priority 6</b>	<b>Vessels abandoned in boatyards</b>	Vessel seized under RCW 53.08.320 seeking reimbursement from DVRA when the vessel was abandoned in a boatyard.

These criteria were updated based on changes made during the 2013 Washington State Legislative session.

**Reimbursement of Vessel Removal Expenditures by Priority**

DNR is directed by [statute](#) to create informal guidelines for prioritizing removal projects for reimbursement purposes when the Derelict Vessel Removal Account is to be used. When funding is limited, expenditures for removing higher priority vessels are generally reimbursed first, when compared with other projects applying for reimbursement within the same timeframe. DNR may reimburse authorized public entities for removal of derelict or abandoned vessels of lower priority than other vessels when DNR determines that adequate funds will remain in the Derelict Vessel Removal Account. Examples of when DNR may approve removal of lower priority vessels include, but are not limited to, removal of a number of vessels in the same geographic area for more efficient/cost effective removals, and removal of lower priority vessels to avert emergencies.

**Vessel inventory and removal lists**

These lists change frequently but are updated on the website quarterly. For up-to-date information please contact the [Derelict Vessel Removal Program](#).

- **Derelict or Abandoned Vessels: Inventory of Vessels of Concern**  
List of vessels that DNR has identified as potentially derelict or abandoned. Vessels are listed in order of priority; however, as explained above, this order doesn't necessarily correspond with the order of removal.
- **Derelict or Abandoned Vessels: Removals Completed**  
List of all the vessels that the Derelict Vessel Removal Program has removed since the program began. Project ID number: The Project ID numbers on these lists consist of a two digit county code, the year the vessel was reported and the order in which the vessel was reported to DNR. For example PI06-008 would be the eighth vessel reported in Pierce County in 2006.