



Revising rules for selling older, larger vessels

DNR'S DERELICT VESSEL REMOVAL PROGRAM TO SEEK PUBLIC COMMENT

The Washington State Department of Natural Resources (DNR) is developing new rules for the Derelict Vessel Removal Program, as directed by the 2013 Washington State Legislature. The rules will specify procedures and standards for vessel inspections required for owners of vessels longer than 65 feet and older than 40 years. DNR will seek public input on the new rules later this year.



The Deep Sea caught fire and sank in Penn Cove on Whidbey Island in May 2012. Raising, removing and disposing of the vessel cost the state nearly \$3 million. Photo: Toni Droscher / DNR

The 2013 legislature passed House Bill 1245. Key elements of this law:

- Increase owner accountability.
- Prevent vessels from becoming derelict or abandoned.
- Continue the \$1 surcharge on boating registration fees to address the backlog of vessels needing removal and /or disposal.
- Set up a voluntary vessel turn-in program.
- Establish a workgroup to further explore ways to address the problems caused by derelict vessels.
- **Require owners of larger, older vessels to conduct a marine survey of their vessels prior to sale.**

The Rulemaking Process

Legislature passes a bill.
Governor signs the bill into law.



Law is added to the Revised Code of Washington (RCW), giving authority to state agencies to carry out its provisions.



Agency proposes rules to implement the law.



Public reviews and comments on the draft rules.



Agency adopts the rule, which becomes part of the Washington Administrative Code (WAC).

The law recognizes that larger, older vessels pose a higher risk of becoming derelict and threatening Washington state's marine environment, public safety, and navigation.

The rule-making process will provide an opportunity for interested parties and the general public to comment on:

- Which private or public entities could be authorized to conduct vessel inspections.
- The required elements of inspections. (*See back page for proposed criteria.*)
- How the inspections should be documented.

The rules will require that vessel inspections must:

- Provide the transferee with current information about the condition of the vessel, including its hull and key operating systems, prior to the transfer.
- Provide DNR with information for each applicable vessel to improve the agency's understanding of the condition of larger, older boats in the state's waters.
- Maximize the efficiency and effectiveness of the inspection process.

CONTACTS:

Lisa Randlette | Environmental Planner | 360-902-1085 | lisa.randlette@dnr.wa.gov

Washington State Department of Natural Resources

FS-14-001 | REVISED 03/10/2014

Process for developing rules

- **July 22, 2013** — DNR files a CR 101 “Proposal Statement of Inquiry” with the State Code Reviser.
- **January 2014** — DNR prepares draft rule language and evaluates probable benefits and costs. Files CR-102 “Proposed Rule Making” to be published in the Code Reviser’s State Register.
- **February – March 2014** — DNR conducts stakeholder and public outreach and hearings on draft rule.
- **March 25, 26 and 27, 2014** — DNR holds public hearings and revises rule to reflect public input.
- **April – May 2014** — Board of Natural Resources considers final rule for adoption.

Proposed Criteria for Vessel Inspections

The proposed rules call for inspections to be completed within six months prior to the seller’s transfer of ownership of the vessel. Current U.S. Coast Guard certificates of inspection are acceptable forms of vessel condition determination. The following criteria are proposed for inclusion in inspections, where applicable:

- **Cover page describing**
 - Report title identifying type of survey.
 - Date report issued.
 - Contact information for surveyor.
 - Current photograph of vessel, date and location.
 - Official vessel number.
- **Vessel description**
 - General description.
 - Vessel name.
 - Current legal owner.
 - Intended use of vessel.
 - Design.
 - Type of construction.
- **Systems evaluation**
 - Type of propulsion.
 - Auxiliary engines.
 - Electrical systems.
- **Vessel particulars**
 - Builder
 - Displacement
 - Length
 - Breadth
 - Draft
 - Fuel system
- **Surveyor's notes and condition rating**
- **Conditions**
 - Overall appearance.
 - Hull and superstructure condition.
- **Surveyor recommendations**
- **Appraisal of market value**
- **Replacement value**
- **Suitability for service** including an estimate of anticipated cost of repairs necessary to return the vessel to seaworthiness.

Rulemaking 101

DNR uses rules to describe agency processes that directly affect the public. The rules inform the public of the means by which DNR fulfills its responsibilities and provide a process for public involvement. The final, adopted rules are added to the Washington Administrative Code (WAC) and are legally binding. The process for adopting rules is governed by Chapter 34.05 RCW, the Administrative Procedures Act (APA). The APA is intended to provide greater public and legislative access to agency decision-making. It ensures public notification and opportunity for public comment in the rule-making process.

For more information:

- Download the rule-making documents: <http://1.usa.gov/1f8gfz3>
- Visit DNR’s Derelict Vessel Removal Program web page: http://bit.ly/dnr_dvrp
- Download HB 1245: <http://bit.ly/dvrp1245>

CONTACTS:

Lisa Randlette | Environmental Planner | 360-902-1085 | lisa.randlette@dnr.wa.gov
Washington State Department of Natural Resources
FS-14-001 | REVISED 03/10/2014