

ADDRESSING ABANDONED & DERELICT VESSELS

Virginia Marine Debris Reduction Summary Series

What are the safety, economic and environmental impacts of abandoned and derelict vessels?

Abandoned and derelict vessels (ADV) threaten our ocean, coasts, and even inland waterways by obstructing navigational channels, causing harm to the environment (fuel leakage, release of hazardous materials, and habitat disturbance), and diminishing commercial and recreational activities. Unsightly abandoned vessels can also be a nuisance, attract vandals, and negatively impact tourism. ADVs can present many financial impacts:

- Marinas lose revenue when an abandoned boat occupies or damages a rentable slip.
- Marina owners, property owners, communities, or governments bear the expenses (in time and dollars) when they follow the process of obtaining the title for an ADV in order to legally remove it.
- Law enforcement and the United States Coast Guard (USCG), may be obligated to conduct costly search and rescue operations at taxpayers' expense for persons assumed to be missing when reports of ADVs are received.
- Destruction of, or damage to infrastructure, living shorelines, oyster reefs, aquaculture (fish or shellfish farming) gear, etc. can be caused from unmoored boats, or sunken boats that move during storms.

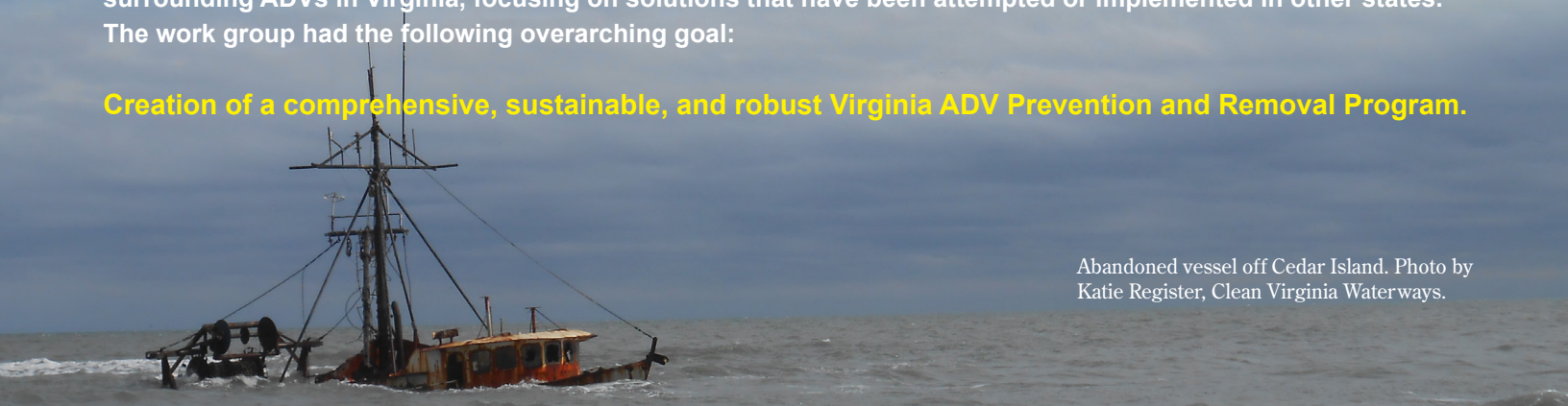
From January 2021 to May 2022, the Virginia Abandoned and Derelict Vessels (ADV) Work Group, formed by the Virginia Coastal Zone Management (CZM) Program and Clean Virginia Waterways (CVW), examined the issues surrounding ADVs in Virginia, focusing on solutions that have been attempted or implemented in other states. The work group had the following overarching goal:

Creation of a comprehensive, sustainable, and robust Virginia ADV Prevention and Removal Program.



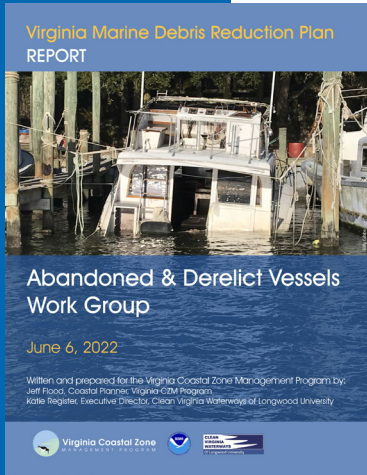
Abandoned boats can be found almost anywhere—at marinas, in tidal marshes, in backwaters, and along shorelines of Virginia's waterways. Photo by Billy Gibbs.

www.deq.virginia.gov/coasts/marine-debris



Abandoned vessel off Cedar Island. Photo by Katie Register, Clean Virginia Waterways.

About the Virginia Abandoned and Derelict Vessels Work Group



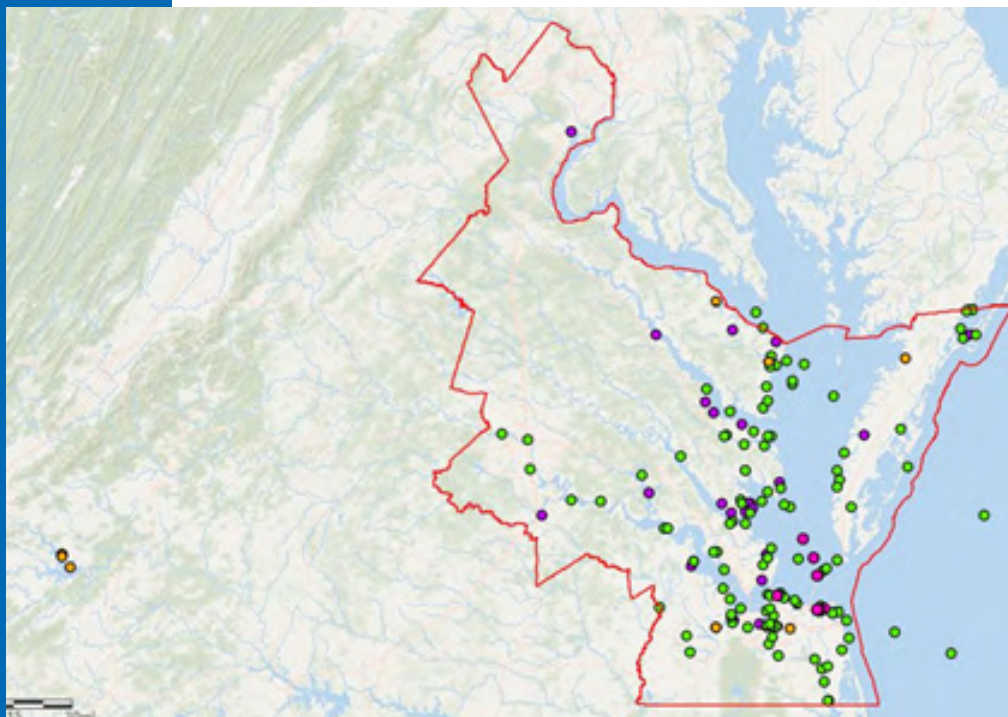
Creation of the ADV Work Group was recommended in the *2021-2025 Virginia Marine Debris Reduction Plan* (VMDRP) and the group is now led by Virginia CZM and CVW. The work group includes government agencies (Federal, state and local), Virginia Tribes, nonprofit organizations, academia, marina managers, towers, regional planning bodies, environmental non-governmental organizations, and members of the boating community. CVW and Virginia CZM authored a report including the Virginia ADV Work Group research and policy recommendations (downloadable from Virginia CZM and CVW websites - see page 4). Concurrent with the work of the group, the Virginia Coastal Policy Center (VCPC) at the College of William & Mary's Law School researched and published a policy paper, *Abandoned and Derelict Vessels in the Commonwealth: How to Improve Virginia's ADV Program*. This thorough legal and policy analysis provided advice to Virginia's decision-makers, government officials, and non-profit and business leaders on this complex issue.

Definitions

Virginia law defines "abandoned watercraft" as a watercraft that is left unattended on private property for more than ten (10) days without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property (§ 29.1-733.2). It is unlawful in Virginia for an owner to allow a vessel to be in a state of abandonment and in danger of sinking, or in such disrepair as to constitute a hazard or obstruction to the use of a waterway as any vessel in significant disrepair that may pose a threat to the public or the environment (§ 28.2-1210(B)).

Best Practices

Virginia CZM and CVW staff researched the laws, programs, and funding associated with ADVs from nine other states to inform discussions by the ADV Work Group. Virginia CZM and CVW also solicited input from others concerned with the burden of ADVs including private waterfront property owners, local governments (including local wetlands board staff), law enforcement agencies, Tribes, and two universities.



Preliminary map of ADVs in Virginia. ADVs reported by the USCG are shown as green dots, those reported by the Virginia Marine Resources Commission are purple dots, and those reported by the Virginia CZM/CVW survey are orange dots. Dots may include more than one vessel. Note the inclusion of ADVs reported in Smith Mountain Lake, well outside Virginia's Coastal Zone (red line), but nevertheless an important region in the statewide effort to address ADVs.

Current Processes for Removal of ADVs - Stakeholder Feedback

Because ADVs are typically personal property, that property cannot be taken (by a government, marina, or others) without following strict steps, designed to protect citizens' property rights. The current process, outlined in a document by the Virginia Department of Wildlife Resources (DWR), can be time consuming, expensive, and frustrating to those who want to remove an ADV. There are also concerns about the liability associated with temporarily taking ownership of the ADV during the removal and disposal process. By far, the main concern expressed to Virginia CZM and CVW was the question of fairness – if a landowner (or marina manager) awakens to find an abandoned boat on their property, the entire burden for finding the lawful owner, and the expense of removal (if the boat's owner cannot be located or held accountable), falls to the hapless landowner. CVW and Virginia CZM heard over and over that the current process to remove an ADV places an unfair burden on property owners and marina owners. Stakeholders mentioned the need for a state-funded program that would a) make proper disposal of older boats more affordable and less burdensome for boat owners, and b) cover the costs of removal of ADVs in cases where the owner is unknown or unable to remove the vessel.

Existing Authority and Funding

Virginia's current approach to addressing the increasingly prevalent issue of ADVs splits responsibilities between DWR and the Virginia Marine Resources Commission (VMRC); relevant statutes are in multiple chapters and sections of the Code of Virginia. There is currently no funding directly allocated to addressing ADVs at the state level. Furthermore, existing funding dedicated to DWR or VMRC is earmarked to support critical agency operations, including personnel.

Inventory

Based on researching other states' ADV programs, Virginia CZM and CVW staff started an inventory of ADV locations, status, and last known owner information to assist in the process of prioritizing vessels for removal. The nascent inventory, built on information from USCG Sector Virginia, VMRC, marinas, and boaters has approximately 200 ADVs as of June 2022.

Fiberglass Reuse Options

First generation fiberglass boats from the 1970s through the 1990s are at the end of their usefulness and are expensive to dispose of; some owners abandon or sink their boats to avoid the disposal expenses. The usual end-of-life disposal for old fiberglass boats in Virginia is to be chopped up, crushed, or shredded and taken to landfills where they will persist. The ADV Work Group is exploring a possible collaboration to use old fiberglass hulls as an alternative energy source for fueling cement plant kilns.



Report Abandoned Vessels

Abandoned boats can be hazardous to navigation and the environment.

Enter information about abandoned vessels using this QR code:

Virginia Abandoned and Derelict Vessels Work Group
www.longwood.edu/cleanva/ADV.html
www.deq.virginia.gov/get-involved/coastal-zone-management/ocean-management/marine-debris

Virginia Coastal Zone Management Program | NOAA | CLEAN VIRGINIA INITIATIVE | DEPARTMENT OF ENVIRONMENTAL QUALITY

This flyer was funded by the Virginia CZM Program through grant NA22OZ04190207 from NOAA. The Virginia CZM Program is a network of Virginia state agencies and coastal localities led by and located at the Department of Environmental Quality.

Flyer for ADV Inventory - distributed in April 2022 by members of the ADV Work Group, including USCG Sector Virginia, the U.S. Army Corps of Engineers (USACE) Norfolk District, and marinas across the state.

Resources Required for a Virginia ADV Program

A comprehensive, sustainable, and robust Virginia ADV Prevention and Removal Program will require staff to document vessel locations, track ownership, prioritize removal and disposal, and manage contracts for ADV removal and disposal. Additional resources will be needed to identify at-risk vessels, explore options for fiberglass hull reuses, create a Vessel Turn-in Program, and educate boat owners on their responsibilities to dispose of their older vessels.

Legislative Recommendations

Recognizing that the ADV problem is complex, the ADV work group focused mainly on recreational boats that have been abandoned in waterways. To address the ADV issue in Virginia, the following recommendations were made:

- In Year 1 (2023-2024) the Virginia General Assembly should allocate approximately \$3 million of state FY2023 General Funds to the Virginia Marine Resources Commission's (VMRC) existing Marine Habitat and Waterways Improvement Fund (WIF) to physically remove up to 100 high-priority ADVs and fund 1-2 new full-time VMRC staff and/or Virginia Marine Police officers for the new Virginia ADV Removal and Prevention Program.
- In Year 1 (2023-2024) the General Assembly should authorize the creation of an ADV Stakeholder Advisory Council (ADVSAC) to advise the creation and implementation of the Program.
- In Year 2 (2024-2025) the General Assembly should again allocate approximately \$3 million of General Funds to VMRC's WIF for continued ADV removal and Program staffing. The ADVSAC should be tasked with Program evaluation, creating a formal process to guide ADV removals, including a possible cost-benefit analysis. The ADVSAC should also review solutions to issues posed by liability during ADV removal as well as evaluate the feasibility of a Vessel Turn-in Program.
- In Year 3 (2026) and beyond the General Assembly should continue to allocate General Funds (TBD) to VMRC's Waterway Improvement Fund to support ADV removal and Program staffing. Given the anticipated progress made in Years 1 and 2, the ADV work group anticipates a streamlined program with sustainable funding and technical expertise to function self-sufficiently (with minimal work group assistance) and be able to examine the challenges and possible solutions to:
 - Abandoned commercial vessels
 - Vessels that are derelict, but not (yet) abandoned
 - Vessels that are abandoned on land, for example in parking lots
 - Vessel material salvage and reuse processes



Resources

The following documents can be downloaded from www.deq.virginia.gov/coasts/marine-debris or www.longwood.edu/cleanva/ADV.html:

- Full ADV Work Group Report - Flood, J., and Register, K. 2022. Report from the Virginia Abandoned and Derelict Vessels Work Group. Prepared for the Virginia Coastal Zone Management Program
- 2021-2025 Virginia Marine Debris Reduction Plan
- VCPC's Policy White Paper - Abandoned and Derelict Vessels in the Commonwealth: How to Improve Virginia's ADV Program

Virginia ADV Work Group web page: www.longwood.edu/cleanva/ADV.html

CVW's YouTube Channel: www.youtube.com/c/CleanVirginiaWaterwaysOfLongwoodUniversity

ADV Inventory Reporting Form: <https://tinyurl.com/ReportADV>

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June 2022

