

Ad-hoc Alaska Abandoned & Derelict Vessel Task Force Meeting Summary – FINAL

Wednesday, August 19, 2015

10 AM – 4 PM

Anchorage, AK

ACTION ITEMS are in **RED**

Action Items from the meeting are summarized in the table below. PLEASE REVIEW.

| WHO | WHAT | DEADLINE/COMMENTS/UPDATES |
|----------------------------------|---|--|
| All Task Force Members | Review NOAA summary of state statutes for Alaska and return comments to Wyn | Friday, August 21 |
| Jusdi | Send out a test email through the ADVTaskForce Listserv and alert Task Force members | Before our next Task Force meeting |
| Rachel | Check into file sharing options for large video files; check with state agency folks to see if they can view the embedded YouTube videos on the ACH ADV webpage | Jeanette (ADF&G) said she was able to view the embedded video. Rachel will still look into file sharing options by the next meeting. |
| Rachel | Send out survey to Task Force members to begin compiling information/framework for Steamboat Slough planning proposal | FY16 NOAA Marine Debris grant opportunity was posted; proposals due Nov. 2. http://www.grants.gov/web/grants/view-opportunity.html?oppld=278589 Rachel has a call with Peter to discuss opportunities and will begin compiling information along with agencies and ONC. |
| ADNR Staff (Jusdi, Jeff, Wyn) | Develop a memo/outline of what resources would be needed to create a robust legacy database of ADV | Ongoing. |

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|-------------|--|---|
| Wyn/All | Wyn will send out links for TF Members to check out the new Collector app and web-based ADV database being developed by ADNR for comments and feedback | Prior to our next meeting. |
| Holly/Katie | Send out a survey of questions/Homework to TF Members for more feedback on statutes | ASAP |
| ALL | Provide a "wish list" of topics to consider in statute revisions (i.e. insurance, enforcement, funding) for Holly/Katie | Please send to Rachel by September 30, 2015. |
| Holly/Katie | Draft a fees section for statute review for our next meeting | Next Task Force meeting |
| Holly/Katie | Draft revised 30.30 based on feedback from this meeting | Next Task Force meeting |
| Rachel/ALL | Send out a poll for our next meeting | Please fill in your availability on the Doodle poll by September 10. |

A participant list is included at the end, including emails and phone.

Introductions and Overview

Participants went around the table to introduce themselves and their agency/roles. The group reviewed the agenda and made the following changes: lunch from 12:30-1:30 with a database presentation by the DNR IT folks immediately following lunch.

Updates and Action Items

Rachel reviewed action items from the previous meeting (June 17) and asked leads for updates on each.

NOAA ADV Efforts: Wyn gave an update from the national NOAA ADV efforts. They are working on updating reference information for ADV statutes from each state. **Wyn circulated a copy of the Alaska draft and has requested any feedback from the Task Force by Friday, August 21 (ALL).** The online 'info hub' is still in progress, and should be live by sometime this fall. NOAA Marine Debris program folks are also working on the proceedings and updated recommendations from the April 2-day workshop.

ADNR ADV ListServ: Jusdi had sent out instructions on how to sign up for the listserv. Since that time, no VOC reporting forms have come in and so no one has received anything via the listserv. There were some possible issues with signing up. **Jusdi will send out a test through the listserv, and an email to folks letting them know it was sent as a check.**

Bethel Video & Presentation. Rachel posted the Steamboat Slough presentation from our last meeting and video on the ADV webpage: <http://alaskacleanharbors.org/resources/harbor-management/derelict-vessels/>. State agencies don't have access to YouTube (unless specifically requested). Rachel will look into file sharing options and can send a jump drive with the file if needed, as requested. Can state agency folks check to see if they can view a YouTube video embedded in another webpage (see the above link and see if the videos can display). Curt from ONC noted that folks from Murkowski's office were in Bethel and he is taking them out on the water this afternoon.

Steamboat Slough/Shank's Ark Update. Senator Murkowski's office requested a meeting with the Army Corps regarding Steamboat Slough & Shank's Ark to better understand authorities and possible solutions. Last week there was a meeting with ADNR, ADEC, USCOE, USCG, and staff from both the Governor's office and Murkowski's office. Wyn and Bob Fultz provided an overview of that meeting.

Curt clarified that the Shank's Ark is the biggest concern/highest priority for the community. He asked the question again of what agency is responsible for creating a timeline for removal and enforcing the laws. Wyn noted that at this time there isn't a single agency that has effective/succinct authority but that they are working on it. There are still efforts underway to look at criminal prosecution, but with only two people working on environmental crimes for the entire state it's a slow process. There is still movement happening on the civil side.

Rachel asked about interest in developing the framework for a future grant proposal to do a site assessment/prioritization and cost estimate for removing vessels from the Steamboat Slough area. No single grant is likely going to be able to cover the cost of removal, but it would be helpful to have a more solid understanding of the scope, general costs, disposal options and prioritization scheme for removals. With some caveats, the group agreed. Rachel offered to take the lead in pulling together questions and information to start the process, and Curt noted that ONC would be interested. As a starting point, Rachel will ask for feedback from Task Force members on questions they would like answers to (i.e. how much would it cost to...) and assumptions they have or would like better understood in regards to removing vessels from the Steamboat Slough area. Rachel will send out a survey to begin gathering information from folks in order to begin drafting a proposal framework to be ready when possible funding opportunities arise.

ADNR ADV Database Overview

The GIS folks with DNR (Frank and Kyle) have been working hard at developing a multi-agency field-based collection tool for ADV mapping and data collection. This is very exciting & we're extremely thankful for their efforts! It is based on SDE/ArcServer, with mobile device collection available using the Collector app (note that field staff must have access to mobile devices to use Collector, and also have an ArcOnline account. This may be done through the ADNR account?). They have also developed a draft of the web-based form for desktop computers; both mobile and desktop fields are based on the VOC reporting form. In order to have a populated map to start with, Kyle has entered roughly 100 vessels to-date. That accounts for approximately half of the VOC report forms, however there are also many vessels in the DNR LMS database that would need to be assessed for relevance to this database. Rachel asked DNR folks to draft a memo outlining what would be needed in terms of manpower and resources

(including what records would need to be vetted and entered) to develop a robust legacy database. This is a great starting point, however, and Jusdi & Jeff reported great success in the field (despite some tech challenges). The ability to collect data in the field electronically, attach photos, and sync with a central database is a huge step forward.

The group reviewed the web-based data entry fields and had several suggestions/questions, including:

- Adding a pop-up box with a short description of the field (i.e. the meaning of ADL is NOT AK Drivers License!)
- Come up with different wording for the HAZMAT section. There shouldn't be a 'NO' option, as it's nearly impossible for a basic field inspection to say there's no HAZMAT on board. Suggestions included 'Do you see any potential hazards?' 'Please describe'.

There will likely be three 'versions' of the database that will need to be sync'd/managed – one for the general public, one for agencies and then a master database. This will help with quality control, but will need human resources.

Wyn will send out links and information on how to demo the web-based form and the Collector app. ALL – please take some time to review and get comments back to Wyn.

ADV State Statute (30.30) Revision

Just prior to lunch, and following lunch and the IT discussion summarized above, the group began working on reviewing draft revisions for Chapter 30.30. Rachel reviewed from the last meeting the following points:

- With the exception of a few changes made in 2013 with HB131, 30.30 was drafted in 1970 and could greatly benefit from updating and revisions for clarity and utility
- The group had discussed piece-meal changes, but agreed at our last meeting that a complete re-write was likely the most reasonable course of action given the scope of changes
- The Task Force will work on our 'ideal' Chapter, based on agency input and feedback, case studies and history, and dozens of meetings to discuss various issues related to management and prevention of ADV throughout Alaska.
- Our timeline is to have a recommendation for a Chapter revision by the 2016 legislative session.
- Once the Task Force is happy with a draft, there will be time needed for agency AG reviews and other vetting processes/meetings/revisions to come up with a 'final' draft for the legislature to work with.

Holly Wells and Katie Davies (Birch, Horton, Bittner & Cherot) presented the group with a memo outlining the beginning suggestions for 30.30 revisions to help improve clarity and due process for vessel impoundments. The group started at the top and began working through each section, discussing and comparing to current statute, field experience, and other state statutes. Holly noted that this is a

starting point for a skeleton of a final Chapter, encompassing the bare bones of what should be outlined in statute for defining a derelict vessel and due process for vessel impoundment and disposition. One of the major changes outlined in this starting revision is moving from three articles to one – with a single definition of ‘Derelict Vessels’ to broadly encompass the situations in which a vessel is an ADV on public waters. In our June 17 meeting, Holly had presented a table outlining the different ways our current statute addresses a vessel declared ‘Abandoned’ vs ‘Derelict’. Proposed revisions will take out this unnecessary and difficult to navigate language, pulling the definition of an abandoned vessel under the definition of a derelict vessel.

To summarize the conversations (ACTION ITEMS for all Task Force members are in RED. Otherwise the general comments and notes for Holly/Katie are not called out, until the end):

- All Task Force members should carefully look at the definition of ‘derelict’ to ensure it encompasses the needs and experience of your agency;
- Holly will draft a definition of ‘impoundment’. The definitions section of the chapter will continue to need updating/review, but this was one that rose up during the meeting.
- Add language in 30.30.010 (a)(1) regarding welfare or general welfare. There was discussion about the meaning of the term ‘welfare’ vs ‘general welfare’. Holly has cases she can share, but isn’t wed to the inclusion of the word ‘general’. It was noted that the group should be careful to not get too far into the weeds because there will be many hands on this revision before it’s all said and done. That being said, we should understand where we are making very informed decisions and which battles we should pick in regards to certain specific language.
- Some questions were raised regarding 30.30.010 (a) (4) and (5). These are preserved from current statute, but worth taking a look at the language which may be vulnerable
- 30.30.020 (b) should be reviewed for consistency with 30.30.010 (a)(1) and to ensure clarity. This provision should be read to assure impounding agencies that as long as they follow due process, the vessel owner maintains responsibility and liability. Rachel asked if having some immunity language (similar to WA 70.100.030 (3)) would be helpful for agencies/impounding authorities to act. It was agreed that is covered under general law and it’s good to not be repetitive in statute. With that being said, Holly can draft something for the group to review.
- 30.30.030 Notice needs to be revised for clarity and flexibility between state agencies and municipalities, to give the leeway to provide notice in a reasonable and common sense manner in the diversity of communities and communication avenues that exist and/or are available around the state. The ADNR Public Notice website should be included for state agency listings. Wyn suggested looking at 38.05.945 which is public notice statute for ADNR.
- 30.30.040 (d) make sure the language regarding ‘person entitled to possession of the vessel’ is clear to point to lienholders and those with a legal interest in the vessel

- 30.30.040/050 – Holly will look into hearing procedures for different agencies and work on draft language that allows for flexibility in procedure depending on the impounding authority.
- 30.30.060 Appeals language is mostly mandatory. Any agency-specific hearing procedures language will be wrapped in for consistency here as well.
- The group briefly discussed other potential interested parties aside from state agencies and municipalities – primarily private businesses and unorganized communities. These entities should be considered as we move forward, especially given that the revised chapter removes Article 3 which specifically addresses vessels abandoned on business premises of persons engaged in repair business.
- Holly and Katie will work on drafting a fees section for the group to review and we will go over disposition at our next meeting.
- Holly and Katie will circulate 'Homework' for the Task Force members to provide additional feedback on topics discussed during the meeting.
- Task Force members are asked to provide a 'wish list' of topics they would like to consider (i.e. insurance, enforcement, funding) and Holly/Katie will put together a compilation of other state statute that addresses those topics for review.
- Holly/Katie will bring a revised draft of 30.30 based on Task Force feedback to our next meeting.

The ADV Task Force will meet again in Anchorage sometime during the last two weeks of October.
 Rachel will send out a poll to set the final date.

Meeting adjourned at 4PM.

(see the next page for a participant list)

| Alaska Ad-hoc Abandoned & Derelict Vessel Task Force | | | |
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| August 19, 2015 Anchorage Meeting | | | |
| Participant List | | | |
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