

**ABANDONED AND  
DERELICT VESSELS AND  
DEBRIS STUDY  
COASTAL NORTH CAROLINA  
March 1, 2007**

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## EXECUTIVE SUMMARY

Man-made debris and abandoned and derelict vessels dot the North Carolina coastal landscape. They range from small fiberglass sailboats, to large rusting steel fishing vessels, to abandoned barges, to hunks of twisted metal. There are a number of vessels which are still floating but appear to have been forgotten by their owners—abandoned for all intents and purposes.

Identifying owners of these vessels is more difficult than it might appear. Even a vessel with a North Carolina registration sticker might have changed hands several times since that sticker was placed on the boat. Some vessels lack any identifiers (name, registration number, hull identification number) due to their deteriorated state.

The U.S. Coast Guard Auxiliary surveyed the coastal waters of North Carolina from the Virginia border to the South Carolina border and identified 44 abandoned/derelict vessels and 11 debris sites. Due to the limitations of this effort, it is believed that there are many more than were reported in this study.

In addition to mapping these abandoned/derelict vessels and debris, this study reviewed the laws and programs run by several states that address the issue of derelict/abandoned vessels. Washington State and Maryland both have self-supporting programs that provide funding to remove abandoned and derelict vessels. Oregon has an excellent Abandoned Vessel Program Flowchart that diagrams the process to address the issue. These models should be studied.

Existing North Carolina laws and ordinances were researched. Except for littering, there are no laws that address the problem. Here are the recommendations:

- Assign this issue to a state-level committee or group for further study
- Encourage counties and municipalities to form Local Water Safety Committees (NCGS 75A-26) to develop rules for local waterways
- Encourage counties and municipalities to complete Harbor Plans or Surface Water Management Plans (e.g., Wrightsville Beach, Carolina Beach)
- Use CAMA Planning funds to pay for the Harbor or Surface Water Plans
- Use DCM staff to develop model ordinances and model plans
- For sake of transient boaters—need consistency of rules in coastal NC
- Develop state legislation to address this issue
- Develop a self-sustaining source of funding (e.g., excise tax, fee with yearly boat registration, and/or percentage of fuel tax)

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- Allow local governments to use this funding if they agree to enact local ordinances that mirror the state legislation

It is hoped that this study will prompt action and funding to address this growing problem.

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**Section I Background**

This study looks at the issue of man-made debris as well as derelict and abandoned vessels in or on the shore of public trust waters in coastal North Carolina.

**Proposal Summary**

Debris and derelict vessels pose a number of problems in the waterways of coastal North Carolina. They can impact water quality; cause degradation of marine habitat; present health and safety risks to swimmers; pose safety hazard to boaters, and have the potential to drive away tourists who are looking for pristine environments and visually pleasing vistas. This issue has come to the forefront as National Oceanic and Atmospheric Administration (NOAA) currently has funding proposal entitled, "Community-Based Marine Debris Prevention and Removal Project Grants."

The Eastern Carolina Council, the Mid-East Commission and the Cape Fear Council of Governments proposed to collect and analyze data on derelict, abandoned vessels and other man-made solid waste debris in or on the bank of public trust waters in coastal North Carolina. The United States Coast Guard (USCG) and the Environmental Protection Agency (EPA) have designated boundaries between coastal and inland zones for the purpose of providing On-Scene Coordinators (OSC) for pollution response operations. The Coast Guard furnishes the OSC for the coastal zone and the EPA for the inland zone. The area to be studied will mirror the boundaries of the USCG's pollution response areas. The description of the areas and maps are attached. LCDR Charles Roskam of the USCG's Marine Safety Office in Wilmington is desirous of having this information updated and will permit the USCG Auxiliary to assist in the data collection. Photographs, GPS data points, and basic information will be collected for each derelict, abandoned vessel and for each incident of man-made debris that is seen in or on the bank of public trust waters. The GPS points will be inserted into a GIS map and the points linked to data collected.

Initially it was intended that the three Councils of Government work together, but it ended up that the Eastern Carolina Council took the lead and coordinated the data collection and data entry functions. This occurred because the project coordinator had more direct access to those collecting the data (USCG Auxiliary) and the field data was convey directly to her.

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In preparation to analyze the findings from this study, this researcher examined material on the topic of derelict vessels and the depositing of man-made solid waste debris in or on the banks of public trust waters. Agencies involved in the issue were identified along with their role. Ordinances and state laws regarding this issue were researched as well as best practices for dealing with the issue. These are presented in this report. This study provides concerned local governments with sample ordinances and best practice information to help reduce/minimize the abandonment of vessels and to help reduce/minimize the “dumping” of man-made solid waste debris in or on the banks of public trust waters in the future. Potential funding sources to help remove existing abandoned vessels and man-made solid waste debris in or on the banks of public trust waters and to prevent future occurrences are identified in the report.

### **“Clean and Safe Water” Goal Statement**

This project addresses the Section 205(j) funding goal to determine “...the nature, extent, and causes of water quality problems in various areas of the state.” Specifically this project will identify solid waste debris and derelict abandoned vessels in the public trust waterways of coastal North Carolina. This debris and these vessels have the potential to contribute to water quality degradation.

### **Background and Need for the Project**

In the 205(j) project completed in 2004 by the Eastern Carolina Council, there was evidence of the dumping of solid waste into Mitchell Creek, just off the Neuse River. The debris was both unsightly and appeared potentially dangerous to anyone who might tangle with it. Having observed several abandoned barges in the Neuse and Trent Rivers, it made this researcher think that this problem may be more prevalent than suspected.

A quick Internet search showed that the problem of removing derelict vessels and solid waste debris from public trust waters is a complicated one, not easily resolved. It also showed that the problem is increasing as more and more restrictions are being placed on who can dump what, when and where. For example, it can be very costly to dispose of a boat that one no longer wants and that can't be sold. Storage or docking costs alone can outstrip the worth of the vessel.

Just how widespread is the problem of solid waste debris and derelict, abandoned vessels in and on the banks of public trust waters in coastal North Carolina? That is the starting point of this study: to assess the magnitude of the problem. The entire North Carolina coastal area will be surveyed. The US Coast

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Guard has agreed to allow the USCG Auxiliary to assist in the data collection. The intention is to get GPS coordinates, a photograph and a short description of the debris or derelict vessel. This data will be merged into a GIS map.

The COG staff trained the Auxiliary and coordinated the collection of information. ECC staff was responsible for creating the GIS map and for completing the report.

Project manager Judy Hills (Region P—ECC) is an officer in the USCG Auxiliary (New Bern Flotilla) so she was well prepared to coordinate the data collection.

### **Project Objectives**

1. To gather GPS coordinates, photographs and basic data for solid waste debris and derelict, abandoned vessels in or on the banks of public trust waters in coastal North Carolina.
2. To research the issue of solid waste debris and derelict, abandoned vessels in or on the banks of public trust waters to answer such questions as:
  - a. What laws in North Carolina address this issue?
  - b. What agencies are involved and what is their role?
  - c. What has been done in the past regarding this issue in North Carolina?
  - d. What are other states doing?
3. To issue a report of the findings with recommendations to relevant agencies and interested local governments.

### **Reasons for Abandonment**

According to a NOAA Report entitled, "Review of State Abandoned and Derelict Vessel Removal Programs," numerous circumstances result in the abandonment of vessels. Some of the most common are:

- Storm events, particularly hurricanes/typhoons. The majority of vessels surveyed in the Caribbean in 2002 and in the Pacific in 2003 grounded or sunk during severe storm events. In 2005, Gulf Coast hurricanes Katrina and Rita caused extensive damage to coastal communities and resulted in massive numbers of vessel groundings, abandonments, and related debris;
- Community-wide economic stress/change (e.g., declining commercial fishing industries in villages and small towns);
- Financial issues of individual owners;
- Recreational vessel owners that live at a distant location and are not available for maintenance or monitoring;

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- Accidental groundings;
- High cost of proper vessel disposal;
- Vessels awaiting scrapping or surplus, including ex-government vessels, that are abandoned when the costs to refit become too high, or scrap metal prices drop."

[http://response.restoration.noaa.gov/book\\_shelf/1295\\_AVP\\_State\\_Review\\_12\\_2\\_006.pdf](http://response.restoration.noaa.gov/book_shelf/1295_AVP_State_Review_12_2_006.pdf)



### **Marinas and registered vessels in CAMA Counties**

There are 20 counties in the Coastal Area Management Act jurisdiction. The following table provides information on the number of marinas and boats in the CAMA counties. The number of marinas/repair facilities was obtained from [www.ncwaterways.com](http://www.ncwaterways.com) The number of registered boats was provided by the NC Wildlife Resources. The figures are for 2006 and represent customers who have active vessels and who are being taxed by these counties. The population figures were from the Census 2005 Estimates.

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<b>CAMA County</b>	<b># Marinas</b>	<b># Boats</b>	<b>Pop. Est.</b>	<b># Boats/Pop</b>
Beaufort	40	6,251	46,018	13.58%
Bertie	0	1,416	19,480	7.27%
Brunswick	16	9,308	89,162	10.44%
Camden	2	990	8,967	11.04%
Carteret	70	12,307	62,525	19.68%
Chowan	7	1,495	14,526	10.29%
Craven	12	6,936	90,795	7.64%
Currituck	3	3,432	23,112	14.85%
Dare	27	5,830	33,903	17.20%
Gates	0	803	11,224	7.15%
Hertford	0	1,103	23,574	4.68%
Hyde	6	792	5,413	14.63%
New Hanover	47	13,611	179,553	7.58%
Onslow	23	7,734	152,440	5.07%
Pamlico	16	2,859	12,735	22.45%
Pasquotank	8	2,013	38,270	5.26%
Pender	5	4,861	46,429	10.47%
Perquimans	3	1,538	12,080	12.73%
Tyrrell	7	507	4,157	12.20%
Washington	1	1,055	13,282	7.94%
<b>Total</b>	<b>293</b>	<b>84,841</b>	<b>887,645.00</b>	<b>9.56%</b>

## Section II            Data Collection

### Data Collectors

The US Coast Guard, Marine Safety Office for Sector North Carolina and the Auxiliary Liaison Officer for the Sector were instrumental in providing assistance. The USCG agreed to provide the orders needed for the Air Operations team and the teams working to collect the data from the water. When Auxiliaries are operating under orders they are eligible for certain reimbursable expenses such as fuel for the mission.

The US Coast Guard Auxiliary Flotillas located in coastal North Carolina participated in the study. The USCG Auxiliary are volunteers that assist the USCG in various ways. Here is a breakdown of those units. Fifth District, Southern Region:

- Sector North Carolina Auxiliary Air Operations
  
- Division 10—Southern
  - Flotilla 10-05 Southport, NC
  - Flotilla 10-06 Wilmington, NC
  - Flotilla 10-08 Shallotte, NC
  - Flotilla 10-09 Hampstead, NC
  
- Division 16—Northern
  - Flotilla 16-01 Elizabeth City
  - Flotilla 16-02 Plymouth, NC
  - Flotilla 16-04 Cape Hatteras
  - Flotilla 16-07 Outer Banks
  
- Division 20—Central
  - Flotilla 20-01 Jacksonville, NC
  - Flotilla 20-02 Morehead City, NC
  - Flotilla 20-03 Oriental, NC
  - Flotilla 20-04 New Bern, NC
  - Flotilla 20-05 Fairfield Harbour
  - Flotilla 20-06 Washington, NC
  - Flotilla 20-10 Swansboro, NC

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### **Training of Data Collectors**

The project leader arranged to meeting with each Division at one of their regularly scheduled meetings. She met with Division 10 (Southern) on Friday May 12<sup>th</sup> in Wilmington, NC at the USCG offices. The Division 16 (Northern) training was held on Saturday May 13<sup>th</sup> at the USCG Elizabeth City Air Station. The Division 20 (Central) training was held in New Bern on Thursday May 4<sup>th</sup>.

The NC Coastal Boating Guide map was used to determine the geographic parameters for each Division. Lines were drawn on the control map which was kept by the project leader. Each Division had a copy of this map with their territory displayed. The Division Staff Officer for Operations (SO-OP) was responsible for coordinating the data collection with the flotillas in his area of responsibility.

The project leader did a PowerPoint Presentation that provided details on the study. Each form to be used for the data collection was reviewed. The project leader had developed a Q&A form which was also reviewed. Those present were instructed regarding how to process the photographs. Each flotilla was given 6-12 folders that contained the following:

- Coastal Boating Guide

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- Copy of Training PPT notes pages
- Q&A
- Trip Sheet Instructions
- Trip Sheets
- Debris Data Collection Form Instructions
- Debris Data Collection Forms
- Vessel Data Collection Form Instructions
- Vessel Data Collection Forms
- Instructions to process photography
- Resource list (who to contact)
- Blank CDs (to convey photos)
- Copy of Project Proposal

Auxiliarists were instructed to use a GPS unit that was WAAS enabled in order to ensure the accuracy of the GPS coordinates. This was one of the points in the Quality Assurance Plan for the project.

### **Data Collection Forms**

The Auxiliary collected data from land, from water and from the air. Each time an Auxiliary unit went out on a marine safety patrol to look for abandoned and derelict vessels and debris they were to complete a Trip Sheet. The Trip Sheet captured the basis information on the patrol, so it did not have to be repeated on each individual Vessel Data Collection Form or on each individual Debris Data Collection Form. On the Trip Sheet, the leader created an identifying code for each sighting. This code was then transferred to the individual data collection form.

If the trip out did not yield any sightings, then the Trip Sheet was completed and conveyed to the Project Leader. A separate data collection form was developed for vessels. It provided the basic information needed such as the GPS coordinates, a description of the vessel, a description of the body of water in which the vessel was found and other pertinent information.

A separate data collection form was developed for debris. It provided the basic information needed such as the GPS coordinates, a description of the debris, a description of the body of water in which the debris was found and other pertinent information.

The Auxiliary was asked to take digital photographs whenever feasible. When the photos were downloaded from the camera to the computer, the Auxiliarists were asked to rename the photo file to correspond with the control number on the trip sheet so that the sightings could be easily matched with the data forms.

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The completed data collection forms, photographs trip sheets were conveyed via mail to the Project Leader as soon after the patrol as feasible.

### **Database Development**

When the Project Leader received the photographs and forms she entered the data into an ACCESS database system specifically designed for this project. The photographs were converted to pdf format and linked to the appropriate debris or vessel sighting.

### **Limitations of the Data Collection**

The Auxiliary is a volunteer organization. They agreed to participate in this study because it meshed with their USCG missions and because they were able to be reimbursed for expenses when data was collected from the water and from the air. As with all volunteer organizations, one must assume that they adhered to the project requirements and that they followed the instructions given in their training and provided in their folders. Every Auxiliarist who participated in the data collection did not attend the training sessions, but were provided with folders which contained all the same information that had been presented in the training sessions.

Since the USCG did not reimburse expenses related to data collection from landside, there was only one instance of the data being collected from the land. There were probably many instances where data would have best been collected from the land.

Data that was collected from the air presented a number of challenges. It was difficult to get accurate coordinates from the air due to the speed and altitude of the plane. The air group did the best they could. Likewise, photos taken from the air did not provide the detail we would have preferred, but many of these sightings could only be viewed from the air. Another challenge was determining from the air if the vessel was abandoned. For those partially sunk, it was obvious, but in the case of two barges located next to each in Plymouth it was not. (see photo below)

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There was one air trip where photographs were not taken, but the data was entered into the database. There were two photos that were submitted, but the identifying information to link them to a form was not provided so those had to be discarded. Two coordinates could not be confirmed so those data points were discarded.

The majority of the sightings were taken from boats. These boats had various drafts. Those with deep drafts were unable to go into shallow areas. There were times when Auxiliarists were aware of abandoned vessels in certain locations, but were unable to reach the location due to the shallow depth of the water as compared to the depth of water needed to safely operate their boats.

The USCG would not allow Auxiliarists to collect data in the inlets, in the surf or in the near coastal waters of the Atlantic Ocean. They consider these hazardous areas and for safety sake, they did not permit the Auxiliarist to collect this data in those areas.

Another problem is just the vastness of the water area to be covered. The Pamlico Sound itself is enormous. Even with air support, covering every nook and cranny is virtually impossible.

The other issue regarding the limitations of data collection is that this is a moving target. Vessels and debris are here today, but may be gone tomorrow. The Project Leader saw two instances of that during the course of the data collection period. One was a sailboat that had evidence of abandonment that

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was anchored for months off Lawson Creek Park in the New Bern area and then one day it was gone. Another was a pile of debris at the water's edge near the boat ramp in Lawson Creek Park. It had been there for months and then it was gone.

If coastal North Carolina experiences a significant wind event, the number of abandoned vessels and debris could easily mushroom overnight. There is any number of other factors which might cause this picture to change, but it is safe to say that the number of incidences will only continue to rise if nothing is done.

### **Surveys**

An email survey was conducted in January 2006. Recipients include:

- USCG
- USACE
- Wildlife Resources
- Division of Coastal Management
- Wanchese Seafood Park Management
- SBTDC NC Boating Industry Services
- NC Sea Grant
- NC Beaches, Inlet and Waterways Association
- CAMA county managers
- Selected larger coastal municipalities
- Estuarine Educator
- NC Fishery Association

These entities and individuals were asked to forward this email to appropriate individuals and groups in their email database.

The questions asked include:

- What rules are you aware of that apply to abandoned and derelict vessels? (Please provide a link or reference).
- What is your opinion as to the present and future scope of this problem?
- What experience has your agency had with this issue?
- What is your opinion as to what can and should be done about this problem?
- What caveats might you offer when addressing this issue?
- What jurisdictional problems are you aware of with this issue?
- If someone contacted your agency or government to ask how they might get an abandoned vessel removed, what do you tell them?
- If there anything else on this topic that you feel might be beneficial to incorporate into this report?

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There were no consistent responses to these questions.

There were two significant non-responders: North Carolina Fisheries Association and Wanchese Seafood Park Administration.

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**Section III Findings**

The USCG Auxiliary made 21 trips (air, land, and water) and located 44 incidences of abandoned/derelict vessels and 11 incidences of man-made debris.

The limitations of the data collection have been previously discussed. It is believed that this study only scratched the surface of what exists in the coastal waterways at this time. The number of incidences of man-made debris and abandoned and derelict vessels is constantly shifting and it definitely increases after several coastal wind events.

## Sections IV      Agencies Involved

When one discusses the problem of man-made debris and abandoned/derelict vessels in or on the public trust waters of coastal North Carolina there are several agencies that automatically come to mind as players in this issue.



### **Federal Emergency Management Administration**

The Federal Emergency Management Administration (FEMA) can provide funding under the Stafford Act to removed vessels damaged or destroyed in areas that have been proclaimed Federal Disaster Areas. After Hurricane Katrina, the USCG removed over 100 vessels from the disaster area as part of the clean-up strategy.

Reimbursement may be sought from FEMA for associated eligible disposal costs during declared Federal Disasters. Eligibility conditions for removal of vessels that must be met include:

- eliminates immediate threats to lives, public health and safety;
- eliminates immediate threats of significant damage to improved public or private property; and/or
- ensures economic recovery of the affected areas to the benefit of the community at large.

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That being said, Martin County Florida had trouble getting compensation from FEMA to remove boats after a hurricane, so when Wilma hit in 2004 they opted to spend \$30,000 of county funds to deal with the boats. "Looking at all the hassle that we went through last year, we decided not to go through FEMA this time," said Phil Owen, who is in charge of removing derelict boats. Instead, Martin is skipping FEMA and will pay \$30,000 to pull the boats out of the water and haul them directly to the county landfill. That saves the costs of storage and advertising, and it's much faster than the FEMA routine.

<http://www.palmbeachpost.com/blogs/content/shared-blogs/palmbeach/editorial/entries/2005/11/>

Another example of the FEMA involvement: Shrimp boats lie stranded on the shores of Bayou La Batre months after Hurricane Katrina. FEMA would only remove 5 of the 31 abandoned shrimp boats, but yet federal officials plan to remove more than 300 recreational boats beached in the Florida Keys by hurricanes during that same year. Federal officials say that the shrimp boats present no threat to public health or safety because the USCG removed the fuel from them. It is often easier to remove the recreational vessels than it is to remove the fuel from them.

The Florida project would be paid for through the agency's public assistance program. Local officials would pay 25 percent of the costs while the federal government pays 75 percent, Garrett said. The vessel owners would have to pay all salvage fees to reclaim their boats, and unclaimed boats would be auctioned off. <http://www.freerepublic.com/focus/f-news/1542530/posts>

### **United States Coast Guard**

In talking with individuals who have wrestled with the problem of an abandoned vessel, the Project Leader was told that the US Coast Guard was the first agency mentioned to them to help them resolve the problem.

The USCG may send a Marine Safety Team to check out the vessel or debris. The USCG may only become involved:

- If the vessel or debris is an environmental hazard (e.g., leaking oil)
- If the vessel or debris is a hazard to navigation.

The involvement of the USCG does not necessarily mean that they will agree to remove the debris or vessel. It merely means that they will review the circumstances and will make a determination if it meets one of their two criteria.

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46 U.S. Code 4701 Abandonment of Barges (covers barges only) states that if a vessel sinks in a navigable waterway the USACE has the authority to remove it.

If the vessel poses a threat to the environment under the Clean Water Act (CERCLA), the pollution hazard will be removed—*not the vessel*. Only if the pollution threat cannot be removed then the vessel will be removed or destroyed by the USCG.

In 1992 the General Accounting Office presented a report to the Congressional Committee on Merchant Marine and Fisheries entitled, "Abandoned Vessels Pollute Waterways and Cost Millions to Clean Up and Remove." It is interesting to note that NC State Representative Walter B. Jones chaired that committee. This report detailed the same issues as are found in this document.

Additionally the USCG is concerned that these abandoned vessels will become dumping grounds for hazardous waste material. This is a serious problem in some coastal areas.

### **U.S. Army Corps of Engineers**

The USCG may call upon the US Army Corps of Engineers (USACE) to remove the debris or vessels if it is blocking a navigable channel. For example, a Hatteras Yacht being tested in the Neuse River near New Bern hit a submerged object in the boating channel. The USCG responded to the incident but was unable to locate the offending object with their equipment. They contacted the USACE. The USACE responded with a vessel that had side-scanning sonar. They were able to locate and raise a small barge used for dock work.

Public Information Officer Penny Schmitt in an article in The State Port Pilot (January 24, 2007 p. 11A) stated that, "If it's not in the channel we wouldn't be able to spend federal money to remove it." The USACE can only be involved if the object is a hazard to navigation or if it rests on an easement or property belonging to the USACE.

The USACE has the authority to remove vessels from navigable waterways under 33 CFR 245.

### **NC Fish & Wildlife**

The NC Fish and Wildlife agency has a procedure for taking ownership of abandoned vessels. In that procedure they define "abandoned vessel" as "a vessel that has been relinquished, left, or given up by the lawful owner without the intention to later resume any right or interest in the vessel. The term does not include a vessel that is left by an owner or agent of the owner with any

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person or business for the purpose of storage, maintenance, or repair and that is not subsequently reclaimed.”

When asked “What experience has your agency had with this issue,” a representative of NC Wildlife responded, “Very little.” This individual suggested that the USCG or Sheriff’s Department be contacted.

The NC Wildlife Resources is supposedly looking into the possibility of filing felony littering charges against owners of abandoned boats according to an article in The State Port Pilot dated January 24, 2007. The difficulty might be establishing ownership. Some boats are in such a decomposed state that it may be difficult to find the name of the vessel, the registration number or even the hull identification number. Prior to January 1, 2007, North Carolina did not require that boats be titled. This adds to the problem of identification.

North Carolina required that certain vessels be registered. The requirements include:

- All motorized vessels used on public waters must be registered, including jet skis.
- All sailboats used on public waters must be registered if longer than 14 feet at the load waterline.
- If a vessel registered in another state is brought into North Carolina for over 90 consecutive days, the registration must be transferred to North Carolina.
- If you choose to title your vessel, it must be registered as well.

There are also certain vessels that are not required to be registered. These include:

- Vessels that are unused and kept on dry land do not need registration in North Carolina.
- Rowboats, canoes, and rafts moved only by oars, paddles, or the current do not need registration in North Carolina.
- A vessel used only on a private pond does not need registration in North Carolina.
- Vessels Documented with the U.S. Coast Guard do not need to be registered in North Carolina.
- Ship’s lifeboats or dinghies do not need to be registered if they are used only for emergency lifeboat purposes. However, if they are motorized and used for non-emergency purposes, they do require registration.

According to a representative of the Marine Patrol, the Marine Patrol charges the owner under the felony commercial littering statute GS 14-399(e).

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The question arises, "If a vessel is just anchored on public trust waters of North Carolina, is it 'being used' and thus required to have a current registration?" It was noted off Lawson Creek Park in the New Bern area that there are four sail boats anchored two of which have 2002 NC registration stickers and two of which have 2004 NC registration stickers. Does the NC Wildlife officer check these types of situations?



### NC Cultural Resources

If it can be determined that the vessel in question is 50 years or older, the NC Department of Cultural Resources must be consulted. NCGS Chapter 121 Article 3 is entitled "Salvage of Abandoned Shipwrecks and other Underwater Archaeological Sites." This statute says, "Subject to Chapter 82 of the General Statutes, entitled "Wrecks" and to the provisions of Chapter 210, Session Laws of 1963, and to any statute of the United States, the title to all bottoms of navigable waters within one marine league seaward from the Atlantic seashore measured from the extreme low watermark; and the title to all shipwrecks, vessels, cargoes, tackle, and underwater archaeological artifacts which have

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remained unclaimed for more than 10 years lying on the said bottoms, or on the bottoms of any other navigable waters of the State, is hereby declared to be in the State of North Carolina, and such bottoms, shipwrecks, vessels, cargoes, tackle, and underwater archaeological artifacts shall be subject to the exclusive dominion and control of the State."

NCGS 121-25 goes on to state," Any qualified person, firm or corporation desiring to conduct any type of exploration, recovery or salvage operations, in the course of which any part of a derelict or its contents or other archaeological site may be removed, displaced or destroyed, shall first make application to the Department of Cultural Resources for a permit or license to conduct such operations."

NCGS 121-27 states, "All law-enforcement agencies and officers, State and local, are hereby empowered to assist the Department of Cultural Resources in carrying out its duties under this Article." And NCGS 121-28 concludes, "Any person violating the provisions of this Article or any rules or regulations established thereunder shall be guilty of a Class 1 misdemeanor."

<http://www.ah.dcr.state.nc.us/e-records/ncgs/ncgs121.htm>

### **North Carolina State Government**

Chapter 75A of the NC General Statutes is entitled, "Boating and Water Safety." This statute does not address abandoned vessels. This statute in Article 2 Section 75A-26 permits two or more local governments to sponsor local water safety committees. Specifically the committee, once formed, is under obligation "to keep themselves informed as to problems of water recreation and safety in their area" and "to study such problems concerning water recreation and safety..."

NC GS Chapter 76 is entitled "Navigation." Article 5 Section 76-40 states that "it shall be unlawful for any person, firm, or corporation to place, deposit, leave or cause to be placed, deposited or left, either temporarily or permanently, any trash, refuse, rubbish, garbage, debris, rubble, scrapped vehicle or equipment or other similar waste material in or upon any body of navigable water of the state...violation of this section shall constitute a Class 2 misdemeanor." The key here is that this section only applies to "navigable waters."

NC HB 1625-SL2000-74 "Directs the Department of Environment and Natural Resources to implement a pilot program for the removal of abandoned vessels in the Neuse River Basin. 'Abandoned Vessel' is defined as one that is left unattended or in a wrecked or substantially dismantled condition in coastal fishing waters for more than 90 days. This became law July 1, 2000 and

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sunsetting January 1, 2003. There was no funding attached to this law and there is no evidence that it was ever acted upon.

**Local Governments**

While we did not conduct an extensive search of local government (county or municipality) ordinances, it was noted that the Town of Wrightsville Beach does have ordinance which address anchoring and abandoned and junked vessels.

[http://www.amlegal.com/nxt/gateway.dll/North%20Carolina/wright/townofwrightsvillebeachnorthcarolinacode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:wrightsvillebeach\\_nc](http://www.amlegal.com/nxt/gateway.dll/North%20Carolina/wright/townofwrightsvillebeachnorthcarolinacode?f=templates$fn=default.htm$3.0$vid=amlegal:wrightsvillebeach_nc)

## Section V            Research

### Issues

“State and local authorities may choose to take action to identify ownership and remove the ‘abandoned vessel’ for many reasons including:

- Fuel or other hazardous materials potentially onboard;
- Use of the vessel as an illegal dump site;
- Navigational hazard or obstruction of a public or private-use area;
- Blockage of wharfs, piers, and boat ramps;
- Ecological/environmental considerations;
- Structural hazard and/or public nuisance;
- Aesthetic impact to image and economy of local area (e.g., marina/harbor with several vessels abandoned following a hurricane);
- Infringement of property rights;
- Illegal storage or mooring (e.g., refusal or inability to pay required fees); and
- Violation of personal or corporate property rights (e.g. abandonment on or blocking access to private property).”

[http://response.restoration.noaa.gov/book\\_shelf/1295\\_AVP\\_State\\_Review\\_12\\_2\\_006.pdf](http://response.restoration.noaa.gov/book_shelf/1295_AVP_State_Review_12_2_006.pdf)

### States’ Response

There are a few coastal states that have legislation or programs that address abandoned vessels and debris. Here are some examples:

#### *Alaska*

Alaska has legislation which addresses abandoned vessels, but does not provide funding to deal with the issue.

<http://touchngo.com/lglcntr/akstats/Statutes/Title30/Chapter30.htm>

#### *California*

“In October of 1997, Senate Bill 172 (Rainey) created the Abandoned Watercraft Abatement Fund (AWAF). It provides funds to public agencies to remove, store, and dispose of abandoned, wrecked, or dismantled vessels or any other partially submerged objects which pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the

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landowner's consent." <http://www.dbw.ca.gov/AWAF.asp>

<http://www.dbw.ca.gov/abandonedVessls.asp>

The City of Alameda, CA has an ordinance that addresses abandoned vessels.

[http://www.ci.alameda.ca.us/code/ DATA/TITLE23/23\\_6\\_HARBOR AND TIDELA NDS /23\\_6\\_1\\_Abandoned\\_Vessels\\_Remo.html](http://www.ci.alameda.ca.us/code/ DATA/TITLE23/23_6_HARBOR_AND_TIDELA NDS /23_6_1_Abandoned_Vessels_Remo.html)

### ***Florida***

Florida does have an abandoned and derelict vessel removal funding, however, the program was not funded in 2006. <http://myfwc.com/boating/grants/>

For Frequently Asked Questions on how Florida deals with abandoned vessels go to: <http://myfwc.com/boating/DerelictVessels.htm>

Lee County, FL does have codes that address abandoned and derelict vessels. <http://www.lee-county.com/AdminCodes/PDF7-0/AC7-10.pdf>

### ***Louisiana***

Louisiana does have a program to address abandoned barges. [http://www.losco.state.la.us/ps\\_prevention.htm](http://www.losco.state.la.us/ps_prevention.htm)

### ***Maryland***

"The Waterway Improvement Fund was created in 1966 by Natural Resources Article 8-701 to support the development, use, and enjoyment of all waters of the State of Maryland for the benefit of the general boating public. Revenues for this Fund are obtained primarily from the one-time 5% excise tax that is paid to the State of Maryland when a boat is purchased and titled in the State. In addition, the Fund also receives 0.3% of the state motor fuel tax as a result of purchases made to fuel boats. The Fund provides financial support to local governments, the Department of Natural Resources, and federal agencies in the form of grants and/or loans for a wide variety of capital projects and services for the boating public."

<http://www.dnr.state.md.us/grantsandloans/waterwayimprovement.asp>

### ***Mississippi***

Mississippi does have a code that addresses abandoned and derelict vessels. <http://www.mscode.com/archives/1999/49/015/0013.htm>

### ***Oregon***

In 2004 Oregon established an abandoned vessel program and fund. The law required the entity removing the vessel to actively pursue collecting reimbursement from the owner before the state will consider contributing to the effort. <http://www.boatoregon.com/PDF-Publications/AbVesselProg.pdf>

### ***South Carolina***

South Carolina has developed a long term strategy which includes:

- Aggressively pursue and hold accountable those parties responsible for abandoned boats and marine debris.
- Establish a recurring funding source for removal when no responsible party can be found.
- Construct framework consisting of local, state and federal government cooperation and participation from the general public must be created to secure ongoing funding and draft new laws and/or ordinances to manage future marine debris issues.
- Educate South Carolina's citizens about the negative effects that abandoned vessels and marine debris have on our coastal environment
- Ensure availability of proper disposal options.

<http://www.scdhec.net/environment/ocrm/outreach/debris.htm>

### ***Washington State***

"The Derelict Vessel Removal Program (DVRP) funding comes from an additional \$2.00 fee placed on annual vessel registration fees and an additional \$5.00 fee added to the cost of obtaining a foreign vessel identification document. The DVRP disperses revenues generated from vessel registrations by reimbursing authorized public entities up to 90% of the cost of removing and disposing of a derelict or abandoned vessel."

[http://www.dnr.wa.gov/htdocs/aqr/derelict\\_vessel/index.html](http://www.dnr.wa.gov/htdocs/aqr/derelict_vessel/index.html)

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### **Navigation Rights**

"The Florida attorney general has state that the right of navigation include the right to anchor and moor. However, the attorney general noted that such right doesn't include the right to anchor indefinitely" (Brown, 28 June 2004, Cruising World). The tension between local governments and boaters is increasing in Florida over the issue of the right to anchor.

### **Anchoring**

Regulations on anchoring are promulgated in response to people's grievances regarding:

- sewage discharge,
- littering,

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- noise levels, or
- unsightly vessels in the anchorage.

But the anchoring squeeze is going to be getting even tighter as recreational mariners lose slips in marinas due to change of ownership. Developers are snapping up marinas and re-developing the property into condominiums and the dock slips are being sold. Many boaters are unable or unwilling to purchase dock space. So as the number of available slips decrease, coastal areas are seeing a rise in the number of new residents, many of whom bring their boats with them. "According to the Florida Legislature's Office of Economic and Demographic Research, Florida has seen an average annual increase of 286,000 new residents over the past 30 years, with undoubtedly a corresponding rise in the number of pleasure boats on the water. Whether or not marinas will be able to accommodate the increase in boats is yet to be determined...The big challenge of the future will be to find a place to keep a boat in Florida. (Brown, 28 June 2004, Cruising World). Coastal North Carolina is just now beginning to experience the influx of new residents.

Claiborne Young, Cruising Guide author, has noted that "...with dozens of Florida cities each creating its own regulations, uniformity in laws from one anchorage to the next is virtually nonexistent." (Brown, 28 June 2004, Cruising World). Since North Carolina currently has very few regulations concerning anchorages. If North Carolina wishes to attract boaters to the state, now would be the ideal time to craft a set of reasonable uniform regulations that would govern anchoring in NC coastal waters. Counties and municipalities would need to adopt those same regulations to ensure conformity.

### **Abandonment**

As slips become less available, more boaters may choose to anchor their vessels off the shore. This situation is far less convenient for the owners. Instead of parking their cars, walking down a dock and hopping into their vessels, they must now find a place to launch a dinghy, navigate the dinghy to the vessel and then board the vessel. A short pleasure trip becomes a major effort and many owners begin to lose interest in the vessel. If the owner puts the vessel up for sale, he or she will have difficult showing it to prospective buyers when it is hanging on the hook in some anchorage. As the problems escalate and time passes the vessel begins to deteriorate. As the luster of ownership fades, the owner may abandon the boat where it sits.

When a boat has been blown away during a storm, the owner may choose to abandon the boat rather than deal with the problem.

Signs that a pleasure vessel may have been abandoned include:

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- Vessel is grounded on land or in shallow water
- Registration stickers which are out of date
- Damaged widows, hull or other parts of the vessel
- Sailboat with mast removed or lowered
- Heavy bottom growth coupled with similar growth on the anchor line
- Vessel has been anchored at the present location and has not been moved in months
- No one has been seen aboard the vessel for months
- Owner stops paying dockage costs.

Owners of fishing or commercial vessels will also abandon their vessels for all of the same reasons as the owner's of pleasure vessels abandon theirs plus these additional reasons:

- The owner can't sell the vessel
- The owner owes dockage and can't pay it
- The owner can't find dock space at a price that he or she can afford
- The owner owes repair bills and can't pay them.

Owners of barges may abandon the barge after the project for which it has been used is completed. The barge owner doesn't want to pay the fee to have the barge towed so he or she will abandon it. They also abandon barges to escape dockage fees. It is far less expensive to walk away from the barge than it is to incur these expenses once the project has ended.



## **Establishing Ownership**

Establishing ownership of a vessel can be difficult if not impossible in some cases. Identifying information on vessels include: the name of the vessel, the registration number on the hull, the registration sticker on the hull, and the hull identification number. Registration numbers can help, but the vessel might have changed hands one or more times since those numbers were placed on the vessel. The same is true for documented vessels (they are not required to be registered with a state). The vessel may be in such poor condition that no identifiers can be found.

Barges pose an even bigger problem as they are not required to be registered or documented even with the USCG. In the Neuse River near New Bern there are two abandoned barges.

## **Harbor/Surface Water Plans**

There are two municipalities in North Carolina that have developed plan to address their harbors.

### ***Town of Wrightsville Beach***

The Town of Wrightsville Beach developed a Surface Water Use Plan in May of 2002. The Introduction to the Plan states, "In September 2000, the Board of Aldermen of the Town of Wrightsville Beach authorized the preparation of a Surface Water Use Plan for all public trust waters within the planning jurisdiction of the Town of Wrightsville Beach. The purpose of the plan was to 'study and make policy recommendations to resolve current and potential surface water use conflicts among the many different users of this, the town's most valuable natural and economic resource.'" It went on to say, "While competition for use of the town's public trust waters is steep, it has not yet reached critical levels. Experience and observation of other popular water-oriented communities however, reveals that serious conflicts do arise over time if left unattended. The idea of the Surface Water Use Plan is to identify and head off such problems before they become unmanageable."

While this report did not specifically get into abandoned vessels, it did address the issue of "squatter's anchorage." A concern was expressed that those using this anchorage did not contribute to the economy of the area and they considered this anchorage "an undesirable intrusion into the surface waters of the town."

It is interesting to note that this report mentions that Wrightsville Beach has a Town Ordinance that states that no boat may be anchored in Wrightsville Beach

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waters for more than 30 days in a 180 day period. The Ordinance was enforced at that time by the Town Police Reserve Officer who volunteered his time and his boat.

The town defines "abandoned vessel" as a "vessel that is moored to any dock, pier or bulkhead owned by the town for longer than 24 hours without permission from an authorized city representative." The town defines "junked vessels" as a vessel that:

- Is partially dismantled or wrecked; or
- Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- Does not display a current state or federal registration.

(Town Ordinance 92.19)

The Town received a planning grant from the State Division of Coastal Management to offset, in part, the cost of the Plan.

<http://www.townofwrightsvillebeach.com/Planning%20pdfs/Surface%20Water%20Use%20Plan.pdf>

### ***Town of Carolina Beach***

The Town of Carolina Beach has a Water Use and Harbor Management Plan which was completed in June of 2006. The Introduction to the Plan states, "Over the last two decades, the Town of Carolina Beach has experienced tremendous change as a result of population growth and development. This has increased demand for public access to the Town's harbor area. These problems are exacerbated by the increases in the population density in Southeastern North Carolina because many of these residents also desire to access the recreational opportunities provided in communities like Carolina Beach. Accordingly, the Town of Carolina Beach's updated land use plan prepared pursuant to the State of North Carolina's 1974 Coastal Area Management Act (CAMA) recommended that the Town develop a water use and harbor management plan to address the competing interests for the use of public trust waters at Carolina Beach (Action 8.1.2 C(1)."

The plan analyzes the area known as Myrtle Grove Sound. The plan addresses a series of issues identified by the Town. These include:

- Addressing the location, size, and operation of wet slip marinas;
- Finding ways to improve the enforcement of policies prohibiting floating homes from occupying limited public trust water areas;

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- Addressing the location and design of moorings and mooring fields;
- Addressing the location and operation of commercial fishing dockage;
- Designing plans for street ends facing public trust waters;
- Updating the Town's pier head line; and,
- Updating the existing marina ordinance to ensure state and federal compliance.

The plan contains a number of recommendations as well as a model harbor management plan ordinance.

<http://www.carolinabeach.org/pages/documents/dhmp.pdf>



## **Section VI                      Comments/Concerns Expressed**

This section provides statements made to the Project Leader during the course of this study.

USCG Representative Sector NC: "Without Federal law to cover vessels the Coast Guard has limited actions. If the states were to identify a specific agency to cover the identification and disposal of abandoned vessels then there would be fewer abandoned vessels."

Kevin J. Dockendorf (NC Wildlife Resources fisheries biologist): "...multi-ton barges and other monstrosities along the shoreline are often an eyesore. I hope this program may be able to assist with the removal of some of these vessels. Vessel abandonment should be the subject of some significant recourse."

Major Mike Davis, NC Marine Patrol: "I have personally been involved in five felony littering cases. Our main problem is getting the identification off of these vessels and locating the owners. The court system will not prosecute the owners if they remove the vessel in a timely manner. That requires us to go back and check on the removal process many times...I think people will still be dumping boats in coastal waters because they won't use the landfills because of their locations and the high fees."

Katrina Marshall, Carteret County Planning Director: "Staff has received a few complaints over the last few years about abandoned boats. The county was not able to address the situation...The issue should be dealt with at the state level since it is public trust waters and not by each municipality or county."

Mike Lopanzanski, DCM: "There needs to be some ultimate responsibility for vessels that are abandoned."

David Stokes, NC Wildlife Resources: "Abandoned vessel is defined in GS75A-2(1), but there are currently no regulations to go with it. Vessels left in the waterways can be dealt with under the littering statutes (GS14-399) and/or GS 75A-10(c) GS 76-40 Navigation; or in very limited circumstances GS 77-12,12 or 14 Rivers, Creeks and Coastal Waters."

C. Donald Zearfoss, NC Marine Patrol Officer: "When we are contacted to ask how someone might get an abandoned vessel removed, we have advised them to contact the NC Attorney General's Office in Raleigh...Maritime law may or may not apply."

Gene Kudges, Oak Island: "The town had to pay \$7,000 in 2004 to have a derelict sail boat removed from the Davis Canal."

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Neal Lassiter, NC DOT: (when asked about the sunken barge located on the banks of NC DOT property under the on-ramp to the Neuse River Bridge) "It's not our problem. We can't control it. We don't need to be involved in it."

Renee Waddington: (property owner whose access to his dock is being blocked by an abandoned vessel): "This is so frustrating! Who can help?"

## **Section VII            Recommendations**

- Give this issue to a state-level committee for further study
- Encourage counties and municipalities to form Local Water Safety Committees (NCGS 75A-26) to develop rules for local waterways
- Encourage counties and municipalities to complete Harbor Plans or Surface Water Management Plans (e.g., Wrightsville Beach, Carolina Beach)
- Use CAMA Planning funds to pay for the Harbor or Surface Water Plans
- Use DCM staff to develop model ordinances and model plans
- For sake of transient boaters—need consistency of rules in coastal NC (this is an issue in Florida)
- Develop state legislation to address this issue
- Develop a self-sustaining source of funding (e.g., excise tax, fee with yearly registration, and/or percentage of fuel tax)
- Allow local governments to use this funding if they agree to enact local ordinances that mirror the state legislation

## **Section VIII      Dissemination of Findings**

The findings will be disseminated in a number of ways.

### **PowerPoint Presentations**

A PowerPoint Presentation will be developed on the study findings. The PPT will be presented to interested groups including, but not limited to:

- Coastal Resources Commission (done on 1/26/07)
- NC Beaches, Inlet & Waterways Association (scheduled 2/22/07)
- US Coast Guard Auxiliary Sector NC (scheduled 3/10/07)

### **Websites**

The Eastern Carolina Council will post the Executive Summary, the Full Study Report and the PPT on its website. The Division of Coastal Management will be asked to post them on its website as well.

### **Report**

Hard copies (and a CD) of this report will be provided to the following:

- NC Division of Water Quality
- NC Division of Coastal Management
- NC Sea Grant
- Each of the 20 CAMA counties
- Selected municipalities in the 20 CAMA counties
- USCG Sector North Carolina Marine Safety Division
- USACE Wilmington Office
- NC Wildlife Resources
- NC Attorney General's Office
- NC Center for Geographic Information and Analysis (CGIA)
- State Representative serving the 20 CAMA counties
- State Senators serving the 20 CAMA counties
- US Representative serving the 20 CAMA counties
- US Senators serving the 20 CAMA counties

The GIS layers and metadata for this report will be provided to the NC Center for Geographic Information and Analysis. This information is also published on the Eastern Carolina Council's website.

## **Section IX            North Carolina War Stories**

To illustrate the problems associated with abandoned vessels, here are a few stories of efforts to get rid of them.

### **Town of Oak Island**

In 2004 the Town of Oak Island paid \$7,000 to have an abandoned vessel removed from the Davis Canal.

### **Craven County/City of New Bern**

It took Craven County and the City of New Bern three years and \$66,000 to remove two old tug boats that were resting near the on-ramp to the new bridge over the Neuse River. No fewer than 29 individual were involved in this problem, including state legislators, local government officials and the NC Department of Transportation. The cost was shared by NCDOT, Craven County and the T.A. Loving Company.

### **Division of Coastal Management**

DCM has an experience in 2005 with a vessel anchored in close proximity to the Rachael Carson Preserve in Taylor's Creek (Beaufort). DCM was fearful that the vessel would be blown into the Preserve and that it would destroy the habitat. In this case the following were contacted, but were unable to assist: Town of Beaufort, Beaufort Police Department, State Parks Department, Marine Fisheries, and the Carteret County Sheriff's office. The owner was pressured into moving the vessel across the creek but during Hurricane Ophelia it broke free and eventually sank near the NOAA lab.

## **Section X            Potential Sources of Funding**

This section includes some existing sources of funding for addressing the issues discussed in this study.

### **Clean Water Management Trust Fund**

The Clean Water Management Trust Fund helps finance projects that specifically address water pollution problems. The Clean Water Management Trust Fund pays for projects that:

- Enhance or restore degraded waters,
- Protect unpolluted waters, and/or
- Contribute toward a network of riparian buffers and greenways for environmental, educational, and recreational benefits.

<http://www.cwmtf.net/>

### **Public Beach and Waterfront Access Grant Program**

The DENR's DCM has established a Public Beach and Waterfront Access Grant Program for Local Governments. The Division of Coastal Management awards about \$1 million a year in matching grants to local governments for projects to improve pedestrian access to the state's beaches and waterways. Funding for the Public Beach and Coastal Waterfront Access Program comes from the N.C. Parks and Recreation Trust Fund.

Local governments may use access grants to construct low-cost public access facilities, including parking areas, restrooms, dune crossovers and piers. Projects range in size from small, local access areas to regional access sites with amenities such as large parking lots, bathrooms and picnic shelters. Towns and counties also may use the grants to replace aging access facilities. In addition, local governments can use the funds to help acquire land for access sites or to revitalize urban waterfronts.

<http://dcm2.enr.state.nc.us/Access/grants.htm>

### **Marine Sewage Pumpout and Dump Station Grant Program**

The state's DCM has established a Marine Sewage Pumpout and Dump Station Grant Program. Eligible grant activities include the construction, renovation, planning and engineering for pumpout stations, including necessary piping to connect to the marina sewage system. Modification of existing on-site septic systems is allowed provided that such a modification is necessary to handle the additional flow generated by the pumpout stations. Repair and/or replacement of

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pumpout and dump stations damaged or destroyed during storms is also an eligible activity.

<http://dcm2.enr.state.nc.us/Marinas/Grant%20Guidelines.pdf>

### **Water Resources Development Project Grant Program**

The Water Resources Development Project Grant Program is administered by the Division of Water Resources (DWR) within DENR. This program is designed to provide cost-share grants and technical assistance to local governments throughout the State. Applications for grants are accepted for the following purposes:

- General navigation;
- Recreational navigation;
- Water management;
- Stream restoration;
- Beach protection;
- Water based recreation sites;
- Aquatic weed control; and
- Feasibility or engineering study

[http://www.ncwater.org/Financial\\_Assistance/booklet.pdf](http://www.ncwater.org/Financial_Assistance/booklet.pdf)

### **Park and Recreation Trust Fund**

The North Carolina General Assembly established the Parks and Recreation Trust Fund on July 16, 1994 to fund improvements in the state's park system. It also funds grants for local governments and provides funds to increase the public's access to the state's beaches. The Parks and Recreation Trust Fund program also provides dollar-for-dollar grants to local governments. Recipients use the grants to acquire land or to develop parks and recreational projects that serve the general public.

<http://www.partf.net/>

### **Boating Infrastructure Grant (BIG) Program**

At the federal level, the U.S. Fish and Wildlife Service (USFWS) administers the Boating Infrastructure Grant (BIG) Program to help improve docking facilities for recreational, transient, non-trailer-able boats along the navigable waterways of the United States. The grants are part of the BIG program authorized by the Sportfishing and Boating Partnership Act of 1998 and are funded through excise

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taxes on motorboat fuel. The BIG program provides states with funding for:

- Mooring buoys;
- Day-docks;
- Transient slips;
- Safe harbor facilities (including temporary safe anchorage or a harbor of refuge during a storm);
- Floating and fixed piers and breakwaters;
- Dinghy docks;
- Restrooms;
- Retaining walls;
- Bulkheads;
- Dockside utilities;
- Pumpout stations;
- Trash collections and recycling facilities;
- Dockside electric;
- Water and telephone capabilities;
- Navigational aids; and,
- Marine fueling stations.

BIG transient facilities must be built in waters deep enough for boats 26 feet and larger to navigate at a minimum of six feet of depth at low tide. One-time dredging will be allowed to provide access between open water and a tie-up facility.

<http://federalasst.fws.gov/big/big.html>

### **Section 319 Grant Program**

By amendment to the Clean Water Act Section in 1987, the Section 319 Grant program was established to provide funding for efforts to curb nonpoint source (NPS) pollution, including that which occurs through stormwater runoff. The U.S. Environmental Protection Agency provides funds to state and tribal agencies, which are then allocated via a competitive grant process to organizations to address current or potential NPS concerns. Funds may be used to demonstrate best management practices (BMPs), establish Total Maximum Daily Load (TMDL) for a watershed, or to restore impaired streams or other water resources. In North Carolina, the 319 Grant Program is administered by the Division of Water Quality of the Department of Environment and Natural Resources.

Each fiscal year North Carolina is awarded nearly 5 million dollars to address nonpoint source pollution through its 319 Grant program. Thirty percent of the funding supports ongoing state nonpoint source programs. The remaining seventy percent is made available through a competitive grants process. At the

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beginning of each year (normally by mid-February), the NC 319 Program issues a request for proposals with an open response period of three months. Grants are divided into two categories: Base and Incremental. Base Projects concern research-oriented, demonstrative, or educational purposes for identifying and preventing potential NPS areas in the state, where waters may be at risk of becoming impaired. Incremental projects seek to restore streams or other portions of watersheds that are already impaired and not presently satisfying their intended uses. State and local governments, interstate and intrastate agencies, public and private nonprofit organizations, and educational institutions are eligible to apply for Section 319 monies. An interagency workgroup reviews the proposals and selects those of merit to be funded.

[http://h2o.enr.state.nc.us/nps/Section\\_319\\_Grant\\_Program.htm](http://h2o.enr.state.nc.us/nps/Section_319_Grant_Program.htm)

### **NOAA Marine Debris Program**

The National Oceanic and Atmospheric Association (NOAA) and the National Fish and Wildlife Foundation (NFWF) provide grant opportunities through the Marine Debris Program. In addition, the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) provides matching grants for clean up of debris from canals and streams resulting from a natural disaster.

<http://marinedebris.noaa.gov/funding/welcome.html>

### **NOAA Marine Debris Program – Community-based Marine Debris Prevention and Removal Grants**

NOAA published an Omnibus Federal Register Notice on June 12, 2006 to announce the availability of FY2007 competitive federal grant funds. Through NOAA's Marine Debris Program (MDP), funds are provided to catalyze the implementation of locally driven, community-based marine debris prevention and removal projects that will benefit coastal habitat, waterways, and NOAA trust resources including anadromous fish. The Federal Funding Opportunity (link below) describes the conditions under which applications (project proposals) will be accepted under the MDP and describes criteria under which applications will be evaluated for funding consideration. Projects funded through the MDP have strong on-the-ground habitat components involving the removal of marine debris and derelict fishing gear that will provide educational and social benefits for people and their communities in addition to long-term ecological habitat improvements for NOAA trust resources. Proposals selected for funding through this solicitation will be implemented through a cooperative agreement.

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[http://www.nmfs.noaa.gov/habitat/restoration/projects\\_programs/crp/partners\\_funding/callforprojects2.html](http://www.nmfs.noaa.gov/habitat/restoration/projects_programs/crp/partners_funding/callforprojects2.html)



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**Section XI            Links**

Louisiana Abandoned Barge and Vessel Inventory (GIS Metadata sample)  
[http://lagic.lsu.edu/metadata/losco/abandoned\\_barge\\_losco/vabgeog3dxdp96\\_faqs.html](http://lagic.lsu.edu/metadata/losco/abandoned_barge_losco/vabgeog3dxdp96_faqs.html)

FL Abandoned vessel inventory metadata  
[http://coris.noaa.gov/metadata/records/html/abandoned\\_vessel\\_inventory\\_florida\\_2004.html](http://coris.noaa.gov/metadata/records/html/abandoned_vessel_inventory_florida_2004.html)

South Carolina Marine Debris and Abandoned Vessel Removal Program  
<http://www.scdhec.net/environment/ocrm/outreach/debris.htm>

SC RFP to remove marine derelict vessels  
[http://web05.dhec.sc.gov/procurement/uploads/1260\\_IFB%2029112%20MARINE%20DEBRIS2.pdf](http://web05.dhec.sc.gov/procurement/uploads/1260_IFB%2029112%20MARINE%20DEBRIS2.pdf)

NOAA Abandoned Vessel case study worksheet  
[http://response.restoration.noaa.gov/book\\_shelf/520\\_CS\\_Ivanhoe\\_response\\_for\\_m.pdf](http://response.restoration.noaa.gov/book_shelf/520_CS_Ivanhoe_response_for_m.pdf)

Oregon Abandoned vessel program and fund April 2004  
<http://www.boatoregon.com/PDF-Publications/AbVesselProg.pdf>

NOAA Removal Case Study F/V Hope—SC vessel at dock  
[http://response.restoration.noaa.gov/book\\_shelf/1049\\_Hope\\_final.pdf](http://response.restoration.noaa.gov/book_shelf/1049_Hope_final.pdf)

Washington State Abandoned and Derelict vessel removal program  
[http://www.dnr.wa.gov/htdocs/aqr/derelict\\_vessel/index.html](http://www.dnr.wa.gov/htdocs/aqr/derelict_vessel/index.html)

Washington State legislation on Abandoned vessels revised March 2006  
<http://www.leg.wa.gov/pub/billinfo/2005-06/Pdf/Amendments/House/6223-S%20AMH%20NREP%20H5336.1.pdf>

Washington State Derelict Vessel Grant program requirements 2001:  
<http://www.ecy.wa.gov/pubs/0107042.pdf>  
<http://www.ecy.wa.gov/pubs/0407014.pdf>

Mississippi Code: Removal of derelict vessels  
<http://www.mscode.com/free/statutes/49/027/0071.htm>

Florida clean up of debris cleanup of waterways and wetlands post hurricane  
<http://myfwc.com/boating/derelict/wreckedvessels.pdf>

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Lee County, FL code to remove derelict vessels:

<http://www.lee-county.com/AdminCodes/PDF7-0/AC7-10.pdf>

Federal Government National Park Service Abandoned Shipwreck Guidelines:

<http://www.cr.nps.gov/archeology/submerged/federal.htm>

State of MS—legislation—act regarding derelict vessels

<http://billstatus.ls.state.ms.us/documents/2005/html/HB/0700-0799/HB0740IN.htm>

FL statutes 376.15 Derelict Vessels:

<http://www.dep.state.fl.us/water/wetlands/docs/erp/statutes.pdf>

Palm Beach County, FL FAQs (includes what to do about an abandoned vessel)

<http://www.dep.state.fl.us/southeast/hottopics/FAQ/faqs.htm>

Washington State Derelict Vessel Removal Program details:

[http://www.dnr.wa.gov/htdocs/aqr/derelict\\_vessel/bkgrnd.html](http://www.dnr.wa.gov/htdocs/aqr/derelict_vessel/bkgrnd.html)

Alaska statutes for abandoned vessels

<http://touchngo.com/lglcntr/akstats/Statutes/Title30/Chapter30.htm>

NOAA Abandoned vessel reporting form:

[http://response.restoration.noaa.gov/topic\\_subtopic\\_entry.php?RECORD\\_KEY%28entry\\_subtopic\\_topic%29=entry\\_id,subtopic\\_id,topic\\_id&entry\\_id\(entry\\_subtopic\\_topic\)=177&subtopic\\_id\(entry\\_subtopic\\_topic\)=17&topic\\_id\(entry\\_subtopic\\_topic\)=2](http://response.restoration.noaa.gov/topic_subtopic_entry.php?RECORD_KEY%28entry_subtopic_topic%29=entry_id,subtopic_id,topic_id&entry_id(entry_subtopic_topic)=177&subtopic_id(entry_subtopic_topic)=17&topic_id(entry_subtopic_topic)=2)

NOAA online resources for abandoned vessels:

[http://response.restoration.noaa.gov/topic\\_subtopic\\_entry.php?RECORD\\_KEY%28entry\\_subtopic\\_topic%29=entry\\_id,subtopic\\_id,topic\\_id&entry\\_id\(entry\\_subtopic\\_topic\)=443&subtopic\\_id\(entry\\_subtopic\\_topic\)=17&topic\\_id\(entry\\_subtopic\\_topic\)=2](http://response.restoration.noaa.gov/topic_subtopic_entry.php?RECORD_KEY%28entry_subtopic_topic%29=entry_id,subtopic_id,topic_id&entry_id(entry_subtopic_topic)=443&subtopic_id(entry_subtopic_topic)=17&topic_id(entry_subtopic_topic)=2)

Maryland Waterway Improvement Program

<http://www.dnr.state.md.us/grantsandloans/waterwayimprovement.asp>

State of WA—excellent Q&A booklet on the Derelict Vessel Removal Program

<http://www.governor.wa.gov/osac/meetings/012006/DNR.pdf>

Wreck removal from a Federal Perspective

[http://response.restoration.noaa.gov/book\\_shelf/506\\_Helton\\_NSC2003.pdf](http://response.restoration.noaa.gov/book_shelf/506_Helton_NSC2003.pdf)

NC CAMA regs: Floating Structures

<http://dcm2.enr.state.nc.us/Rules/Text/t15a-07m.0600.pdf>

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NC Marine Fisheries Statute--littering

<http://www.ncfisheries.net/download/statutes2K3.pdf>

Carolina Beach Water Use and Harbor Management Plan

<http://www.carolinabeach.org/pages/documents/dhmp.pdf>

Town of Wrightsville Beach Surface Water Use Plan

<http://www.townofwrightsvillebeach.com/Planning%20pdfs/Surface%20Water%20Use%20Plan.pdf>

Oregon Flow Chart for dealing with Abandoned vessels (Excellent example)

<http://www.boatoregon.com/PDF-Publications/AbVesselFlowChart.pdf>

California Abandoned Vessels

<http://www.dbw.ca.gov/abandonedVessls.asp>

California Abandoned Watercraft Abatement fund

<http://www.dbw.ca.gov/AWAF.asp>

Mississippi—Removal of Abandoned Vessels

<http://www.dmr.state.ms.us/DMR/Derelict-vessels/derelict.htm>

City of Alameda, CA—abandoned vessel removal

[http://www.ci.alameda.ca.us/code/ DATA/TITLE23/23\\_6\\_HARBOR\\_AND\\_TIDELANDS /23\\_6\\_1\\_Abandoned\\_Vessels\\_Remo.html](http://www.ci.alameda.ca.us/code/ DATA/TITLE23/23_6_HARBOR_AND_TIDELANDS /23_6_1_Abandoned_Vessels_Remo.html)

NOAA Report: Review of State Abandoned and Derelict Vessel Removal Programs October 2006

[http://response.restoration.noaa.gov/book\\_shelf/1295\\_AVP\\_State\\_Review\\_12\\_2006.pdf](http://response.restoration.noaa.gov/book_shelf/1295_AVP_State_Review_12_2006.pdf)

The Public Trust Doctrine and the Management of America's Coast

<http://books.google.com/books?hl=en&lr=&id=7cITG45hUsC&oi=fnd&pg=PP9&sig=fZX2yS34oele1HoZUihlZ3dy0jQ&dq=%22Archer%22+%22The+Public+Trust+Doctrine+and+the+Management+of+...%22+#PPP1,M1>

Anchoring Away: Government Regulations and the Rights of Navigation in Florida <http://www.law.ufl.edu/conservation/pdf/anchaway.pdf>

NC Beaches Inlets and Waterway Association

<http://www.ncbiwa.org/>

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NC Beach, Inlet & Waterway Association was formed out of several coastal organizations to strengthen the positive influence we will have on all coastal issues. We're a resource for government and the press. Our mission, to be The One Effective Voice for the North Carolina Coast.

NC Waterfront Access Study Committee

<http://www.ncseagrant.org/index.cfm?fuseaction=page&filename=waterfronts.html>

The Committee, with the assistance of the Sea Grant College Program of The University of North Carolina and the North Carolina Coastal Resources Law, Planning, and Policy Center, shall study the degree of loss and potential loss of the diversity of uses along the coastal shoreline of North Carolina and how these losses impact access to the public trust waters of the State.

NC Division of Coastal Management

<http://dcm2.enr.state.nc.us/>

The Division of Coastal Management works to protect, conserve and manage North Carolina's coastal resources through an integrated program of planning, permitting, education and research. DCM carries out the state's Coastal Area Management Act, the Dredge and Fill Law and the federal Coastal Zone Management Act of 1972 in the 20 coastal counties, using rules and policies of the N.C. Coastal Resources Commission, known as the CRC. The division serves as staff to the CRC. Coastal Management is part of the Department of Environment and Natural Resources, which is responsible for keeping the state's environment healthy.

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**Section XII          Attachments**

1. PowerPoint Presentation
2. PowerPoint Presentation handout
3. Table of registered vessels by CAMA county
4. Data Collection Training
  - a. Training PowerPoint Presentation
  - b. Q&A—Training the data collectors
  - c. Trip Sheet Instructions
  - d. Trip Sheet
  - e. Debris Data Collection Form Instructions
  - f. Debris Data Collection Form
  - g. Vessel Data Collection Form Instructions
  - h. Vessel Data Collection Form
  - i. Paperwork processing
  - j. Resource list
5. Washington State Derelict Removal Program
6. NOAA Abandoned Vessel Program Removal Case Study: F/V Hope
7. Abandoned Vessel Program Flowchart (Oregon)
8. ACCESS data base forms--trip sheets
9. ACCESS data base forms—debris
10. ACCESS data base forms—vessels
11. GIS map with vessels marked