



WASHINGTON STATE DEPARTMENT OF
Natural Resources

Peter Goldmark - Commissioner of Public Lands

Derelict Vessel Removal Program

Vessel Inspection Rulemaking

Board of Natural Resources Presentation | May 6, 2014



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2013 Legislation / ESHB 1245

Revised RCW 79.100.150 / Directed DNR to adopt vessel inspection rules



Vessel Inspection Rule

- Applies to vessels that are:
 - **65 feet** and longer;
 - **40 years** and older; and
 - **Registered or licensed** in Washington State.
 - **Applies** when vessel owners sell or transfer ownership.
- Requires:
 - Seller to provide inspection to buyer & DNR before sale.
 - DNR to maintain vessel inspection records, and
 - DNR may seek secondary liability / cost recovery from prior vessel owner if:
 - No inspection was provided prior to sale;
 - Vessel subsequently becomes derelict and DNR must respond; and
 - Current owner cannot be located or held financially responsible.
- Rule implementation (effective July 1, 2014)



Timeline for Rulemaking

Ongoing	DNR communicates w/ stakeholders on rule issues
January - February 2014	DNR prepares draft rule language and supporting documentation.
Late March, 2014	DNR conducts public outreach / hearings on draft rule.
April, 2014	DNR revises rule to reflect public input.
May, 2014	BNR considers rule language for adoption.



Summary of Proposed Rule

- Amends 3 existing sections:
 - Administrative clarification that the owner or lienholder of an abandoned or derelict vessel may file appeals of a DNR decision or action with the pollution control hearing board, as provided in RCW 79.100 (Derelict and Abandoned Vessel Act).
- Adds 3 new sections:
 - Defines when and to whom the rule applies; what inspection information is needed; and how / where to file inspection documents.



Specific Provisions

WAC 332-08-122 Transfer of certain vessels –
Vessel inspection required – Secondary liability.

- Effective July 1, 2014.
- A seller / transferor of a qualifying vessel must provide vessel inspection document before they transfer ownership of a vessel.
- DNR may pursue secondary liability if the prior owner(s) did not provide documentation before transferring ownership of the vessel.



Specific Provisions

WAC 332-08-123 Minimum criteria for vessel inspection

- For the purpose of this rule, the term “seaworthy” means the vessel and its equipment are physically fit and in working order; able to encounter and withstand the ordinary perils of the sea during its contemplated use; and is suitable for its intended purpose.
- Vessel inspection report include: general description of vessel, current legal owner, condition rating, surveyor recommendations, market and replacement values, intended use, physical suitability of vessel and equipment for intended use; and whether the cost of any necessary repairs are likely to exceed the market value of the vessel.



Specific Provisions

WAC 332-08-124 Procedure for vessel inspection documentation

- Seller / transferor to file hard copy of documentation and acknowledgement form - signed by seller and buyer - with DNR.
- DNR will transmit notice of receipt w/I 10 business days. (Receipt does not constitute concurrence that documentation meets minimum criteria.)
- DNR will maintain records for future reference.
- DNR may notify a prior owner they have secondary liability, if:
 - An authorized public entity has taken custody of the derelict or abandoned vessel'
 - The current owner cannot be identified or is financially insolvent;
 - DNR does not have vessel inspection documentation on record for the vessel; AND
 - The vessel was transferred after July 1, 2014.





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