



July 13, 2016

Dear Stakeholder,

Thank you for your interest in the issue of derelict vessels around Alaska's coast and rivers. Recent news stories may have caught your attention – over \$1 million spent on the Challenger sunk in Gastineau Channel, over 40 abandoned barges in Steamboat Slough near Bethel, derelict tugs in Adak trespassing on state lands. The list goes on and is an ongoing and expensive one. **We are looking for your feedback on proposed solutions to some of the biggest problems with derelict vessel management and prevention in Alaska!**

"By 2025, the Alaska fleet will include roughly 3,100 vessels between 28' and 59' that are more than 45 years old...the Alaska fleet also includes 75 passenger vessels, tugs, and barges over 50 years old..."

McDowell Group, Trends and Opportunities in the Alaska Maritime Industrial Support Sector (2014)

Since February 2014, a large ad-hoc Task Force has been meeting to address concerns with derelict vessels around the state. The Task Force is an open group of stakeholders and advisors, and participation has been welcomed from any interested parties. Over the course of 9 full-day in-person meetings, representatives from the following stakeholder groups met to discuss problems and solutions surrounding derelict vessels in Alaska:

- Alaska Department of Natural Resources, Mining Land and Water
- Alaska Department of Environmental Conservation, Spill Prevention & Response
- Alaska Department of Fish and Game, Habitat
- Alaska Department of Transportation, Ports & Harbors
- Alaska Association of Harbormasters and Port Administrators
- United States Coast Guard, Sector Anchorage/Juneau and Division of Waterways Management
- Environmental Protection Agency, Response, Region 10
- National Oceanic and Atmospheric Administration, Restoration Center/Marine Debris Program
- Office of Senator Lisa Murkowski

{OVER}





Alaska Clean Harbors • Rachel Lord • Tel 907.235.4068 • rachel@inletkeeper.org

- Orutsararmiut Native Council
- Alaska Marine Response
- Birch Horton Bittner and Cherot (pro bono legal assistance for Cook Inletkeeper)
- Cook Inletkeeper/Alaska Clean Harbors, facilitation

Enclosed in this packet you will find the results of this effort with a full draft revision to our state statutes, reflecting changes the Task Force discussed to improve our management and prevention of derelict vessels.

We are asking for your feedback! If you are interested in this issue, please take some time to review the revised statutes and the accompanying supporting documents. The MEMO outlines the legal background behind the sectional changes per the Task Force's feedback. The Problems & Solutions document steps the reader through the top issues that were raised by the Task Force over the past two years and how they have been, or could be, addressed.

We respectfully request all feedback be submitted, at the latest, by **FRIDAY, SEPTEMBER 9, 2016**. At that time, we will work to quickly address all comments together and create a more final draft with your feedback for consideration in Juneau during the upcoming legislative session.

If you have any questions or comments, please don't hesitate to contact me directly. All Task Force meeting summaries, background documents, case studies and newsletters can be found on our website: <http://alaskacleanharbors.squarespace.com/derelict-vessels/>

This is a pressing and growing issue for both the state and our municipalities. Our fleet is aging, and the number of derelict vessels will be increasing in the coming years. Thank you for your time and feedback.

Sincerely,

Rachel Lord
Task Force Facilitator
Clean Water Program Director, Cook Inletkeeper
Coordinator, Alaska Clean Harbors
rachel@inletkeeper.org
907-235-4068 x29



Clean Harbor Certification is a voluntary process that encourages the use of best management practices at harbor facilities in order to reduce the production of nonpoint source pollution, mitigate its environmental effects where necessary and ideally, reduce compliance and clean-up costs in order to minimize negative impacts from harbors on Alaska's coastal ecosystems.

HOUSE/SENATE BILL NO. ____
IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY [names of sponsors]

Introduced: __/__/17

Referred:

A BILL

FOR AN ACT ENTITLED

1 **“An Act relating to abandoned and derelict vessels.”**

2
3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4
5 *** Section 1.** Chapter 30.30 entitled “Abandoned and Derelict Vessels” is repealed and reenacted
6 to read:

7
8 Chapter 30.30. “Derelict Vessels”

9
10 Article 1. Derelict Vessels

11
12 Article 2. Derelict Vessel Program

13
14 § 30.30.010. Derelict vessels unlawful

15
16 (a) A person may not store or leave a derelict vessel

17
18 (1) on state waters, real property owned by the state or a municipality, or at a port or harbor
19 of the state or a municipality without the consent of the state agency or municipality having
20 jurisdiction over the water, property, port, or harbor; or

21
22 (2) docked at any private property without the consent of the owner of the property.

23
24 (b) A state agency, municipality, or peace officer may impound a derelict vessel subject to
25 this chapter.

26
27 (c) This section may not be construed to contravene any applicable federal law or regulation.

28
29 § 30.30.020. Limitation on applicability

30
31 (a) A vessel stored outside an organized municipality within the state where it is the custom,
32 common or accepted practice to anchor, moore, or otherwise leave a vessel in a port or harbor in

state waters does not constitute a derelict vessel as that term is used in this chapter so long as written authorization to store the vessel is obtained from the Department of Natural Resources within thirty days of the anchoring, mooring, storing, or leaving the vessel.

(b) A vessel anchored, moored, stored, or otherwise left unattended for more than 30 days due to climatic conditions that make use of the vessel impracticable or due to provisions of law that prohibit use of the vessel during that period of time does not constitute a derelict vessel as that term is used in this chapter so long as written authorization to anchor, moore, store or otherwise leave the vessel is obtained from the Department of Natural Resources within thirty days of the anchoring, mooring, storing, or leaving of the vessel.

§ 30.30.030. Derelict vessel declared

(a) A vessel is a derelict vessel if:

(1) the vessel is sunk or in imminent danger of sinking, is obstructing a waterway, or is endangering public health, safety, property, or the environment; or

(2) the vessel has been moored or otherwise left in state waters or on property owned by the state, the federal government or a municipality contrary to law; or

(3) the vessel's certificate number or marine document number has expired and the owner no longer resides at the address listed in the vessel registration or marine document records of a state agency or the United States Coast Guard; or

(4) the last owner of record disclaims ownership and the current owner's name or address cannot be determined; or

(5) the vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner; or

(6) the vessel registration records of a state agency and the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name or address cannot be determined; or

(7) the vessel has been abandoned on public or private property or left on private or public property without authorization by the owner or occupant of the property.

§ 30.30.040. Impoundment of derelict vessels

(a) A state agency, municipality, or peace officer may impound a derelict vessel by immobilizing it or removing or having it towed from the water and placed in storage. The vessel owner shall be responsible and liable for all expenses and risks of impoundment and storage.

(b) The owner or person entitled to possession of a vessel impounded under this chapter shall be subject to and liable for actual storage charge and shall be subject to and liable for all costs directly or indirectly arising out of resulting from the impoundment or removal of the vessel.

§ 30.30.060. Notice

(a) Except as otherwise provided in this chapter, at least thirty days prior to impounding any vessel, the impounding body shall cause to be posted on the vessel and on the official website for the impounding agency or body, notice of such action taken by the impounding body. A copy of the notice shall be mailed, certified return receipt, to the owner of the vessel, if known, at the owner's last known address or the address on record with the United States Coast Guard or the State of Alaska Division of Motor Vehicles. Notice shall also be mailed to all lienholders who are shown on the records of the United States Coast Guard.

(b) The notice shall contain the name and/or number of the vessel and the name and address of the owner, if known, and the intended action against the vessel. The notice shall notify the owner of the right to a hearing under this chapter.

§ 30.30.120. Pre-impoundment hearing

(a) Except as provided in AS 30.30.125, the owner of a vessel or person entitled to possession of a vessel has the right to a pre-impoundment administrative hearing to determine whether there is probable cause to impound the vessel if the owner or person entitled to possession of the vessel files a written demand for such a hearing with the impounding body no more than 15 days after the mailing of the notice required by AS 30.30.060.

(b) A hearing under this section shall be conducted within 10 days of receipt of a written demand for a pre-impoundment hearing unless the person requesting the hearing consents to a later hearing date. Saturdays, Sundays and holidays are excluded from the calculation of the 10 day period.

(c) Any person who has authority to direct the impoundment of the vessel at issue in a hearing shall not serve as the hearing officer in a hearing regarding that vessel. The sole issue before the hearing officer shall be whether there is probable cause to impound the vessel in question. The hearing may be conducted in an informal manner and shall not be bound by technical rules of evidence.

(d) The person demanding the hearing shall carry the burden of establishing his or her right to possession of the vessel in question. The impounding body or person shall carry the burden of establishing that there is probable cause to impound the vessel.

(e) After the pre-impoundment hearing, a written decision and certificate of probable cause if probable cause exists shall be issued. A copy of the decision and the certificate shall be provided to the vessel owner and the person demanding the hearing.

(f) Failure of the owner or person entitled to possession of the vessel to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right to such hearing.

(g) Upon receipt of a certificate of probable cause, the impounding body may proceed with impoundment and disposition of the vessel by removal, sale or destruction as authorized by this chapter.

§ 30.30.125. Impoundment of derelict vessels posing imminent clear and present danger

(a) When action is taken to impound a derelict vessel that poses an imminent clear and present danger to public health, safety or general welfare, notice shall be hand delivered or mailed to the owner of the vessel, if the name and location of the owner is known, within twenty-four hours after the impoundment.

(b) The owner of the vessel or person entitled to possession of the vessel has a right to a post-impoundment hearing if that person submits a written demand for a post-impoundment hearing within fifteen days after the notice of impoundment was mailed.

(c) A post-impoundment hearing shall be conducted within 48 hours of receipt of a written demand for a post-impoundment hearing. Saturdays, Sundays and holidays are excluded from the calculation of the 48 hour period.

(d) A post-impoundment hearing officer shall determine whether there was probable cause to impound the vessel. If the hearing officer determines that there was not probable cause to impound the vessel, the vessel shall be released to the owner without payment of the towing, storage or other accrued storage, impoundment, and abatement charges or the owner shall be entitled to a refund or reimbursement of the charges if previously paid by the owner. If the hearing officer determines that there was probable cause for the impoundment of the vessel, the impounding body or its designee may proceed to dispose of the vessel as provided in this chapter.

(e) Failure of the owner or person entitled to possession of the vessel to request or attend a scheduled post-impoundment hearing shall be deemed a waiver of the right to such hearing.

§ 30.30.130. Notice of disposition

(a) After impounding a derelict vessel, the impounding body shall publish a notice of disposition at least thirty days before disposing of the vessel once in a newspaper of general circulation or on the website of the impounding body and, if possible, post a notice of disposition on the vessel itself.

(b) A duplicate of the notice must be served by certified mail, return receipt requested, on:

1. The owner of the vessel, if known, at the address on record with the United States Coast Guard or the State of Alaska Division of Motor Vehicles; and

2. All lienholders who have filed a financing statement indexed in the name of the owner, or who are shown on the records of a state agency or the United States Coast Guard.

(c) The notice of disposition must include a description of the vessel, the name and/or number of the vessel, if any, the name and address of the owner, if known, the location of the vessel, and the means of disposition. If a public auction will be held, the location, date, and time of the auction shall be included in the notice of disposition.

§ 30.30.135. Form of disposition

(a) If an impounded vessel is not repossessed by the owner or a person with a legal interest in and entitlement to the vessel within 30 days after the mailing of the notice, the vessel may be sold, donated or destroyed. The sale of a vessel shall be by public auction or sealed bids. An impounding body may adopt sale or disposal methods in addition to or instead of the sale and disposal methods authorized in this chapter but must do so by ordinance or regulation.

(b) The proceeds of any sale of the vessel under this chapter shall be first applied to the costs of conducting the sale, then to impoundment fees and storage charges, and the balance, if any, shall be forwarded to the owner of the vessel, if the owner can be found. If the owner cannot be found, the balance shall be deposited in a separate account maintained by the impounding body or with the commissioner of the state of Alaska Department of Administration and shall be paid out in accordance with state law. The proceeds of any sale of the vessel at a public auction sanctioned by federal law shall be dispersed in accordance with federal law. A lienholder shall receive priority of payment from the balance of the proceeds to the extent of the lien. An owner has one year to make a claim for the remaining proceeds from the sale.

(c) Any disposition of the vessel is to be made without liability of the impounding body, its designees, employees or agents to the owner, operator or any lienholder of the vessel.

§ 30.30.160. Possession by party with legal interest and entitlement

A person having a legal interest and entitlement in a derelict vessel may take possession of it before the date of the public auction, destruction, or donation upon payment to state agency or municipality of all port or harbor use fees, towing, handling, storage, appraisal, advertising, and any other expenses incurred by the state agency or municipality in connection with the vessel.

§ 30.30.180. Effect of transfer of title

The transfer of title and interest by sale under AS 30.30.135 is a transfer by operation of law. However, a bill of sale executed by an authorized seller is satisfactory evidence authorizing the transfer of the title or interest.

§ 30.30.185. Penalties

(a) A person or entity who violates a provision of this chapter or a regulation adopted under this chapter is, upon conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90 days, or forfeiture of the person's vessel, or both, and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000.

(b) The department or a municipality may report a violation of this section to the attorney general, who may institute the proper proceedings to enforce the criminal penalties provided in (a) of this section.

(c) The department, the municipality or an aggrieved person may institute a civil action against a person who violates this chapter. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction. Each day that a violation of an ordinance continues constitutes a separate violation.

(d) The penalties authorized under this section may be imposed only if copies of the regulation or ordinance establishing the penalties are made available for distribution to the public at no more than cost.

(e) The department may provide for the payment of civil fines under this section by mail.

§ 30.30.190. Definitions

In this chapter,

(1) "Abandoned" means any vessel that has been left unattended on private, state or municipal waters or land without the consent of the land owner or lessee for more than thirty days.

(2) "Department" means the Department of Natural Resources.

(3) "Hearing officer" means the decision maker appointed or assigned by the department or municipality providing a pre-impoundment or post-impoundment hearing under this chapter. The hearing officer includes, but is not limited to a municipal employee, department employee, legal counsel serving as the decision maker or an administrative law judge.

(4) "Municipality" has the meaning given in AS 29.71.800.

(5) "Owner" means a person who has a property interest other than a security interest in a vessel and the right of use or possession of the vessel; "owner" does not include a lessee unless the lease is intended as security. For purposes of enforcing this chapter, an "owner" of a vessel is any individual, partnership, corporation, company, entity, agency or any designee of any individual, partnership, corporation, company, entity or agency that is the last named owner with

the State of Alaska Division of Motor Vehicles or the United States Coast Guard or the individual, partnership, corporation, company, entity, agency or any designee of any individual, partnership, corporation, company entity or agency identified as the “owner” of the vessel in an agreement with a municipality, a state agency or department or any other political subdivision of the State.

(6) “Probable cause” means such a state of facts as would lead a person of ordinary care and prudence to believe that there was a breach of law rendering the vessel subject to impoundment.

(7) “State agency” means a state department or agency in the executive branch; “state agency” does not include an agency of the legislative or judicial branch, the University of Alaska, or a public corporation.

(8) “Vessel” means every description of watercraft or other artificial contrivance, other than a seaplane on the water, used or capable of being used as a means of transportation on or through the water.

(9) “State waters” has the meaning given in the term “navigable water” in AS 38.05.965; “state waters” also includes the marginal sea adjacent to the state and the high seas within the territorial limits of the state, irrespective of the ownership of the land underlying those waters.

Article 2. Derelict Vessel Program

§ 30.30.200. Statement of Purpose

It is the policy of the state to prevent and deter the abandonment and operation of derelict vessels in state and municipal waters and on public and private property within the state and to ensure that all state and municipal entities have the authority to identify, remove, and discourage derelict vessels from being stored, operated, or abandoned on state and municipal waters and on public and private property.

§ 30.30.210. Derelict Vessel Program

(a) The department shall administer a statewide derelict vessel prevention program. The program must, to the extent consistent with state law and subject to state funding:

(1) adopt regulations establishing a derelict vessel advisory council authorized to adopt and implement education and community outreach programs to inform and incentivize the removal of derelict vessels from state waters;

(2) develop a publically available vessel tracking system

(3) draft regulations for education and community outreach programs, derelict vessel disposal programs, and funding options for derelict vessel removal efforts.

§ 30.30.220. Derelict Vessel Program Fund

(a) The derelict vessel program/ safe waters fund is created. The purpose of the fund is to provide the department, the state and municipalities money to remove derelict vessels from state waters, develop and implement programs that incentivize compliance with this chapter, and subsidize other projects and goals directly related to the derelict vessel program and authorized by regulation.

(b) The fund consists of money appropriated to it by the legislature, including donations, recoveries of or reimbursements for awards made from the fund, income from the fund, and other program receipts from activities adopted by the department or through use of the fund.

(c) The Director of Motor Vehicles may deposit up to 50% of fees and costs associated with registering vessels into the fund and shall deposit at least \$5 of fees paid under AS 5.25.096(a)(1) after January 1, 2017 to the fund.

(d) The proceeds from the sale of a vessel under this chapter shall be distributed into the fund after all fees and costs for maintenance, removal, impoundment, disposition, advertisement, storage, moorage, wharfage, legal counsel, or any other costs or fees paid by the impounding entity with regard to that vessel have been deducted from the sale proceeds.

(e) The department shall administer the fund in accordance with the provisions of this chapter and any regulations adopted by the department. Appropriations to the fund do not lapse.

[This section definitely needs Task Force discussion before it is finalized but this provides a basic introduction into the funding mechanism that the Task Force expressed interest in seeing]

*Section 2. AS 5.25.050 is amended to read:

It is the policy of the state to promote safety for persons and property in and connected with the use, operation, and equipment of boats on water of the state and its political subdivisions, and to promote uniformity of laws relating to vessel and boat safety, maintenance, and operations and the responsibility of vessel owners operating in the water of the state and its political subdivisions.

*Section 3. AS 5.25.055 is amended to read:

(a) An undocumented boat placed on water of the state **or a political subdivision or placed in a port or harbor of the state or political subdivision** must be registered and numbered as required by this chapter. The Department of Administration shall adopt by regulation a boat registration and numbering system that is consistent with the national standard for state numbering systems established by the United States Coast Guard.

(b) In adopting a boat registration system under (a) of this section, the Department of Administration shall authorize agents, including boat dealers, to register boats.

(c) A boat dealer shall require a purchaser of a new or used boat sold at retail to complete a registration application and pay the registration fee before the boat leaves the dealer's premises unless the boat is exempt from registration and numbering under this chapter or regulations adopted under this chapter.

(d) A person may not operate a boat on water of the state unless a valid certificate of number has been awarded by the Department of Administration to the boat and the identification number and any required validation decals are properly displayed on the boat.

(e) The Department of Administration shall authorize agents to accept an application and registration fee for registration, to issue a registration, and to forward the application and registration fee to the Department of Administration.

(f) Unless otherwise provided by this chapter, or unless the owner has been awarded a current, valid Alaska certificate of number from the United States Coast Guard, the owner of a boat for which a current certificate of number has been awarded under federal law or a federally approved numbering system of another state shall apply for a certificate of number in this state as required by this chapter if the boat is operated on water of the state for more than 90 consecutive days. If a boat has an existing number, the owner may request that the department issue the same number for purposes of this section, and the department shall comply with the request unless compliance would result in a duplication of numbers.

(g) A certificate of number issued under this chapter is valid for three years unless terminated or discontinued earlier as required by this chapter and regulations adopted under this chapter. The certificate expires on the last day of the month at the end of the three-year period. The expiration date shall be indicated on the certificate.

(h) All records of ownership of boats that are kept by the Department of Administration under this section are public records. The Department of Administration shall provide records of ownership and registration expense reports to the Department of Public Safety for the purposes of meeting the federal requirements for state programs and implementing this chapter.

(i) The following boats are exempt from the numbering and registration provisions of this section:

(1) a boat that is operated in this state for a period not exceeding 90 consecutive days and that has a current, valid certificate of number issued by another state having a federally approved numbering system;

(2) a foreign boat operated in water of the state for a period not exceeding 90 consecutive days;

(3) a boat owned by the United States or an entity or political subdivision of the United States, or a boat owned by a state or an entity or political subdivision of a state;

(4) a boat that is propelled solely by oars or paddles~~not equipped with mechanical propulsion~~;

(5) a boat with a valid document to operate the boat that is issued by the United States or a foreign government;

(6) a handmade nonmotorized umiak with a walrus or sealskin covering.

*Section 4. AS 5.25.065 is enacted to read:

5.25.65 Insurance required.

(a) All vessel exceeding 35 feet in length and operating in state waters or in waters or on property of a political subdivision of the state or placed at a dock or harbor of the state or a municipality for more than 90 days shall maintain a marine insurance policy for at least \$300,000. This insurance policy must cover the removal of the vessel in the event that it constitutes a derelict vessel subject to impoundment pursuant to Chapter 30.30.

(b) The department may, by rule, provide for a purchaser of a vessel to also satisfy the insurance requirements of this section through the posting of adequate security with a financial institution.

(c) A person required to secure marine insurance or show proof of marine insurance under this section without securing another marine insurance policy consistent with this section in its place, is guilty of a misdemeanor. The department may contact any vessel owner required by this section to have a marine insurance policy to ensure compliance with this section.

*Section 5. AS 5.25.096 is amended to read:

§ 05.25.096. Fees

(a) The Department of Administration shall assess the following fees:

(1) motorized boat registration, registration renewal, and transfer of registration, \$30~~24~~ for a three-year period;

(2) nonmotorized boat registration, registration renewal, and transfer of registration, \$10 for a three-year period;

(3) replacement of lost registration, \$5;

(4) replacement of lost registration validation decals, \$5.

(b) The Department of Administration shall separately account for fees collected under (a) of this section for boat registration that are deposited in the general fund and into the derelict vessel program fund. The annual estimated balance in that account may be used by the legislature to

437 make appropriations to the department and the Department of Administration to carry out the
438 purposes of this chapter and the purposes of chapter 30.30.
439

MEMORANDUM

**TO: RACHEL LORD
DERELICT VESSEL TASK FORCE**

**FROM: HOLLY C. WELLS
WITH ADDITIONAL NOTES ADDED BY RACHEL LORD**

RE: AMENDMENTS TO AS 30.30 AND AS 05.25

CLIENT: DERELICT VESSEL TASK FORCE

FILE NO.: 999,999.9363

DATE: JULY 13, 2016

The following is a detailed discussion of the changes proposed in the attached legislation:

Section 1: Amendments to 30.30.010

The primary purpose of the revisions to AS 30.30.010 was to simplify the declaration of abandoned and derelict vessels and expand the definition of derelict vessels to encompass all vessels that often require impoundment or remedial action by state or local governments. Previously, Title 30.30 addressed abandoned vessels separate from derelict vessels. It also subjected private and public entities seeking to remove such vessels separately. As a result of this separate treatment, there were different disposition and impoundment processes and the scope of authority was unclear. In an effort to address this ambiguity, the proposed revisions create a prohibition of “derelict vessels” and include within that definition abandoned vessels and other vessels that warrant impoundment or redress by the state, municipalities, and in some cases private entities. Other less substantial changes were made, including but not limited to changing references to “waters of the state” to “state waters” and expanding the prohibition against derelict vessels to state and municipal real property.

Additionally, former subsection (d) was repealed as it suggested that vessels removing hazardous materials and petroleum products were permitted on state waters for 14 days, which is a direct contradiction of existing state law and policy. Subsection (e), which recognized that a violation of AS 30.30.010 constituted a misdemeanor punishable by a fine, was also removed and AS 30.30.185 was added, which provides the penalties and means of enforcement.

Section 2: Amendment to AS 30.30.020 and Revisions to Current AS 30.30.030

AS 30.30.020 is amended to effectively repeal the section governing the disposition of abandoned vessels, which is addressed in a new disposition process that applies to all derelict vessels later in Title 30.30. Thus, former section 30.30.030 has been renumbered as AS 30.30.020.

Currently, AS 30.30.030 exempts vessels left unattended due to custom, common or accepted practices subject to certain parameters. While this exemption may be warranted, the terms of the exemption are ambiguous and may lead to reliance upon this exemption even when unwarranted or unjustified. Consequently, while the exemption is preserved in the recommended revisions, it requires written consent from the Department of Natural Resources in order for a vessel owner to fall within the exemption.

Section 3: Amendment to AS 30.30.030 and Incorporation of Revised AS 30.30.090

Amending AS 30.30.030 from the limitation of liability in the current statute to declare and define what constitutes a derelict vessel. Currently, AS 30.30.090 defines what constitutes a derelict vessel. The language has been amended as follows:

§ 30.30.0930. Derelict vessel declared.

(a) ~~A vessel that has been left unattended for more than 24 consecutive hours~~ is a derelict vessel if

(1) the vessel is sunk or in imminent ~~immediate~~ danger of sinking, is obstructing a waterway, or is endangering public health, safety, property, or the environment ~~life or property~~; or

(2) the vessel has been moored or otherwise left in ~~the waters of the state~~ waters or on ~~public~~ property contrary to law or regulations adopted by a state agency or municipality or the vessel has been left on private property without authorization of the owner or occupant of the property; or

(3) the vessel's certificate of number or marine document has expired and the registered owner no longer resides at the address listed in the vessel registration or marine document records of a state agency or the United States Coast Guard; or

(4) the last registered owner of record disclaims ownership and the current owner's name or address cannot be determined; or

(5) the vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner; or

(6) the vessel registration records of a state agency and the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name or address cannot be determined; or

(7) the vessel has been abandoned on public property.

The revisions to the declaration of a derelict vessel include, most notably, the inclusion of an abandoned vessel within the definition of a derelict vessel and the addition of the term “or” to clarify that a derelict vessel need only meet one of the criteria and not a combination of these criteria. These revisions provide all enforcing state agencies and municipal corporations with greater flexibility and clarity in identifying and declaring a derelict vessel.

Section 4: Amendment to AS 30.30.040 Providing for Impoundment of Derelict Vessels and Owner’s Liability for Impoundment, Storage, and Disposal Costs

Currently, AS 30.30.040 provides the notice requirement for taking ownership of a vessel. As proposed, notice requirements for impoundment of vessels is addressed in AS 30.30.060 and notice regarding disposition of an impounded vessel appears in AS 30.30.130. AS 30.30.040 provides authority to municipalities, state agencies, and peace officers to impound derelict vessels but also expressly makes the owner or a person entitled to possession of the vessel liable for all costs associated with the impoundment, storage, disposal, and transfer of derelict vessels. AS 30.30.050, which also addresses the vessel owner’s liability for costs, was incorporated into AS 30.30.040 so that all liabilities for costs are contained in a single provision.

Section 5: Amendment to Notice Provisions in Title 30.30

As discussed above, AS 30.30.040, which previously provided the notice requirements for impounding an abandoned vessel has been repealed and notice requirements have been adopted that universally apply to the impoundment of derelict vessels, which now include abandoned vessels. Similarly, AS 30.30.130 has been proposed, which provides for additional notice requirements prior to the disposition of an impounded derelict vessel. The purpose of these revised notice provisions was to require greater notice to vessel owners to protect the due process rights of these owners. Further, the notice provisions as proposed provide much more detail regarding the content and distribution of the notices. Specifically, AS 30.30.040 only requires 20 days notice of impoundment and for identification of the intended disposition in such notice. The proposed revisions require 30 days notice of impoundment and then, after a hearing is conducted, if such a hearing is requested, an additional notice of disposition is required at least 30 days prior to any such disposition.

Section 6: Amendment to Chapter 30.30 to Establish Vessel Impoundment Hearings

The current Chapter 30.30 does not provide for impoundment hearing proceedings and permits the immediate impoundment of derelict vessels. See AS 30.30.090. Pre-impoundment hearings are required prior to the impoundment of vessels that are not in imminent danger of sinking and do not pose a clear and present danger to the public's health and safety. When a vessel does pose such a clear and present danger or is in imminent danger of sinking, a vessel may be immediately impounded but the vessel owner must be given a right to a post-impoundment hearing. These hearing requirements derive from due process rights afforded under the Alaska Constitution and case precedent within Alaska interpreting such rights. Consequently, Chapter 30.30 as proposed was amended to include AS 30.30.120, which creates a pre-impoundment hearing and AS 30.30.130, which establishes a post-impoundment hearing.

Section 7: Amendment to Disposition of Vessel Provisions in Chapter 30.30

In current Chapter 30.30, derelict vessels and abandoned vessels have different disposal provisions. These differences may create confusion and unnecessary restrictions on the sale, donation, or disposal of vessels. Generally, derelict vessels rarely have value and many vessels that are valuable have numerous liens against the vessel. Thus, it is important that an impounding entity has the flexibility to choose a disposition method that meets its resources. Although proposed AS 30.30.135 permits the sale, donation, or destruction of a derelict vessel after the impoundment process has been followed, it also provides more substantial notice to derelict vessel owners prior to sale and limits sale methods to public auction or sealed bids unless different disposal methods are adopted by a state agency or municipality. Further, the disposition proposed provisions provide for appropriate distribution of funds resulting from disposal of a derelict vessel. A question raised was whether the proceeds of any sale above and beyond that aren't collected by the owner could be directed into the Derelict Vessel Fund (30.30.220) instead of the general fund. This would require further investigation.

Section 8: Repeal of Article 3 Addressing Vessels Abandoned on Business Premises of Persons Engaged in Repair Business

In current AS 30.30.110 through AS 30.30.150, a separate sale and disposition process exists for persons engaged in a repair business. Although repair business owners certainly should have recourse against owners of vessels abandoned on repair business property, the laws of trespass and many proposed provisions address a private repair business owner's right to recover against the owner. Thus, in the interest of clarity, this article was removed in whole.

Section 9: Amendment to Definitions in Chapter 30.30

Currently, applicable definitions are contained in AS 30.30.150. In the proposed revisions, AS 30.30.190 contains definitions. Many additional definitions have been added, including definitions for “abandoned”, “department”, “owner”, “probable cause”, and “state agency.” The purpose of the additional definitions was to add clarity to the existing chapter.

Section 10: Enactment of AS 30.30.185 Imposing Criminal Penalties for a Violation of Chapter 30.30

The increasing risks and hazards associated with derelict vessels justifies increasing the penalties for violating Chapter 30.30 and owning derelict vessels. Specifically, AS 30.30.185 has been proposed, which identifies a violation of Chapter 30.30 as a class B misdemeanor punishable by up to 90 days in jail and fines as high as \$10,000. Specifically, AS 30.30.185 entitled “Criminal Penalties” provides that:

(a) A person or entity who violates a provision of this chapter or a regulation adopted under this chapter is, upon conviction, guilty of a class B misdemeanor and may be sentenced to a definite term of imprisonment of not more than 90 days, or forfeiture of the person’s vessel, or both, and shall be sentenced to a fine of not less than \$5,000 nor more than \$10,000.

(b) The department or a municipality may report a violation of this section to the attorney general, who may institute the proper proceedings to enforce the criminal penalties provided in (a) of this section.

(c) Each day that a violation described in this section occurs is a separate violation.

Section 11: Repeal and Reenactment of Article 2 Establishing a Derelict Vessel Program

Article 2, as proposed, creates a derelict vessel prevention program that provides the Department of Natural Resources authority to create such a program and identify funding sources for such a program. The language is intended to be broad, and allow for flexibility in program requirements in an effort to keep the burden of cost low.

The following section analyses were added by Rachel:

Section 12: Enactment of AS 30.30.220 Establishing a Derelict Vessel Program Fund

This section is intended at this point as a placeholder for more accurate language. It is a first draft by Holly, and there is a note within the statute explaining that she needs more feedback/assistance on this section.

Section 13: Amendment to AS 5.25.050

Within this section Holly added language for clarity and to specifically address not only boat safety but the operation and maintenance of boats on the water.

Section 14: Amendment to AS 5.25.055

- (a) is amended to include the expanded clarity to include municipal waters. (i)(4) is amended to compel the registration of barges. As they don't have mechanical propulsion they are currently exempted from state registration requirements, however they have proven to be difficult vessels to address when left derelict on state lands. Without registration or documentation requirements, it can be nearly impossible to track ownership. The amendment to this provision preserves the exemption for kayaks and canoes, or other boats/vessels primarily propelled via oars or paddles.

Section 15: Enactment of AS 05.25.065 Insurance required.

A vessel is a large investment, similar to a motor vehicle. At this point in time, for insurance, title and registration requirements, owning a boat *trailer* is much more onerous than owning a vessel. However, the consequences of vessel sinking can be extremely costly, both to the state and often to municipalities. A number of our harbors require insurance, and some have added a fee for uninsured vessels. The port of Nome requires \$1 million in general liability for all vessels over 20' in length. The Homer Harbor requires liability insurance per their moorage agreement, with the City named as additionally insured. Within this amendment, we are specifically looking to require insurance that would cover pollution and salvage of a vessel. This provision should do two things – 1) increase the onus on potential buyer of a larger vessel to properly maintain it and keep it insured (or not purchase it), and 2) hopefully reduce the cost to the state in the event that a response is required to deal with a derelict vessel. Washington's law (88.26.030 Insurance requirement) reads as follow, and may be language to mirror more closely:

(2) Unless rules adopted by the department of natural resources require otherwise, insurance maintained by private moorage facility operators and required of moored vessels must:

(a) Provide coverage at liability limits of at least three hundred thousand dollars per occurrence; and

(b) Include, at a minimum, general, legal, and pollution liability coverage.

(3) The purchaser of marine insurance under this section may satisfy the requirements of this section through the purchase of multiple policies as necessary.

This base level of insurance required covers liability as well as general, legal and pollution liability coverage. Language here may need further revision, but should be considered a strong starting point based on the conversations of the Task Force.

Section 16: Amendment to AS 05.25.096 Fees.

Within this section we are looking to increase the boat registration fee from the current \$24 every three years to \$30 every three years. This equates to a mere \$2/year increase, but may provide some additional funds (if the legislature chooses to appropriate) for the Derelict Vessel Fund through carrying out the purposes of Chapter 30.30. NOTE: in the current version of the bill, there is language (lines 435 & 436) that compel the deposit of funds into the derelict vessel program fund. This may not be the correct wording, but captures our overall desire for the funds generated by the fee increase, by the boating public, be used to directly benefit the boating public through the prevention and abatement of derelict vessels.

HCW/PSC

Changes to the Derelict Vessel & Boating/Watercraft Statutes

Problems we're looking to address and their possible solutions

Prepared by Rachel Lord, Task Force Facilitator

July 13, 2016

This document summarizes the problems and proposed/potential solutions the ad-hoc Alaska ADV Task Force has developed over the past two years of meeting to discuss this issue around Alaska. It is intended to accompany the July 2016 proposed statute revisions to AS 30.30 and AS 05.25 and the associated legal memo outlining the section changes.

Italicized references point to the revised statutes as currently proposed. Throughout we have also included some references to Washington statutes. The state of Washington is a nationwide model on effective and pro-active derelict vessel prevention and management. They are also our closest U.S. neighbor, and many vessels and vessel owners transit between the two states.

The end of this document includes a short discussion on general marine insurance, as well as a basic overview of Alaska's commercial fleets for reference.

A. PROBLEM: When a vessel is abandoned, it can be difficult for the state to determine the legal owner for taking legal action.

PROPOSED SOLUTIONS:

- Clear definition of "owner" in statute, that includes the last signer of a moorage agreement, bill of sale, etc. (*AS 30.30.190(5) Definitions*)
- Require barges to have AK registration numbers (*5.25.055 (i)(4) Registration and Numbering of Boats*)

NOTES:

- Potential additional solutions could include to begin requiring titles for boats in Alaska, and lay out a clear process for transfer of ownership under state law (similar to motor vehicles AS 28.10.271). Alaska is one of 16 states that do not require boat titles, and the only state on the West Coast (with the exception of Hawaii). Under WA law, the vessel title system can be found under Title 88.02.
- See 2 AAC 70.160 for more on current Transfer of certificate of number.
- Also consider increasing penalties and enforcement for invalid boat registrations. Currently many Task Force members feel that AK numbers aren't helpful as they aren't up-to-date or valid.

B. PROBLEM: ADNR is the state's land manager, and yet has very little ability to enforce trespass laws, short of going through a lengthy and expensive criminal process. Extended trespass of vessels on

state tidelands can lead to costly abandoned/derelict vessels. Pro-active engagement of owners and action against trespass can save a lot of money in the long-run in avoiding sinkings and encumbrances on state lands.

PROPOSED SOLUTIONS:

- Enable ADNR to enforce trespass laws with regulatory authority to issue fines, and allow for clear enforcement of statute by multiple agencies with clear penalties and regulatory authorities. (*AS 30.30.185 Penalties*).
- Coordinate ADNR response through a single agency point person who is fully engaged on ADV issues around the state, including communications with owners to try and remedy long-term trespass concerns before vessels sink or are abandoned. (*AS 30.30.210 Derelict Vessel Program*)

NOTES:

- Look at Alyeska Resort and Knik River Public Use Area for examples where DNR can issue tickets through a bail schedule. This has been very effective in pro-active management of these lands to promote safe use.
- ADNR is currently spending time and resources working on encumbrance issues with derelict vessels on state lands.
- An analogy for the current situation is this: if a car is illegally parked, instead of getting a ticket the enforcing agency would only be able to post a notice. Then wait thirty days, and send another notice. Then go to the Department of Law and ask them to take the owner to court to get any fines. This would be an unacceptably long, expensive and ineffective process for compliance on the road. It should also be unacceptable for vessels – especially considering the extremely expensive consequences that we’ve seen time after time.

C. PROBLEM: Old vessels can be easily handed down when they become too costly to maintain, often landing with a person least able to responsibly dispose of it.

PROPOSED SOLUTION:

- Establish a stronger ‘paper trail’ for transferring ownership (see more under Problem A).
- Require insurance for owning a vessel over a certain size, assuming that these vessels will be costlier in the event of abandonment. (*AS 5.25.065 Insurance Required*).
- Allow for the trial creation of a vessel turn in program through a Derelict Vessel Program. This is not proposed as a required effort, however the Task Force suggests allowing for this in statute in the event there are funds available. We see other states all moving in this direction, and saving money and time when vessels (generally smaller ones) are removed prior to their sinking/abandonment (*AS 30.30.210 Derelict Vessel Program*).

NOTES:

- Many harbors require insurance, but few require proof of insurance. Our working fishing vessels generally carry insurance already, as do many (if not all) boat owners who have sought financing for their vessel. *See the notes at the end of this document on Marine Insurance and Alaska's fleet composition.*
- The state of Washington requires marinas to require insurance if they want access to the derelict vessel removal fund (79.100.130, 88.26.030).
- In the event that a vessel sinks and is unrecoverable, consider including a penalty with money that would feed into the proposed Derelict Vessel Fund (AS 30.30.220). It would be important to ensure the amount of the penalty would be high enough to compare the cost against recovering a vessel if at all possible – that is clearly in the state's best interest. "Unrecoverable" is a judgement call – realistically right now, anything in over 100' of water isn't generally recovered.
- Washington has adopted laws that trigger "secondary liability" on certain vessel owners. If you own a 'high risk' vessel of a certain size and age (in WA this is over 65' in length and over 40 years old), you must take steps to ensure the person to whom you sell the vessel is capable of owning and maintaining it. The statute clearly lines out the required steps. If they are not taken, and a vessel is subsequently abandoned by the new owner, the previous owner can incur secondary liability and be 'on the hook' for the expenses of clean-up, disposal, etc. This is a very interesting provision in WA law, and very new – as of summer 2016 they have not used it. It is something to consider in AK moving forward.

D. PROBLEM: It is perceived as too costly/not possible to responsibly dispose of vessels in Alaska, especially larger vessels.

PROPOSED SOLUTION:

- Allow for, in statute, the creation of a Voluntary Vessel Turn In Program (VTIP) for smaller vessels, limiting the availability to the road network, etc. Allow for the trial creation of a vessel turn in program through a Derelict Vessel Program. This is not proposed as a required effort, however the Task Force suggests allowing for this in statute in the event there are funds available. We see other states all moving in this direction, and saving money and time when vessels (generally smaller ones) are removed prior to their sinking/abandonment (AS 30.30.210 *Derelict Vessel Program*).

NOTES:

- This question of what to do with old vessels is a huge piece of the puzzle. We don't have any silver bullets, but do try to allow for some efforts through the proposed Derelict Vessel Program. Ideas include but are not limited to:

- Create an online resource outlining how vessels can be disposed of around the state. This would be an excellent and pro-active effort for the proposed Derelict Vessel Program (*AS 30.30.210 Derelict Vessel Program*)
- Develop an understanding of shipbreaking operations in Alaska. Consider incentives to help this industry be part of the solution, while maintaining environmental protections.

E. PROBLEM: There is no point person or agency to address ADV in Alaska, so both within and between agencies, individuals duplicate efforts and/or cannot pursue cases in a timely and cost effective manner.

PROPOSED SOLUTION:

- Establish a Derelict Vessel Program with a point person at ADNR who: coordinates on ADV issues around the state with municipalities, other state agencies and federal agencies, and other states; communicates with the public in a pro-active manner on ADV and responsible vessel ownership/disposal; works to prevent ADV through pro-active enforcement of the regulations under revised statutes; etc. (*AS 30.30.210 Derelict Vessel Program*).

NOTES:

- Timely response and a robust knowledge of the laws, stakeholders, jurisdictions and all possible avenues of action are all required to effectively deal with ADV in the most cost-effective way possible. With incidences ranging in cost from a few thousand dollars to well over a million dollars, having a coordinated point from the state's end is absolutely imperative. We've heard from every state with a Derelict Vessel Program that even in the absence of a large pot of money having a dedicated program is integral to addressing the economic, environmental and safety concerns surrounding derelict vessels.

F. PROBLEM: There is no money to deal with ADV around the state, even when the removal costs would be relatively inexpensive.

PROPOSED SOLUTION:

- Establish an ADV Fund through statute that can receive funds through appropriations, sales, grants, taxes and fees (*30.30.220 Derelict Vessel Program Fund*)
- Raise the boat registration fee from \$24 to \$30 every three years (*AS 05.25.096 Fees*). This is still a very small amount, but the additional funds could be used to support a Derelict Vessel Program.
- Require insurance for owning a vessel over a certain size, assuming that these vessels will be costlier in the event of abandonment. (*AS 5.25.065 Insurance Required*).

NOTES:

- See the notes for Problem E for more on the need for a Derelict Vessel Program. Even a small amount of money that can help to cover a staff person within ADNR in charge of a Derelict Vessel Program will help the state to SAVE money.
- The proposed section AS 30.30.220 establishing a derelict vessel fund is very much a DRAFT. Our legal council was not sure about the best way to proceed on this front, and at this time the language here should be considered a starting point as a placeholder.

G. PROBLEM: The impoundment process is convoluted in the current statute, including different processes for whether a boat is considered “abandoned” vs. “derelict”.

PROPOSED SOLUTION:

- The proposed revisions streamline statute and bring the definition of “abandoned” under the one umbrella term of derelict. We have worked to ensure that all impoundment and hearings processes are clear and in-line with state and federal maritime law (*AS 30.30.010 Derelict Vessel Unlawful, 30.30.030 Derelict Vessel Declared, 30.30.040 Impoundment of derelict vessels, 30.30.060 Notice, 30.30.120 Pre-impoundment hearing, 30.30.125 Impoundment of derelict vessels posing imminent clear and present danger*).

H. PROBLEM: Giving “adequate” notice can be difficult, and often the certified mail doesn’t work out as it’s refused or not picked up.

PROPOSED SOLUTION:

- The requirement for sending certified mail was preserved in the current revision. Our understanding is that requiring notice be sent certified return receipt does not require that it be received, but it does add another layer of protection for the entity providing notice. This is recommended especially surrounding vessels where federal maritime law is very protective of the due process rights surrounding the impoundment and disposal of vessels. The notice provision in 30.30 was revised to include an agency or municipality’s website. This is an area to review by the AGs offices to ensure the best method is spelled out that both suites the department’s needs and also meets all due process requirements without question (*AS 30.30.060 Notice*).

I. PROBLEM: Section 30.30.010(d) currently provides that “a vessel that has been denied entrance to a harbor by a state agency or municipality may not be stored on waters of the state for more than 14 consecutive dates unless all hazardous materials and petroleum products have been removed.” This appears to grant authority for potential long-term storage of vessels once hazardous materials have

been removed. This is not the case per ADNR law or policy, and the Task Force felt this provision was misleading as such.

PROPOSED SOLUTION:

- The current proposed revision to AS 30.30 has removed this provision with the hope that its intention is preserved in the more robust addressing of derelict vessel prevention and enforcement/mitigation.

J. PROBLEM: There has been confusion as to the liability of the owner of a derelict vessel.

PROPOSED SOLUTION:

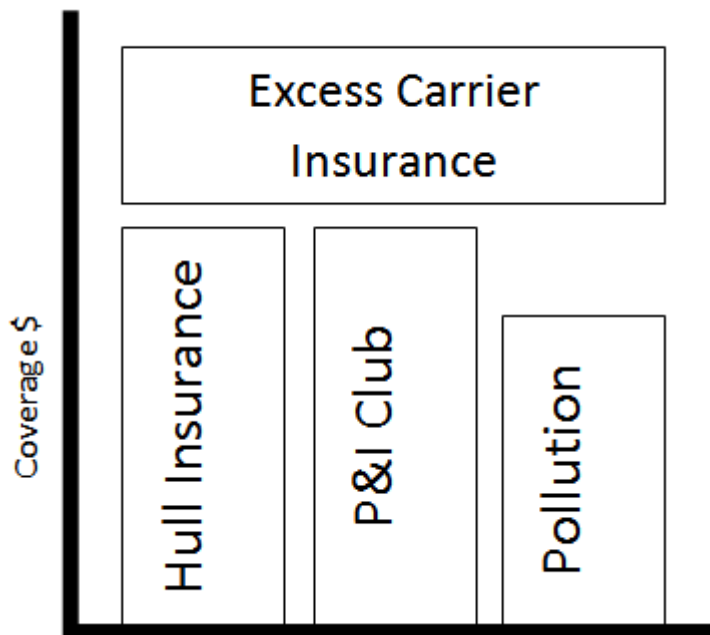
- The proposed revisions include all costs for impoundment, storage and other costs to clarify the owner's personal liability (*AS 30.30.040 Impoundment of derelict vessels*).

Marine Insurance 101 & Fleet Information

The below graph & basic points on vessel insurance were provided by Sarah Moore, ADEC and Task Force member in 2014.

Unlike the insurance types we're more familiar with, vessels will have multiple policies typically/potentially from multiple companies covering different aspects of the vessel.

- 1) Hull Insurance – covers repairs to physical damage to the hull
- 2) Protection & Indemnity (P&I) Club - covers wreck removal and 3rd party claims
- 3) Pollution Insurance – covers response to and mitigation of pollution
 - a. FV typically \$1mill
 - b. Tugs and barges typically \$5mill
- 4) Some vessels also have Excess Carrier Insurance by another company that are essentially supplemental coverage. It is a cheaper way to get lots of coverage but it must be added to primary insurance coverage and can cover multiple primary insurances (hull, P&I, pollution)



The following questions are pertinent to the discussion of potential insurance requirements for certain vessels in Alaska. The answers below are in no way comprehensive, and are a start to further investigations.

What does vessel insurance cost per year?

This is extremely variable. Factors include: type and location of fishery/business (if commercial), amount of time a vessel is operated, vessel's claims history, fair market value of the vessel, etc.

What is required to obtain a marine insurance policy?

From one insurance company we talked to (North Star Services), they indicated that they and underwriters require current surveys to determine condition and owner's maintenance/upgrades on all vessels prior to insuring. They also require an application and a skipper's questionnaire to reflect the owner and/or operator's experience running a vessel.

How many vessels are currently insured in Alaska?

We don't know, but there are some insurance pools such as the Seine Vessels Reserve and the Alaska Independent Fishermen's Marketing Association (Bristol Bay). According to the Purse Seine Vessel Owners Association (PSVOA, www.psvoa.org, per correspondence on October 29, 2014), although it's not required, "very few seiners operate without insurance".

What vessels are the "highest risk" in Alaska?

Due to our remote coastline, one could argue that almost ANY vessel wrecked or abandoned in Alaska could be very costly. But generally, the larger and older a vessel is the more of a risk it becomes to the public trust. In WA they have defined high risk vessels as anything over 65' in length and over 40 years old. An insurance agent we talked with suggested wood hulled vessels over 50 years old, however he noted that there are many larger wood hulled vessels in pristine condition!

What are the sizes of Alaska's fleets?

This research was done by Rachel (Task Force Facilitator), and is very basic. From a search of the 2015 vessels in the ADF&G CFEC public search, there were 9,827 fishing vessels with vessel permits in Alaska. (<https://www.cfec.state.ak.us/plook/#downloads>) Of these vessels, 65% are less than 35' in length. It should be noted that the maximum length of a Bristol Bay gillnet vessel is 32'. Seining vessels are held a maximum of 58' in length.

The table below summarizes some additional data from a 2013 update to the 2010 report from the North Pacific Fisheries Management Council. The largest overlap between fleets is 339 vessels that participate in both the Halibut IFQ fleet and the Sablefish fleet. The halibut charter fleet information was not updated from the 2010 report. The salmon fleet information is estimated from the 2015 ADF&G CFEC database.

<i>Fleet Description</i>	Number of vessels (there are some overlaps between fisheries)	Vessel Lengths	Primary Hailing Port(s)
AFA Catcher Vessels (Pollock, some cod)	81	The majority are 90-124', with ~20 vessels in the 60-89' category and 15 vessels in the 125-200+' category. The vast majority hail from WA	Washington

		and OR.	
AFA Catcher Processor Fleet	17	200' +	Washington
AFA Mothership Fleet	15	Most are 90-124'	Washington
Non-AFA Bering Sea Trawlers	17	Most are 60-89', followed by 90-124'	Washington, Kodiak, Aleutian
Amendment 80 Fleet (non-pollock Bering Sea flatfish, Atka mackerel and Pacific ocean perch in the Aleutian Islands)	21	One vessel is in the 60-89' category, the rest are 90 – 200' +	Washington
Western GOA Trawlers	45	About half are in the 30-59' category. The rest are fairly evenly divided among the 60-89', 90-124', 125-200' and 200' + categories.	Washington, Aleutian
Central GOA Trawlers	70	The majority of these vessels are in the 60-89' category. Kodiak is the primary hailing port.	Kodiak, Washington
Freezer Longliners	35	The majority are 90 – 200' +	Washington
Halibut Longliners	991	Nearly 800 vessels in the fleet are in the 30-59' category. Just under 200 vessels fall below 30'. There are a few in the 60-89' category.	Southeast AK, distantly followed by Southcentral AK and Kodiak
Halibut CDQ Fleet	238	The majority of these vessels (150) are under 30'.	All hail from Western Alaska ports.
Sablefish Longline Fleet	382	Most of these vessels (300) are between 30-59', with some in the 60-89' category.	Southeast AK, Southcentral AK, WA
Groundfish Longline Catcher Vessels	80	Nearly all are in the 30-59' category	Southcentral AK, Kodiak
Jig Fleet	244	Nearly all are in the 30-59' category, with several less than 30'	Southeast AK, Kodiak, Aleutian
Groundfish Pot Vessels	130	The majority are within the 30-59' lengths	Kodiak, Aleutian
BSAI Crab Fleet	83	The majority are within the 90-124' category	Washington
Scallop Fleet	4	Two in the 60-89' category and two in the	All Kodiak

		90-124' category	
Charter Halibut Boats *	1,090	Wide variety, but most in the 22-34' category (6-packs)	
Salmon Drift Gillnetters **	3775	30-40'. Bristol Bay is restricted to 32'.	
Salmon Purse Seiners **	2171	No more than 58' by state law	
Salmon Hand Trollers **	3665	Majority are 32'	