

Derelict and Abandoned Vessel and Obstruction Removal Commission

In 2012, the Rhode Island General Assembly passed RIGL 46-6-10.2 which created the above Commission. The statute required the Commission to be comprised of:

- (1) One member who shall be engaged in the marine trades industry, to be appointed by the governor with advice and consent of the senate;
 - (2) One member who shall represent a private, nonprofit environmental advocacy organization whose purposes include protecting and preserving Narragansett Bay, to be appointed by the governor with advice and consent of the senate;
 - (3) One member who shall be a municipal harbormaster, to be appointed by the governor with advice and consent of the senate;
 - (4) The director of the department of environmental management or his or her designee; and
 - (5) The executive director of the coastal resources management council or his or her designee.
- (b) The chairperson shall be elected by the members of the commission

In addition, the commission is advised by DEM Legal Counsel and a representative of the RI Department of Attorney General

The mission of the Commission was declared by statute:

(f) The commission shall develop criteria, in the form of guidelines, to prioritize removal projects undertaken pursuant to this chapter, and in accordance with the use of the derelict and abandoned vessel and obstruction removal account established in § 46-6-10.3. The guidelines shall also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for coverage by the fund. The director shall review and approve, approve with conditions, or reject these guidelines within thirty (30) days of receipt. The commission may seek to revise the guidelines at any time, by submitting such revisions to the director for review and approval. The guidelines shall be made publicly available.

Abandoned vessel is defined by statute:

(1) "Abandoned vessel" means a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the submerged lands or waters below or on which the vessel is located for more than forty-five (45) consecutive days or for more than a total of ninety (90) days in any three hundred sixty-five (365) day period, and the vessel's owner is: (i) Not known or cannot be located; or (ii) Known

and located but is unwilling to take control of the vessel. Examples of abandoned vessels shall, include, but not be limited to, the following:

(A) Any vessel that is left unattended or has remained illegally on public property, including docks, boat launching ramps, or moorings for more than forty-five (45) days.

(B) Any vessel that has been found adrift or unattended in or upon the waters or submerged lands of the state of Rhode Island, and is found in a condition of disrepair as to constitute a hazard or obstruction to the use of the waters and submerged lands of the state or presents a potential health or environmental hazard.

(2) "Authorized public entity" means the department of environmental management or any municipality with jurisdiction or management authority over the harbor areas where an abandoned or derelict vessel or other obstruction is located.

(3) "Department" means the department of environmental management.

(4) "Derelict vessel" means a vessel whose owner is known and can be located, and who is able to exert control of a vessel that:

(i) Has been moored, anchored, or otherwise left in the waters or submerged lands of the state or on public property contrary to the rules adopted by an authorized public entity;

(ii) Is sunk or in danger of sinking;

(iii) Is obstructing a waterway; and/or

(iv) Is endangering life or property.

The duly appointed members of the Commission met on a monthly basis throughout 2013 and developed Rules and Regulations in support of the statute and adopted an application form to be utilized by authorized public entities when requesting that wrecks and obstructions be removed. In addition the commissioners developed rating criteria to assist them in prioritizing wrecks and obstructions to assist them in their recommendations to the Director of the Rhode Island Department of Environmental Management.

On February 25th, 2014 the Commission held a public work shop at the Save the Bay Headquarters on the proposed regulations followed by a public hearing. The finalized regulations were subsequently filed with the Secretary of State and became effective on June 6th, 2014.

The Commission intends to start reviewing applications for removal on July 2014 and again in November of 2014, and on the same months in subsequent years.