

PORT OF BROOKINGS HARBOR
Regular Commission Meeting
Tuesday, August 20, 2019 • 6:00 pm
 Port Conference Room Suite 202
 16350 Lower Harbor Road, OR 97415

TENTATIVE AGENDA

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1. CALL MEETING TO ORDER	
• Pledge of Allegiance	
• Roll Call	
• Modifications, Additions, and Changes to the Agenda	
• Declaration of Potential Conflicts of Interest	
2. APPROVAL OF AGENDA - CONSENT ITEMS	
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9. ADJOURNMENT	

ACTION ITEM - A

DATE: August 20, 2019
RE: Cat Houses on Port Property
TO: Honorable Board President and Harbor District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- Board of Commissioners requested a 90-day notice be given to the owners of the cat houses to remove them from Port property during the July 16, 2019 regular meeting.
- Notice was given to the caretaker of the cat houses near the Boat Yard and Ice House. Notices were placed on the cat houses at the Fishing Pier and jetty area.
- Food left for the cats have increased the population of raccoons and other vermin which the Port has spent resources to control.
- Port Office has no record of Board approval for the existing cat houses to be on Port property or along the jetty areas.
- Cats are neutered and given shots then replaced at the Port. For more information on trap-neuter-return process, see attached Wikipedia, trap-neuter-return (TNR) information on feral cats.
- If cat houses remain on Port property, feeding should be done indoors or protected from other wildlife. Cat house should be relocated away from public access areas.

DOCUMENTS

- Letter Dated August 11, 2019 from Jan Henault, 3 pages
- Cat House Locations, 1 page
- Wikipedia TNR Feral Cats Information, 21 pages
- ODFW Living with Wildlife Raccoons, 1 page
- ODFW Living with Wildlife Birds, 2 pages
- ODFW Letter dated August 15, 2019, 2 pages (**Additional Information**)

COMMISSIONERS ACTION

- **Recommended Motion:**
If cat houses remain on Port property, cat houses should be relocated away from public areas. Feeding should be indoors or protected to prevent vermin from increasing and becoming a greater nuisance or possible health hazard.

August 11, 2019

TO: Commissioners of the Port of Brookings-Harbor
FM: Jan Henault, Port Feral Cat Caretaker

RE: Feral Cat Colonies at the Port of Brookings-Harbor

Attached to this letter is a report to you regarding the history and status of the feral cat colonies at the Port of Brookings-Harbor (the Port). Attachments mentioned in this report will be available to you at the next meeting of the Commissioners of the Port of Brookings-Harbor on August 20, 2019.

There are currently three colonies: the South Jetty, Clara's Colony near the boat yard on Boat Basin Road, and the Ice House Cats.

There is a core of 5 volunteers that feed daily and monitor the colonies for health and safety. These volunteers are: Mike and Bernice Smith, Heather Porter, Suzie _____, and me.

We will be at your next monthly meeting of the Port. I'm to be on the agenda to make a few further comments and to answer any questions you may have. Others will be attending and will answer any of your questions as well.

The controlled maintenance of these colonies has a long history of nearly 20 years during which the Port and the cats have shared the benefits of this effort. It has been a long and enduring partnership between the Port and the volunteers. It's our hope that this partnership will continue until the three colonies have lived out their natural lives.

I look forward to meeting you and speaking with you at the meeting.

Jan Henault
5889 Sunset Strip #55
Brookings, OR 97415
541-469-6305

cc: Gary Dehlinger, Port Manager

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AUGUST 2019

REPORT TO THE BROOKINGS-HARBOR
BOARD OF COMMISSIONERS
FERAL CAT COLONIES AT THE PORT

August 2019

The purpose of TNR (Trap Neuter Release) is to humanely maintain and control the population of homeless cats. Cats without caretakers are never candidates for TNR. When a caretaker commits to this kind of effort, the commitment is from day one until the colony lives out its natural life. It's a full commitment of daily feeding, cleaning, maintaining infrastructure, and ensuring the cats are safe and humanely taken care of. When cats get sick or are injured, we try to trap them to have them humanely treated or euthanized. Because this is a program of controlled maintenance, new cats are not allowed to stay in the colony. If domesticated, they are found homes or taken to the animal shelter to be re-homed. If they are feral or wild, they are trapped, and if a home cannot be found by us, they are humanely euthanized.

HISTORY OF THE PORT CATS

- 2000 Cats living on the South Jetty were being fed by caring volunteers. Some were spayed or neutered
- 2002 Clara Pritchard began feeding cats at the Boat Basin location, originally called, "Smuggler's: and later named, "Clara's Colony.
- 2004 Verbal approval was given set up a feeding station box at Clara's Colony.
- 2005 Trapping of cats for TNR at Clara's Colony began. It took 3 years to trap all 15 cats. A discussion with then POB Commissioner, Sue Gold, indicates that the Commissioner and the then Port Director were aware of the care and feeding of the cats.
Trapping of Jetty cats for TNR continued. It took several years to trap all cats.
- 2008 A written request to the Port Director, Rich Drehobl, for permission to place a sleeping box behind the boat yard gate at Clara's Colony was verbally granted. The sleeping box (aka: the cat condo) was built by Port personnel who worked in the boat yard.
A Special Citation was given to Clara by the South Coast Humane Society (SCHS) for her work with the Port cats.
- 2014 The attached Feral Cat Program report for budgeting an active feral cat program for SCHS, dated November 2014, shows the number of cats trapped community-wide, including those at the Port.
- 2015 Clara's obituary appearing in the Curry Coastal Pilot shows how much Clara was loved and appreciated for her years of work with the Port cats.
- 2017 A written request to the Port Manager to be allowed to have keys for access to the main gate at the Ice House was delivered to the Port Office. No written answer was received, but we did get keys to the lock to be sure we could feed the cats when the yard was secured. It should be noted, that Port Management has given us keys to this gate in the past before the BC Fisheries plant was built. We also had a key to the Boat Yard gate that faces Boat Basin Road for access to the "condo" area. This key no longer works in the new lock.

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AUGUST 2019

From at least 2000 until today, the Port cats have been fed daily, watched for injury and illness and, with the encouragement of Port Management, assistance of Port personnel and the continued support of the South Coast Humane Society, made as safe and comfortable as possible. There has never been an incidence of biting or scratching of any member of the public by any of these cats.

Volunteers have spent thousands of hours and thousands of dollars to ensure the health and maintenance of these controlled feral colonies. Over the years number of cats has declined, both naturally and with humane intervention. The Port was asked only for small areas for feeders and sleepers and for keys to gates so we could have access when areas were secured.

THE COLONIES TODAY

Years 2000 - 2019	Clara's Colony	South Jetty Cats	Ice House Cats
Original number + dumped cats	14 + 5 = 19	29 + 7 = 36	10 + 5 = 15
Current number of cats	7	1	4

The remaining cats are healthy. They are also old. The youngest are 13-14 years old and the oldest being 15-16. The colonies have only a few more years before the last cat has lived out his/her natural life.

OTHER NOTES

There are five core volunteers. Other people have lent support over the years to help with feeding, donated money and food, and given encouragement for the good work done in partnership with the Port.

The work: It should be noted that the Port cats were not just neutered and released. Blood tests were given to show they were healthy before being altered and released. Vaccinations and flea treatments were also given. This program is called TTAVER – Trap Test Alter Vaccinate Release.

Documentation: All the documents in the History write-up will be available at the next Port meeting.

Other: Raccoons: At Clara's Colony raccoons can be a problem, not because they're aggressive but because they eat the cat food. We have taken mitigating action in recent years by making the openings to the feeder box smaller so that large raccoons cannot enter and by changing the feeding schedule. We now feed twice a day and stay until all cats come out and are fed. We don't put a lot of food out when we leave the feeding station. This has helped, but not eliminated the 'coons.

There is little or no vermin living near the cat colonies.

REQUEST

The beginning of this effort was informal. No written approvals were ever made or received. The documentation mentioned shows that we've always had the Port's approval and encouragement to help the cats and the Port with the feral situation. This was an open project – no secrets. Because these cats are now old and relocation is impossible, we ask the Commissioners to reconsider the notice to remove the feeders. Our partnership with the Port should continue for the good of the Port and the safety and health of the remaining cats.

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Port of Brookings Harbor Cat House Locations



Trap–neuter–return

Trap–neuter–return, commonly known as **TNR**, is a method for attempting to humanely and effectively manage free-roaming domestic cats. The process involves live-trapping the cats, having them spayed or neutered (aka: desexed), ear-tipped for identification and, if possible, vaccinated, then releasing them back into their territory.^[1] If the location is deemed unsafe or otherwise inappropriate, the cats may be relocated to other appropriate areas (barn/farmyard homes are often considered ideal^[2]) Ideally, friendly adults and kittens young enough to be easily socialized are retained and placed for adoption^[1]. **Feral cats** cannot be socialized, shun most human interaction and do not fare well in confinement, so they should not be retained. Cats suffering from severe medical problems such as terminal, contagious, or untreatable illnesses or injuries, are often euthanized.^[1]

In the past, the main goal of most TNR programs was the reduction or eventual elimination of free-roaming cat populations. It is still the most widely implemented non-lethal method of managing them. While that is still a primary goal of many efforts, other programs and initiatives may be aimed more towards:

- providing a better quality of life for community cats^[3]
- stemming the population expansion that is a direct result of breeding.
- improving the communities in which these cats are found^[4]
- reducing "kill" rates at shelters that accept captured free-roaming cats, in turn improving public perceptions and possibly reducing costs
- eliminating or reducing nuisance behaviors to decrease public complaints about free-roaming cats^[5]

The earliest documented practice of trap–neuter–return was in the 1950s, led by animal activist Ruth Plant in the United Kingdom.^[6]

Terminology

TNR usually stands for *trap–neuter–return*. It is sometimes described as **trap–neuter–release**.^[7] The word "return" emphasizes that most **feral cats** are returned to their original locations under such a program. Variant acronyms and terms include: **TNSR** (for trap–neuter/spay–return),^[8] **TNVR** (trap–neuter–vaccinate–return),^[9] **TNRM** (trap–neuter–release–maintain or manage) where "maintain" generally means caregivers feed and monitor the feral cats after they are returned to their territories,^[10] and **TTVAR** (trap–test–vaccinate–alter–release).^[11]

Contents

Terminology

A Controversial Practice

- The Debate - the pros and cons of free-roaming cats and TNR
- Reduced population over time
- The "kill" or "no-kill" debate (euthanasia)
- Improving the cats' health and welfare
- Fewer complaints
- Effects on wildlife from hunting
- Risks to human and animal health

Methodology

A Global Issue

- Australia
- Canada
- Denmark
- France
- Italy
- South Korea

TVHR (trap –vasectomize/hysterectomize–release)

refers to a different method of cat population management, despite its similar name.^{[12][13]} TVHR differs in the type of sterilization surgery performed on the cats. Unlike traditional spays (ovariohysterectomy) and neuters (castration) which are done in TNR, the vasectomies and hysterectomies in TVHR result in sterile but sexually active cats.^[14]

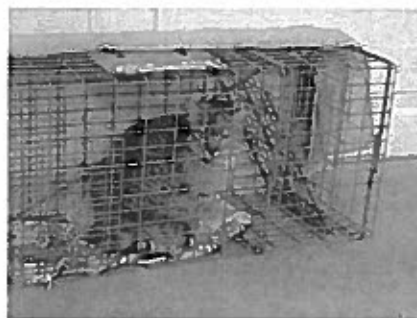
New Zealand
Turkey
United Kingdom
United States

See also

References

Further reading

RTF (return to field) or **TNS** (trap, neuter, shelter return) are alternative approaches that simply focus on the trap and desex portion and do not include a colony management aspect. In some instances, a receiving shelter will return a cat to where it was found; in other cases shelters are completely bypassed - a person takes a free-roaming live-trapped cat in for desexing, than returns it to where it was found.^[15]



Cat caught in a live-trap for TNR

A Controversial Practice

TNR as a method of managing free-roaming cat populations is a very controversial topic. Global attitudes towards these cats vary from those who see them as pets to those who see them as infestations which need to be eliminated.^[16] Many international, national, and regional organizations and association, both professional and advocacy-based, have publicly aligned themselves into 3 basic groups: those that stridently oppose managing, maintaining, or tolerating free-roaming cats and hence TNR; those who conditionally support TNR as a part of a community cat management program (which includes community cat oversight and monitoring); and those who unconditionally support and endorse TNR.

Some well-known organization positions that support or conditional support TNR include:

- The American Society for the Prevention of Cruelty to Animals: "The ASPCA endorses Trap-Neuter-Return (TNR) as the only proven humane and effective method to manage community cat colonies." It clarifies its position by stating that managing "involves a colony caretaker who provides food and adequate shelter and monitors the cats' health."^[17]
- The Humane Society of the United States (HSUS): "we support Trap-Neuter-Return (TNR) and similar sterilization programs, legislation that allows for and supports non-lethal population control, and coalition-based approaches that involve community leaders, citizens, and stakeholders to implement effective community cat management programs." They further clarify this view by stating: "The HSUS believes that the humane reduction and eventual elimination of unowned cat populations should be the end goal for all TNR participants and supporters. TNR should be considered a humane means to an end, not a method of permanently maintaining outdoor cat populations."^[18]
- The American Humane Association: "In some situations, safe cat colonies can be maintained by caretakers. American Humane Association supports trap, neuter and release programs for colony cats – especially for feral cats. Whenever possible, homes should be found for colony cats that might be successfully socialized."^[19]
- The UK's Royal Society for the Prevention of Cruelty to Animals (RSPCA): For feral cats "supports Trap, Neuter and Release (TNR) programmes with veterinary support. Healthy cats should be neutered, ear-tipped and returned or, where appropriate, re-sited."^[20]

Many of the numerous international, national, and regional organizations that oppose TNR or free-roaming cat colony management are involved in wildlife care and conservation, birding, ecology conservation, and environment preservation. Some of these, include:

- The International Wildlife Resource Center: "The IWRC supports the humane removal of feral cat and dog populations, including feral cat colonies, through the rehabilitation and adoption of suitable animals into domestic environments and humane euthanasia of animals that cannot be rehabilitated and re-homed." They point out that, as domestic animals "subsidized" by people, they exceed the ability for the environment to support them without resulting in damage to wildlife.^[21]
- The Wildlife Society: "TNR undermines the work of wildlife professionals and severely jeopardizes the integrity of native biodiversity."^[22]
- The American Bird Conservancy (ABC): "Cats have been introduced into new habitats across the globe with terrible results. Outdoors, cats are a non-native and invasive species that threaten birds and other wildlife, disrupt ecosystems, and spread diseases." They advocate responsible pet ownership and "oppose Trap, Neuter, Release (TNR) for feral cats because of the persistent and severe threats posed by feral cat colonies."^[23]

The Debate - the pros and cons of free-roaming cats and TNR

Various studies and arguments have been presented both in support of and in opposition to free-roaming cats and TNR.

Reduced population over time

Some long-term studies have claimed or been cited to show that TNR is effective in stopping reproduction and reducing the population over time, but the methodology, analysis and conclusions of some of these studies have been called into question.

- An eleven-year study of a TNR program at the University of Central Florida achieved a population decrease of 66%, from 68 cats in 1996 (when the census was first completed after some trapping) to 23 cats in 2002. No new kittens were born after 1995, and newly arrived stray or abandoned cats were neutered or adopted to homes. However, as many proponents fail to note, TNR was not the sole reason for success. The population reduction was primarily from adoption (47%) and euthanasia (11%), or due to the cats no longer living on site with their whereabouts unknown (15%).^[24]
- A TNR program begun in 1992 by the Merrimack River Feline Rescue Society (MRFRS) on the central waterfront of Newburyport, Massachusetts has been widely cited as an example of TNR success on a community level; however, only superficial reports about what took place have been available and there is very little statistical data to support the claims.^[25]

The success of specific focused studies to advocate TNR as a solution for controlling and reducing free-roaming cat populations worldwide is problematic. More broad-based approaches include using matrix population models to estimate the efficacy of euthanasia versus trap-neuter-return for management of free-roaming cats, such as the one researchers established for use in urban environments.^[26]

Efforts to assess the effectiveness have been hampered by the lack of sufficient monitoring data. Having some professional assistance, adapting the population monitoring framework developed over decades by wildlife biologists, and systematic monitoring can evolve into a relatively low-cost, high-value adjunct to ongoing management efforts.^[27]

The potential problem of TNR advocacy and increased public awareness of non-lethal intervention actually contributing to the increasing numbers of free-roaming pets, by enabling pet owners to make conscious decisions to illegal dump or abandon their animal without having to worry about lethal control measures, has been a contentious point. In a widely cited example of cat control by relocation (cats from Bidwell Park, CA, were trapped and moved to a private sanctuary), the high visibility of the project encouraged more abandonment.^[28] In another study, to explain the ingression of cats it was found that "the high quality and visibility of the program ... may have encouraged abandonment of cats if owners believed that the cats would be well taken care of after abandonment. Abandonment may also have occurred if owners believed that cats would be better off under the care of the program rather than surrendered to a shelter where they would face the risk of euthanasia." Some of that cats that came in to the TNR colony has already been sterilized, some of these had ear-tips and some did not.^[29]

Introggression, particularly of intact cats, has been noted to be a barrier to decreasing cat populations over time through TNR efforts. It has become apparent that the while the TNR process can reduce or limit the growth rate of the colony through reproduction, it may not reduce the population numbers if it is the sole method of intervention. Population reduction occurs primarily through adoptions of non-feral cats, natural death or euthanasia of sick animals, and disappearance or emigration of cats. TNR works together with these factors to reduce reproduction and thus to minimize replacement of animals lost from the colony. Other factors such as immigration of cats from surrounding areas can counteract its effect. Thus, the impact of TNR interventions on unowned cat populations can be complex, and ongoing management of colonies becomes an important component in optimizing reductions in the cat population.^[30]

It is important to note that the potential for TNR to decrease free-roaming cat populations has only been noted in fully managed colonies (monitored with active involvement and interventions by colony managers). Current trends towards unmanaged TNR, RTF, and/or TNS disregard the "managed" portion and, as such, cannot be cited as effective measures towards that goal.

The "kill" or "no-kill" debate (euthanasia)

TNR is often presented to public officials and policymakers as a viable alternative to lethal methods with several benefits.

- Reducing euthanasia numbers.
 - It has been claimed that euthanasia in shelters is the leading cause of death of cats.^[28] Proponents of TNR use this "kill" statistic to promote "no-kill" tactics. However, in the USA there is no exact numbers of animals being euthanized each year. Only a few states require animal shelters to keep records about animals being euthanized^[31], and there is no agency responsible for collecting or verifying this data. The American Society for the Prevention of Cruelty to Animals (ASPCA) has noted a marked decrease in euthanasia rates since 2011^[32] and Humane Society of the United States reported that euthanasia of animals in shelters has been declining sharply since 1970.^[33] In addition, the reasons for euthanasia vary. Animals may be euthanized because of shelter over-crowding, for medical reasons (illness or injury), for court-mandated reasons, or because of financial/staff limitations.
 - When the number of animals coming into a shelter exceeds its ability to care for, hold, or find foster placements, the facility may end up euthanizing animals. This could include even adoptable kittens or cats simply because they cannot be taken care of.^{[34][28]} A not atypical outcome for a cat judged to be "feral" after being taken to a traditional shelter not practicing no-kill sheltering is euthanasia (humanely putting the animal to death).^[34] "Feral" cats do not tolerate being caged or handled and many shelters are unable to manage them without putting the animal or the staff at risk. TNR could alleviate this.
 - Facilities have reported notable decreases in intakes and euthanasia since implementing TNR programs. It is not clear, however, if these decreases can be directly attributed to TNR, or to concurrent efforts to

increase and implement owned pet spay-neuter programs, new initiatives of adoption campaigns where animals at risk of "kill" are transported to areas where animals for adoptions are needed, or public awareness campaigns to enhance adoption rates.^[35]

- Cost savings

- Proponents of TNR claim that while neutering cats may be costly, euthanizing them costs more. However, the cost savings associated with TNR are location-specific and accurate estimates involve taking into account numerous variables including volunteer support, donations, grants, and local spay-neuter agreements for low-cost services. Cost savings fluctuate based on the type of TNR program implemented, the extent of animal control involvement, the volunteer base available, and the community's overall support of TNR.^[36] Over time, through attrition and sterilization efforts, if the free-roaming population declines savings may be realized by total decreased expenditures on them.
- In a 10-year study in Orange County, Florida, after a feral cat sterilization program was instituted in which 7,903 feral cats neutered, the cost was an estimated \$442,568, as compared to \$1,098,517 if they had been impounded and euthanized.^[37]
- In Port Orange, Florida, a TNR program started in 2013 in the city's business areas resulted in fewer stray cats and money saved.^[38] In the first year, 214 cats were sterilized for \$13,000, which was much less than over \$50,000 spent in 2010, when most of the impounded cats were euthanized.^[38] A theoretical savings of \$123,000 was projected based on not having to impound the offspring that the cats may have produced if not spayed.^[38]

- Improved morale and public support

- A 2011 survey of U.S. pet owners found that 71% agreed that "Animal shelters should only be allowed to euthanize animals when they are too sick to be treated or too aggressive to be adopted," while only 25% agreed that "Sometimes animal shelters should be allowed to euthanize animals as a necessary way of controlling the population of animals."^[39]
- In 2019, a study was published that concluded "for most Brisbane City (Australia) residents, when awareness is raised about the problem of urban stray cats and management strategies, the majority are supportive of a TNR community program with little or no persuasion required."^[40]
- TNR programs may have a side effect of reducing the stress and strain volunteers and staff have related to euthanasia in shelters. A 2019 study concluded that euthanasia-related strain is prevalent among shelter employees. It's associated with increased levels of general job stress, work-to-family conflict, somatic complaints, and substance use; and with lower levels of job satisfaction.^[41]

Improving the cats' health and welfare

It has been claimed that TNR programs improve the welfare of free-roaming cats in many ways:

- Spayed female cats will no longer be burdened by pregnancy or nursing litters. Females have been found to be pregnant throughout the year. A study of the reproductive capacity of free-roaming cats showed they may have an average of 1.4 litters a year, with a median of 3 kittens/litter.^[43]
- Alleviating unnecessary suffering of kittens. 75% of the kittens born to free-roaming cats being studied died or disappeared before 6 months of age. Trauma was found to be the most common cause of death.^[43]
- Improved overall health. The American Veterinary Medical Association (AVMA) notes that properly managed programs can improve quality of life through better nutrition, vaccination to prevent disease, and euthanasia of sick and debilitated cats.^[44] However, management of colonies is not a mandated practice, nor is ongoing monitoring and follow-up care once released after the neuter-spay.



"Stumpy", renamed "Blue", was trapped and rescued by the Vancouver Orphan Kitten Rescue Association after living outside for over two years with a horribly infected, abscessed tail. He ended up getting adopted after it was determined that he was tame.^[42]

Vaccinations, medical examination, care, or treatments may or may not be a part of any given TNR effort.

- Fighting may decline, thus reducing injuries. A study between 4 colonies, 2 of neutered males and 2 of intact males, found that the frequency of agonistic behavior was lower in the neutered groups. However, the agonistic behavior that was noted in the neutered groups was attributable to interactions involving intact males who had moved into them.^[45] As noted above, introgression of cats is a common factor noted in studies.

Not all free-roaming cats are feral. Nor are all the cats that end up in live traps. Some are owned, but allowed to roam; some have escaped their homes or owners and are strays; some may have been abandoned or "dumped." Clearly, the "return" or "release" component of TNR is not in all of their best interests. The assessment, after trapping, of "social" (friendly & adoptable), "social but timid or scared" (may adjust and be adoptable), "not social" (not feral, prefers to not be handled, hard to adopt out) or "feral" is crucial if TNR is intended to be in the best interest of the animal. When programs provide for feral kittens to be socialized and adopted, and for friendly cats to be adopted, the welfare of those cats is improved.^[1]

Managed TNR programs that involve continuous active intervention on detection along with treatment and prevention of some of the more common diseases and parasites may help improve their overall health.^[44]

The overall effect of TNR on the health and welfare of free-roaming cats as a whole is not possible to measure. In numerous studies, many of the cats simply disappeared, so follow-up was impossible. They are subject to injury, illness, or death from numerous things: trauma from humans or human machines or other animals, predation by wildlife, toxins and poisons, contagious diseases, exposure to harsh weather, malnutrition, infections, and parasitic debilitation^[46].

Fewer complaints

TNR may help reduce public complaints pertaining to free-roaming cats. Female cats will 'call' (come into season and be receptive to the male cat) regularly, about every three weeks during sexually active times of the year if they do not get pregnant. Having un-spayed female cats in an area will attract un-neutered males with the attendant problems of spraying, fighting and caterwauling.^[47]

- After starting a TNR program in 1995, animal control in Orange County, Florida, received fewer complaints about cats, even after broadening the definition of a nuisance complaint.^[5]
- A study of a TNR program at Texas A&M University in 1998-2000 reported that the number of cat complaints received by the university's pest control service decreased from Year 1 to Year 2.^[48]

Effects on wildlife from hunting

Numerous studies have shown that free-roaming cats can have a significant derogatory impact on native wildlife. They cause considerable wildlife destruction and ecosystem disruption, including the deaths of hundreds of millions of birds, small mammals, reptiles, amphibians, and fish.^[44] They have been linked to the extinction of 63 species and pose a threat to 360 more.^[49]

Free-roaming domestic cats are considered an "alien" species and are listed as invasive in a multitude of countries around the world.^{[50][51]}

Cats are now thought to be the single largest cause of anthropogenic bird mortality in North America.^[52]

There have been recorded instances of species extinction caused by them on islands. In 2004, targeted eradication programs had successfully removed free-roaming domestic cats from at least 49 islands.^[53] Citing eradication of invasive mammals from islands as a proven conservation tool, with clear evidence of subsequent native species recovery, it is gaining recognition as a recommended method of sustaining native biodiversity on islands.^[54]

Free-roaming cats have been documented hunting and killing prey without eating it.^[55]

Risks to human and animal health

Stray animals in general may have significant impacts on public health due to factors such as a lack of preventive measures (e.g. vaccines, deworming), easy access to intermediate hosts (e.g. rats and birds), and unrestricted entry to public areas such as parks and playgrounds. Their presence is a major risk for the transmission of zoonotic diseases.^[56]

Free-roaming cats can act as vectors for diseases that can impact humans as well as other animals, domestic and wild. Transmissions can occur within the species and to other species. Feline leukemia virus, feline immunodeficiency virus, ectoparasites (fleas, mites, lice, ticks), intestinal and protozoan parasites,^[57] Rickettsia, and Coxiella ("Q Fever") are examples of inter and intra-species shared diseases and parasites.^{[58][59]}

There are numerous zoonotic pathogens shed in feline feces, such as *Campylobacter* and *Salmonella* spp; ascarids (e.g., *Toxocara cati*); hookworms (*Ancylostoma* spp); and the protozoan parasites *Cryptosporidium* spp, *Giardia* spp, and *T gondii*. Contaminated soil is an important source of infection for humans, herbivores, rodents, and birds and several studies suggest that pet feces contribute to bacterial loading of streams and coastal waters.^[60]

Free-roaming cat populations have been identified as a source for several zoonotic diseases that can and have affected humans, including: ^{[61][62][44]}

- Rabies
- Toxoplasmosis
- Various nematode parasites including intestinal worms
- Plague^[63]
- Tularemia
- Typhus
- Bacterial diseases such as cat-scratch fever (*Bartonella*).
- Avian Influenza A/H5N1 virus^[64]
- Fungal diseases, including sporotrichosis^[65]

Methodology

The triggers for a trap–neuter–return program include: a perception of free-roaming cats or kittens in need, a steadily increasing number due to open breeding, an unmanageable burden on community resources while trying to manage or eliminate the cats, and when the cats become a notable nuisance or concern.

There are many different TNR programs, protocols and processes.

A Global Issue

Domestic cats can be found on every continent except Antarctica.^[66] Control of free-roaming dogs and cats is a worldwide problem. Beyond pragmatic and scientific considerations, cultural heritage, ethical beliefs, and social and economic impacts play critical roles in efforts to address it.

The legal status of free-roaming and community cats varies from location to location, as do the histories and efforts of TNR programs. There are numerous governments supporting trap–neuter–return. The following highlights some of the TNR issues around the world:



Feral kitten, approximately nine months old, with the tip of his left ear removed to indicate he has been trapped and neutered.

Australia

In a Feb 17, 2017, news release in the Sydney Morning Herald, Threatened Species Commissioner Gregory Andrews reportedly summarized the reason for the federal government's intention to wipe out 2 million feral cats – about a third of the population – by saying that they are "the single biggest threat to our native animals, and have already directly driven into extinction 20 out of 30 mammals lost." This cull is planned to go until 2020.^{[67][68]}

Canada

Across Canada, municipalities are replacing old animal control bylaws with "responsible pet ownership" rules intended to direct the obligations of pet behavior to their owners. A common feature of the accelerating trend is a requirement that owners get a license for their cats and ensure they don't roam.^[69]

In January 2012, a bylaw officer in Merritt, British Columbia, removed cat food and asked the Royal Canadian Mounted Police to consider criminal charges against those feeding the community cats.^{[70] [71]} No charges were laid, but the rescue group's business license was revoked and it was forced to move from its storefront location.^[72]

The City of Toronto, Ontario includes TNR in its animal services and has a bylaw specifically addressing TNR and managed colonies.^[73] The Toronto Animal Services offers spay and neuter for colonies that are registered and have an assigned trained caretaker.^[74]

Denmark

TNR was practiced in Denmark in the mid-1970s, as reported at the 1980 Universities Federation for Animal Welfare (UFAW) symposium in London. Denmark's Society for the Protection of Cats practiced both tattooing and tipping the ear of the neutered cats to identify them.^[75]

France

In 1978, the city of Paris issued a Declaration of Rights of the Free-living Cat.^[76] In that year, Cambazard founded École du Chat and TNR'd its first cat, continuing to help thousands of cats in the following years.^[77]

Italy

Killing feral cats has been illegal in the Latium Region, which includes Rome, since 1988. A study in 2006 found almost 8000 were neutered and reintroduced to their original colony from 1991 to 2000. It concluded that spay/neuter campaigns brought about a general decrease in cat numbers among registered colonies and censused cats, but the percentage of cat immigration (due to abandonment and spontaneous arrival) was around 21%. It suggested that TNR efforts without an effective education of people to control the reproduction of house cats (as a prevention for abandonment) are a waste of money, time and energy.^[78]

Since August 1991, feral cats have been protected throughout Italy when a no-kill policy was introduced for both cats and dogs. Feral cats have the right to live free and cannot be permanently removed from their colony; cat caretakers can be formally registered; and TNR methods are outlined in the national law on the management of pets.^[79]

South Korea

Negative attitudes towards cats in general and free-roaming cats in particular are culturally entrenched. Cats are culled for meat or for parts that are utilized to concoct health aids.^[80] The 2011 South Korean amendment of its Animal Protection Law required humane methods to be used in the transportation and euthanasia of animals.^[81] Some areas have government supported TNR programs, but these programs are often scorned by the public and poorly managed. Negative attitudes and fear towards cats in general have been slow to change and free-roaming cats may be subjected to abuse or violence. In recent years, however, South Korea's attitude toward homeless cats has improved.

New Zealand

The Department of Conservation (DOC) is legislatively mandated to control feral cats on public conservation land. It has eradicated feral cats from several offshore islands. Control techniques include poisoning, trapping and shooting. Lethal controls follow efficient and humane best-practice techniques and adhere to the Animal Welfare Act 1999.^[82]

In 2017, the New Zealand Companion Animal Council released its National Cat Management Strategy Discussion Paper, in which they advise that "when stray cat management is justified, non-lethal methods of removal (e.g. rehoming or best practice managed, targeted trap-neuter-return [mtTNR]) must always be the first option." This discussion recognized the limited value of mtTNR in some situations. Their goal is for all cats in New Zealand to be responsibly owned and that cats are humanely managed in a way that protects their welfare and the environment.^[83]

Turkey

Turkey has a significant problem with free-roaming dogs and cats and the country is struggling with ways to manage the problem. Its Animal Protection Law prohibits killing "ownerless animals" except where permitted by the Animal Health Police Law. They are required to be taken to animal shelters established or permitted by the local authorities.^[84] In keeping with the tenets of its main religion, most Turks are very much against euthanasia of animals for "population control;" recent efforts to curb an ever-increasing population include TNR for roaming cats and dogs.^{[85][86]}

United Kingdom

The earliest documented practice of trap–neuter–return was in the 1950s, led by animal activist Ruth Plant in the UK. In the mid-1960s, former model Celia Hammond gained publicity for her TNR work "at a time when euthanasia of feral cats was considered the only option". Hammond "fought many battles with local authorities, hospitals, environmental health departments" but stated that she succeeded over the years in showing that control "could be achieved by neutering and not killing".^[87]

The first scientific conference on "the ecology and control of feral cats" was held in London in 1980 and its proceedings published by the Universities Federation for Animal Welfare (UFAW). Subsequent UFAW publications in 1982, 1990, and 1995 were the primary scientific references for feral-cat control for many years.^[88]

In 2008, the Scottish Wildcat Association began utilizing TNR of feral cats to protect the regionally endangered Scottish wildcat.^[89] Their goals include:

- Saving the genetically pure Scottish wildcat
- Removing all feral cats from the region
- Using humane, neutering-based feral cat controls
- Establishing buffer zones to prevent feral cats returning to the area

United States

Currently, there is no applicable federal law that controls the feral cat issue. A few states have recently recognized the need to establish programs to control feral cat populations since their effects on wildlife have now been more widely studied and the efficacy of euthanasia for population management has been criticized. These laws vary in their approaches. The Endangered Species Act and the Migratory Bird Treaty Act, have played a role in setting forth policy on feral cats. The federal case, *American Bird Conservancy v. Harvey*, puts the challenge of bird advocates under these federal laws in response to cat programs front and center. The merits of this case have not been decided but have the potential to impact both sides of the issue.^[90]

In a January 2013 legal brief, Alley Cat Allies provided evidence that at least 240 municipal or county governments in the United States had enacted ordinances supporting TNR; a ten-fold increase from 2003.^[91] New Jersey, California and Texas had the highest number of local ordinances.^[91] New York City-based organization Neighborhood Cats has cataloged local ordinances in 24 US states.^[92] Model ordinances are available from Neighborhood Cats,^[92] Alley Cat Allies,^[91] and the No Kill Advocacy Center.^[93]

On January 29, 2019, the Hawaii Invasive Species Council adopted a resolution supporting the keeping of pet cats indoors and the use of peer-reviewed science in pursuing humane mitigation of the impacts of feral cats on wildlife and people.^[94]

TNR of cats is illegal in Alaska.

Governments have been sued to try to block their TNR efforts. In December, 2010, an injunction was granted to prevent a planned TNR program of the City of Los Angeles until an environmental review was completed under the California Environmental Quality Act.^[95] The judge did not rule on any environmental issues, or prohibit other organizations from doing TNR in the city.^[96]

Some caretakers have been prosecuted for taking care of feral cats. The perplexing issues of where a "feral" cat fits in local ordinance depends on the consideration as to whether they are pets or wildlife and whether they are "owned" or not. Many ordinances restrict feeding of wildlife (excluding birds). Then there are ordinances that restrict how many

pets a person may own, and those that disallow free-roaming pets. In 2011, charges against Danni Joshua of Vandercook Lake, Michigan for "allowing animals to run loose" were dismissed when she agreed to have her colony of 15-20 cats relocated.^[97] In 2012, 78-year-old Dawn Summers was sentenced to community service for "hoarding"; she was feeding up to 27 community cats within a managed colony in a city-sanctioned program in Biloxi, Mississippi.^[98] Alley Cat Allies criticized the decision, stating that the community cats should not have been considered owned by the caregiver.^[99] The Virginia Supreme Court found a zoning ordinance too broad in 2013, when Henrico County charged Susan Mills for caring for feral cats, which the county said was not a permitted activity under the zoning. A circuit court judge had ordered her to stop feeding the cats, but that part of the decision was not enforceable.^[100]

Opponents of feral cats have also been prosecuted for violating animal-protection laws by trying to harm or kill the animals. In 2007, Jim Stevenson stood trial for shooting a cat from a colony in Galveston County, Texas,^{[101][102]} which he reportedly did after observing the colony cats hunting endangered piping plovers in the area.^[101] The trial resulted in a hung jury because of a gap in the law stating that ownership of the animal had to be proven, an issue which has since been resolved.^[102] In December 2011, wildlife biologist Nico Dauphiné received a suspended sentence for attempting to kill feral cats with rat poison in Washington, DC.^[103]

See also

- [List of governments supporting trap–neuter–return](#)
- [Overpopulation in domestic animals](#)
- [Spaying and neutering](#)

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- The Cat Conundrum. Tens of millions of free-roaming felines take a huge toll on wildlife; what to do about them has spawned battles from coast to coast (<https://www.nwf.org/Magazines/National-Wildlife/2017/Oct-Nov/Animals/The-Cat-Conundrum>)
- ICAM - Humane Cat Population Management Guidelines (<https://s3.amazonaws.com/ifaw-pantheon/sites/default/files/legacy/ICAM-Humane%20cat%20population.pdf>) International Companion Animal

Management Coalition (<https://www.icam-coalition.org/>). Includes a wide range of solutions, including TNR, to surgical and non-surgical sterilization, and lethal methods; outlines a five-stage program.

- Guide to Trap-Neuter-Return (TNR) and Colony Care from Alley Cat Allies, the ASPCA and the Mayor's Alliance for NYC's Animals (http://www.aspcapro.org/sites/default/files/TNR_workshop_handbook.3.pdf)
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Regulating harvest, health, and enhancement of wildlife populations

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Raccoons

Relocation of raccoons is illegal in Oregon: Raccoons are protected under state law and relocation of these animals is illegal. Raccoons may be trapped with a permit from the Oregon Department of Fish and Wildlife, but they must be released at the same site or euthanized. [Learn more.](#)

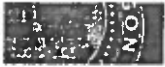
Raccoons have adapted well to residential life because they are primarily nighttime feeders. They find lots of places to hide during the day, and foods they thrive on are often readily available.

Here are some tips to keep them off your property.

- Don't leave pet food outside. Feed your pet indoors or pick up the dish after they finish.
- Fasten garbage can lids with a rubber strap. Don't place meat products or other attractive foods in uncovered compost piles.
- Keep surplus bird food cleaned up around feeders. Place bird feeders out of reach of raccoons.
- Close openings to animal cages and pens.
- Close garage, storage buildings, basement, and attic doors and windows, especially at night.
- Close off all vents or open spaces under buildings with metal, hardware wire or boards, but be careful not to seal animals inside. If an animal is present, close off all of the area except for one small 12 inch by 12 inch opening. Wait until after dark, and then close it off. If the animal is still inside, repeat the process. If raccoons or skunks are using the site, be sure not to lock the young inside. Raccoons and skunks leave their young in the nest for 3-7 weeks. You should wait until they are old enough to travel with the parents.
- Prevent raccoon access to chimneys by securely fastening a commercial cap of sheet metal and heavy screen over top of the chimney. Consider fire safety first.
- Prune all large overhanging tree limbs that animals may use to gain access to building roof or upper floor windows and vents. If trees cannot be pruned, tack a metal band 16-24 inches wide, around the tree trunk below first limbs but 4-8 feet above the ground.



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Birds

Protecting migratory birds

Birds sometimes fly into windows resulting in injury or death. To deter birds from windows, hang a silhouette of a raptor, strips of cloth or shiny mylar from the eaves to catch any breeze and create movement. Marking a window with strips of white tape can also break up the pattern of a reflected background of sky and vegetation, or of indoor plants that appear to be accessible. Placing feeders away from windows also reduces collisions with glass.

Research shows that free-roaming cats kill millions of birds and small animals each year in North America. Bells on a cat's collar have not proven effective in alerting birds to a feline's presence. Consider making your cat an indoor cat to protect birds and other wildlife - and to protect your cat from injury from cars, cat fights, disease and other hazards.

All native migratory birds are protected by federal law. It is illegal to injure, kill or possess a native bird or to interfere with an active nest. If birds build a nest in an inconvenient place or in a location where birds and young will not be safe, the nest can be moved only if no eggs or young are in the nest. Please do this only if necessary.

Hawks, owls, falcons and eagles

Hawks, owls, falcons and eagles, known as raptors, hunt in fields and woods for food. Some raptors hunt small mammals or snakes while others prefer to hunt small birds. Hawks and owls are beneficial in controlling rodent populations. Hawks are sometimes seen on the ground beside free-ways "mantling." Don't be alarmed. The bird is not injured, but is covering its prey with spread wings to prevent other birds from seeing and taking its prey.

Occasionally, a raptor may perch in a tree or in a fence near your home. Raptors are not a danger to you or your pets and will probably stay only for a short time. However, if a hawk or owl shows up in your yard and you would like it to leave, waving and shouting or banging pots together, will usually chase the bird away. It's important to remember that all birds of prey are protected by law, so if you have a problem with a raptor, contact ODFW for advice.



Barn Owl and Chicks
Oregon Fish and Wildlife

Waterfowl

Water birds, including ducks, geese, and great blue herons spend most, but not all, of their time near water. Ducks sometimes nest in less than ideal places such as parking lots. If baby ducks fall into a storm drain, call the local public works department. Herons are sometimes seen preying on young ducks, which is upsetting to some people. This is part of the natural world, where some animals are predators and some are the prey. Consider it a rare chance to witness this natural drama.

Geese like open landscapes such as golf courses, lawns and ponds. They may feed heavily on lawn grasses and leave numerous droppings behind. Geese can be very aggressive when young goslings are present. In the short-term, waving, shouting and other loud noises will often cause the birds to leave temporarily. However, the best remedy is to change the landscape. Geese don't like tall grass, because they can't see predators well. Let vegetation grow taller and keep native vegetation along pond edges. Consider alternatives to short turf grasses. Plant trees and shrubs in the flight path between ponds and lawns. Keep backyard swimming pools covered to discourage geese and ducks from landing in them.



- Geese and ducks are attracted to areas with open water and large expanses of grass, such as golf courses, parks, and large lawns. The problem is most noticeable during the winter months when large numbers of migrating geese and ducks join the year round residents.

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- Do not feed geese and ducks. Feeding can create a concentration problem and invites disease outbreaks.
- Fence your yard. Eliminate or break-up some of the large expanses of lawn by planting shrubs and other visual barriers. A dog will also discourage ducks and geese from using your yard.
- During fall and winter, noise making tactics may discourage these birds from staying on your property. Also, remove old nests during this time to stop geese and ducks from returning to the site in the spring.
- Scarecrows and even plastic or ceramic dogs will often keep waterfowl away. These work best if moved around the yard every few days so that they are not always in the same place.



Canada Geese
- Photo by Kathy Munsel -

Hérons, and sometimes osprey (a fish-eating hawk), are fond of fishing backyard ponds. To prevent them from reaching fish, place logs or branches in the water to provide cover for fish to hide. You can also screen the pond with lightweight mesh fabric or other materials. Herons may be seen far from the water. They sometimes hunt for field mice on grassy strips along highways or in fields.

Woodpeckers

Flickers and other woodpeckers are sometimes noisy neighbors when searching for insects under tree bark. They may set up shop on a new construction site and "hammer away" on the new wood, loudly announcing their territory or trying to attract a mate during breeding season. Territorial "drumming" on houses may be a breeding season behavior or could indicate an insect infestation underneath the siding that the homeowner should investigate. Because these birds are territorial, it is best to take action as soon as possible. Discourage them from using the site by hanging large strips of cloth, aluminum foil, or mylar around the location. Owl decoys may also be effective. Provide suet away from the pecking area as an alternative food source, but hang it out of the direct sun. In areas where bears may visit, be aware that bears like suet also. If woodpecker damage continues, call for advice.



Acorn Woodpecker
- U.S. Fish and Wildlife Service -

In Oregon, the common flicker is the most abundant woodpecker species. It can be found drumming on wood siding, eaves and shingles of homes. These birds are territorial in nature, and drumming marks their territories and attracts mates. Woodpeckers also drill holes for nesting and roosting. These birds are protected by law. There are a number of different techniques you can use to discourage their activities.

- Hang a lightweight plastic mesh netting at least 3 inches from affected wood areas.
- Nail plywood over the excavated area.
- Hang aluminum foil strips, colored plastic streamers, hawk silhouettes or mirrors near the affected wood.
- Provide an alternative drumming site. Nail two boards together at just one end (producing resonance) and hang on a secure surface.
- Use noise making tactics, such as clapping your hands or banging garbage can lids together.
- Spray the birds gently with water from a garden hose when they start to drill or drum.
- Eliminate any ledges or cracks on which the woodpecker is able to stand while drumming.
- If woodpeckers continue to be a problem, a special permit may be obtained from the **U.S. Fish and Wildlife Service** to destroy the birds.

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- Do you have a question or comment for ODFW? Contact ODFW's Public Service Representative at odfw.info@state.or.us
 Share your opinion or comments on a Fish and Wildlife Commission issue at odfw.commission@state.or.us

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Oregon

Kate Brown Governor

Department of Fish and Wildlife
Rogue Watershed District
1495 East Gregory Road
Central Point, OR 97502
VOICE (541) 826-8774
FAX (541) 826-8776

August 15, 2019

Port of Brookings Harbor
PO Box 848
Brookings, OR 97415

To the Port of Brookings Commissioners,

Each year, Oregon Department of Fish and Wildlife (ODFW) received a multitude of calls concerning nuisance and damage behavior associated with wildlife. The animals causing the damage are often doing so because they have been fed and/or tamed by a neighbor, or attracted to a feeding area for competitive or predatory reasons. Often, the animal winds up having to be euthanized. Although feeding wildlife is not illegal in the State of Oregon, ODFW policy strongly discourages this activity because it is very harmful to wildlife in several ways. Recently, ODFW has received several complaints about raccoons eating cat food, aggressive behavior, and being a nuisance in the Port of Brookings area and adjacent Beachfront RV Park. Several complaints have included an issue of feeding feral cats and subsequently attracting and feeding the raccoons. This letter summarizes some of the negative consequences for feeding raccoons.

Although it is usually not the intent of the people who feed wildlife, feeding wildlife encourages them to occupy not just their own property, but inadvertently the properties of their neighbors as well. Unnaturally large concentrations of fed animals can devastate yards, gardens, and crops. They can cause structural damage to housing and other structures, causing frustration and financial burdens for landowners in their attempt to eliminate the nuisance animals. Raccoons are known to cause structural damage by denning underneath houses and in attics. When that occurs, there is even more burden with raccoons leaving feces behind.

Wildlife that have lost their fear of people often become dangerous and must be destroyed. By feeding raccoons, they can become aggressive towards humans, pets, and other wildlife. Food items offered by people rarely provide the nutritional benefits of a natural diet, and wildlife diseases tend to proliferate in areas where wildlife is fed. Young animals need to learn natural diet selection and wild behaviors that are the result of years of evolution that make them fit to live in this world. Young wildlife fed by humans do not learn these skills, and are poorly equipped to find food, shelter, water, and safety, the basic necessities.

Raccoons, as well as opossums, skunks, and foxes, can carry rabies, distemper, and other diseases that may be passed to pets, livestock, people, and other wildlife. Young raccoons can also carry an intestinal roundworm, *Baylisascaris*, which can be terribly damaging to people if they ingest it. Young children are particularly at risk because they spend time outdoors and can

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put dirty fingers or objects into their mouths. Once ingested, it can cause serious complications to the nervous system, including coma, blindness, and death.

Relocation of raccoons in the state of Oregon is illegal. Raccoons are protected under state law. They may be trapped with a permit from ODFW or through a licensed Wildlife Control Operator, but they must be released at the same site or euthanized. Twelve raccoons have been euthanized by a WCO hired by the Port of Brookings in response to complaints associated with the feeding of feral cats over the last two months.

There are several methods for preventing and controlling raccoon damage. A radio set to a talk station and/or a strobe light placed in a denning spot is often sufficient to cause a raccoon to move to a different area and take their young. Securing pet doors, keeping small or crawl spaces tightly covered, replacing damaged screen vents, installing metal guards around the base of trees, and installing electric fences approximately 8 inches above ground are all good ways of excluding raccoons from an area. Long term solutions may include habitat modification, which includes removing pet food and water dishes from outdoor locations where raccoons can easily access, securing garbage, recycling, and compost bins, and removing brush piles. However, most of these techniques will be ineffectual if food is provided.

In summary, intentional and unintentional feeding wildlife is a very harmful practice to be discouraged at every opportunity. Some cities have ordinances that ban feeding wildlife, and the city police department should be contacted if a complaint must be filled. Please feel free to share this information with your friends, relatives, neighbors, and acquaintances because most people who feed wildlife are concerned for the welfare of the animals but may lack important information. If you have any questions, please call your local ODFW office. For additional resources, you can review information and suggestions for living with raccoons and other wildlife on ODFW's website, https://www.dfw.state.or.us/wildlife/living_with/raccoon.asp.

Sincerely,

Brehan Furfey

Brehan Furfey
Rogue District Assistant Wildlife Biologist
29907 Airport Way
Gold Beach, OR 97444

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ACTION ITEM – P

DATE: August 20, 2019
RE: Abandon Vessels
TO: Honorable Board President and Harbor District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- Port of Brookings Harbor currently has seven (7) abandon vessels in the boat yard.
- Port of Brookings Harbor has demolished at least six boats and has sold as many in the last three years.
- Oregon State University provided a draft Abandoned and Derelict Commercial Vessel Task Force Finding Report, dated April 2019.
- Oregon State Marine Board emailed Ports regarding recreational registration and derelict vessel removal fund. This email prompted a letter from the Port to our moorage holder's vessel that were not current with its registration.
- Kenneth Range, Port Commissioner provided a recommendation letter to introduce legislation creating a dedicated fund at State and Federal levels to dispose abandon vessels.
- Current Port practice handling new boats arriving to the harbor for moorage or storage for more than one month:
 - 1) Require valid registration of the vessel
 - 2) Require valid driver license
 - 3) Require current photo of the vessel condition
 - 4) Require current boater insurance, if moored in water
 - 5) Payment in advance for the duration of moorageRequiring this information helps reduce derelict vessels at the Port.

DOCUMENTS

- Kenneth Range Recommendation Letter, 1 page
- Draft Abandoned and Derelict Commercial Vessel Task Force Finding Report, 20 pages
- OSMB Email Dated August 6, 2019, 3 pages
- Port Letter to Moorage Holders, 2 pages
- OSMB Petition and Rulemaking Process and Agency Bills, 8 pages
- OSMB Email Dated August 19, 2019, 7 pages

COMMISSIONERS ACTION

- **Recommended Motion:**
Motion to approve Port Manager or commissioner to pursue legislation action at the State and Federal levels creating a dedicated fund for the disposal of abandon vessels.

August 19, 2019

To: Gary Dehlinger, Port Manager, Port of Brookings Harbor

From: Kenneth Range, Commissioner, Port of Brookings Harbor

Re: Abandoned Vessels

Abandoned vessels are a major challenge and expense for our ports. Once abandoned, a port has no choice but to dispose of a vessel. We currently have seven abandoned vessels at the Port of Brookings Harbor and disposing of them will cost the Port thousands of dollars.

I would like to make the following recommendation:

All vessels are either Federally Documented or State Registered. Both Federally Documented and State Registered vessels could pay a small fee based on length of the vessel that would be placed in a dedicated fund that ports could access to pay for disposing of abandoned vessels.

This will require legislative action. For State Registered Vessels—Contact our State Representative, The Honorable David Brock Smith, and for Federally Documented vessels contact The Honorable Peter DeFazio to introduce legislation to create dedicated funds at the State and Federal levels that the ports could draw from to dispose of abandoned vessels.

I realize this could take years to accomplish, but the problem will not go away. More vessels are being abandoned each year and the ports need a viable means of paying for the expense.

Respectfully,



Ken Range
Commissioner
Port of Brookings Harbor

Abandoned and Derelict Commercial Vessel Task Force Findings Report

Draft: April 2019

The Abandoned and Derelict Commercial Vessel Task Force (ADCVTF) met from 2016-2017. This report is the findings document prepared by the Oregon State Marine Board, Oregon Sea Grant, and the members of the ADCVF. The report outlines the situation of abandoned and derelict commercial vessels in Oregon, the background and purpose of the ADCVTF, and the potential solutions they identified. The report focuses on abandoned and derelict commercial vessels, although for context, at times abandoned and derelict recreational vessels are referenced.

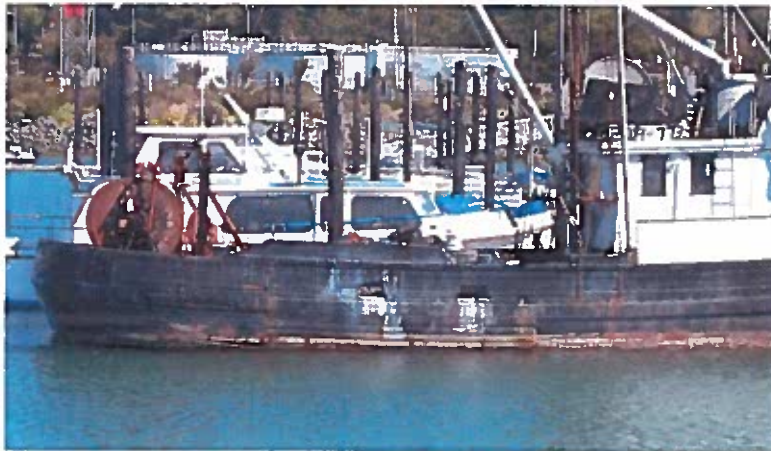
**James Cogle
Jamie Doyle
Meg Reed
Rachel Graham**

Abandoned and Derelict Commercial Vessels in Oregon

Abandoned and Derelict Commercial Vessels on the Coast

Abandoned and derelict commercial vessels found in Oregon's coastal ports, bays, and estuaries are almost always out-of-service commercial fishing vessels. Often, when a fishing license or permit is removed from a vessel, the vessel loses its purpose and value and sits idly in the water for years, deteriorating. Owners do not necessarily have the resources or incentives to maintain their vessels and they eventually become derelict or abandoned. Port and marina facilities also do not have enough staff time or resources to continuously monitor the vessels or incentivize the owners to take action.

Older fishing vessels, especially the smaller salmon trollers, may be vulnerable to neglect when there are fisheries closures as these boats are not easily repurposed for other fisheries. Additionally, federal and state sponsored fishery reduction and fishery disaster relief programs have contributed to the problem of out-of-service vessels through the purchasing of fishing permits, rendering the fishing vessels inactive and purposeless. There is evidence that many of the former fishing vessels that have become abandoned and derelict in Oregon and Washington¹ waters were involved in a Federal Fishing Capacity Reduction Program or other similar program. An unintended consequence of these efforts is the out-of-service fishing vessels that deteriorate in the water over time and become large and expensive pieces of marine debris that lack an appropriate funding stream to remove.



F/V Marie Ann Gail: During the last part of its commercial service the *Marie Ann Gail* was a groundfish dragger. The previous owner of the vessel, a commercial fisherman from Blaine WA, participated in the federal fishing permit buyback program and subsequently sold the vessel to a couple in OR who wanted to make it into a houseboat, but were unable. Cost to state to remove in 2009: \$21,750.

Abandoned and Derelict Commercial Vessels on the Columbia River

In contrast to the coast, the problem commercial vessels that plague the Columbia River (and lower tributaries) tend to be former tug boats, barges, passenger vessels, or former military vessels. The pathway to abandonment for these vessels is similar to that of the fishing vessels. Technological changes, old age, and changing industries make these boats obsolete.

¹ Source: Derelict Vessel Removal Program staff at Washington Department of Natural Resources

The cost of maintenance eventually exceeds the commercial value of the boat. The vessels leave active commercial service and are sold to owners looking to repurpose the vessels, use them for parts, or scrap them. When these boats leave active commercial service they often cease to be documented with the US Coast Guard and are almost never insured. Frequently motors and engines are removed leaving an empty hull. Tugs, barges, and especially former military vessels, are full of oils, PCBs, and asbestos, further complicating deconstruction. The vessels are eventually abandoned by owners when the cost of dismantling the vessel exceeds the value of the materials.



The Oregon Department of State Lands, Oregon Department of Environmental Quality, and the U.S. Coast Guard collaborated on the cleanup, removal, and disposal of 10 vessels (including 3 sunk) from a site on the Columbia River in Goble, Oregon. The site began as a restoration project for a derelict auto ferry and grew as additional vessels were brought to the location. After a coordinated investigation, hearings, and notices the lease for the site was terminated. Before contractors could remove the vessels hazardous materials and waste, including oil, PCB, and asbestos had to be removed from the site. The cost of the project increased as complications with the removal of the 230 foot ferry required it to be partly disassembled on site before transport. Final costs were estimated to be \$12.2 million, and were obtained through a one-time allocation for the cleanup. *Photo: US Coast Guard, 2015*

Funding Available

In 2003, at the request of the Oregon Ports Group, a new fund was created by House Bill 3628 to help reimburse the ports and law enforcement agencies for the cost of removing and disposing of abandoned boats 200 gross ton or smaller. The fund was established at the Oregon State Marine Board as a set-aside of \$150,000 per biennium from recreational boat title fees, registration fees, and gasoline tax revenue. Although not evident in the bill language, the intent

of the fund was to help defray the cost to the Oregon ports of boats abandoned in the water in their port districts. Most of the testimony at the 2003 hearing highlighted that the “problem” boats were former commercial vessels – fishing boats and tug boats.

Prior to 2017 the Department of State Lands also set aside a portion of the fees collected on waterway authorizations for the removal and disposal of derelict structures.² Though not specified in statutes, the Department of State Lands budgeted about \$25,000 for these purposes. From 2010 to 2017 much of these funds were used as match for Marine Board funds on vessels removed from state owned waterways. Law enforcement and public ports also help with in-kind match by identifying and responding to abandoned and derelict vessels in their jurisdictions on a case-by-case basis.

Number and Cost of Vessels Removed 2005 - 2017

From 2005 to 2019, the Oregon State Marine Board assisted in the removal of 15 commercial vessels that qualified for assistance (abandoned in the water and less than 200 gross tons). The total cost to remove and dispose of these vessels was \$290,751, with \$163,439 coming from OSMB, \$48,566 from the Oregon Department of State Lands, \$23,746 from Oregon’s Public Ports, and \$55,000 from a federal grant. These vessels had an average age of 67 years when removed, were on average 51ft in length, and cost an average of \$19,383 to remove and dispose of. Many of these vessels had either sunk or were at risk of sinking at the time of intervention, and the known owners were typically unresponsive to all communication efforts.



Above: the FV *Ina* shortly after it sunk in July 2014 (left) and during removal (right) in September 2015.

The total cost of removal and disposal of these vessels does not include the additional cost to the United States Coast Guard for its response to the significant pollution threat or threats to navigation. If a vessel is actively sheening oil or other pollutants into the water, the US Coast Guard has the authority and funding to respond to pollutants only, with assistance from the Department of Environmental Quality’s Emergency Response program. The United States Coast Guard responded to, and acted on, at least three of the 15 vessels that the State

² In the 2015 legislative session, HB 2463 established the Submerged Lands Enhancement Fund from up to 20 percent of the moneys collected by the department per biennium pursuant to the department’s granting of leases, easements, registrations and other permissions to use or occupy state-owned submerged or submersible lands. One of the authorized uses of the fund is the removal, salvage, storage and disposal of abandoned or derelict structures and vessels.

assisted with the removal of. Costs from pollution abatement efforts for just one of the vessels were calculated to be \$131,693. The table below shows figures for commercial and recreational abandoned and recreational vessels removed using OSMB funds between 2005 and 2019.

	Total number of ADVs removed	Average age (yrs)	Average length (ft)	Average total cost (\$)	Average cost per ft (\$)	Sunk or aground ADV average cost (\$)	Afloat ADV average cost (\$)
Commercial	15	67	51	19,383	370	31,154*	9,084**
Recreational	114	45	25	3,563	133	3,980	3,174

* 7 of the 15 commercial vessels were sunk or aground removed.

** 8 of the 15 commercial vessels were afloat when removed.

Local governments and the ports are also burdened with abandoned and derelict commercial vessels, and these vessels are not always eligible for funding from the state’s programs. Feedback from three of Oregon’s public ports and one city marina recorded 54 abandoned and derelict commercial vessels that were addressed between 2013 and 2017, at a cost of \$669,791 to the ports and local governments. In addition, the opportunity cost to the facilities from lost moorage revenue was \$384,418.



Above: the FV *Helen McColl*, being craned onto shore for dismantling. The cost to the Marine Board and the Port of Newport for the removal was in the range of \$34,000. The US Coast Guard also expended \$131,000 on oil spill response and cleanup.

Formation of the Task Force

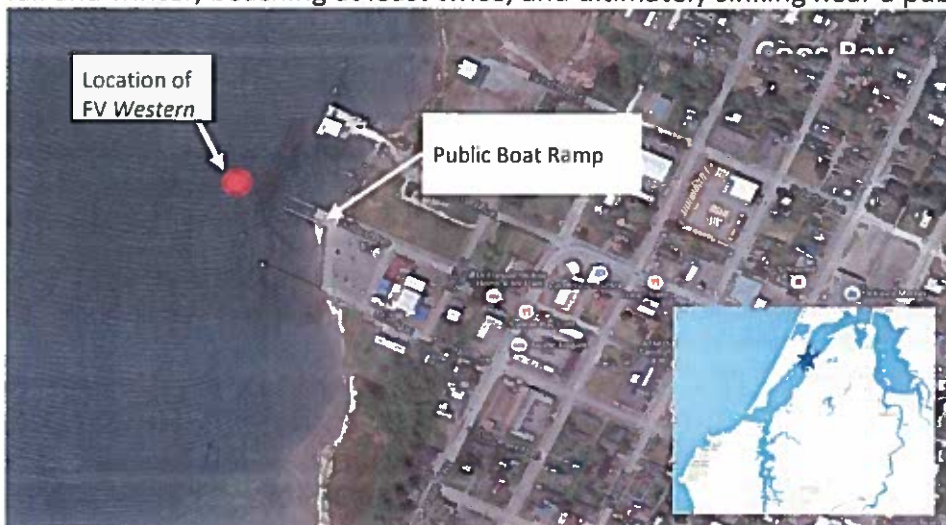
Within Oregon State government there are limited funds available for the removal and disposal of abandoned and derelict vessels of all kinds (recreational boats, floating homes, boathouses, and commercial boats). The 2003 house bill that created the “Abandoned Boat Removal and Cleanup Subaccount” at the State Marine Board authorized no more than

\$150,000 be spent per biennium on the direct costs of salvage, storage, disposal and cleanup of abandoned boats (200 gross tons or less), floating homes, and boathouses. The source of these funds is registration and titling fees on recreational boats, titling fees on floating homes and boathouses, and marine gasoline tax. **While the Marine Board does pay for the removal of abandoned and derelict commercial boats with this fund, commercial boats do not contribute to the Marine Board's fund, and the current available funds are inadequate to address removal of all abandoned and derelict vessels.** The inequity of using funds paid by recreational boaters to remove commercial vessels has been a concern since the inception of the Marine's Boards Abandoned and Derelict Vessel removal program.

Commercial vessels are expensive to remove because their size and pollution abatement requirements drive up costs. Commercial vessels are much more likely than recreational vessels to have asbestos, lead paint, hydraulic fluids, and large fuel tanks. In addition, there are very few facilities or contractors in Oregon that have the capacity to haul out and dismantle large boats. Furthermore, it is even more difficult to remove a sunken vessel as the cost can be three to five times more expensive than if it were afloat. While every effort is made to remove a boat lawfully from the water before it sinks, it is not always possible. Such was the case for the vessel that was the catalyst for the formation of the Task Force, the fishing vessel *Western*, quoted at \$30,000 to remove while afloat, \$95,000 after sinking.

The F/V *Western*

In the year prior to the formation of the Commercial Vessel Task Force the fishing vessel *Western* sank in Coos Bay, Oregon. The *Western* was a 69.9ft long, 78 gross ton, wood-hulled fishing vessel, built in 1934. In its last commercial use the *Western* was a crabbing vessel, but the Dungeness crab permit was transferred off the vessel in November of 2005. It had been moored at the Port of Coos Bay, but was denied moorage in 2014 because of its questionable seaworthiness. The boat left the Port in the fall of 2014 but continued to anchor unauthorized in Coos Bay. It broke free from its anchor several times and was battered by storms during the fall and winter, beaching at least twice, and ultimately sinking near a public boat launch.



Location where FV *Western* sank in Coos Bay, OR. Star on inset map shows approximate location at a broader scale.

This vessel was deemed to be a priority vessel to remove by several agencies and community groups because it was large, near a busy navigation channel, recently sunken, in sensitive fish and invertebrate habitat, and was unlikely to be removed by the owner.

After completing a competitive bid process for the vessel's removal in September of 2015, the State Marine Board and Department of State Lands realized they would be unable to finance the vessel's removal without additional outside funding (the low bid was \$94,850). As a former fishing vessel, it had not paid into the State Marine Board's recreational titling and registration system and therefore had not supported the fund that is used to remove vessels.

The State Marine Board applied for, and was granted, \$55,000 for the removal of the FV *Western*. The State Marine Board and Department of State Lands agreed to come up with the balance of cash for the removal.

The F/V *Western* was a good example of many of the challenges with derelict commercial vessels, and the high cost of removal when not addressed. As part of the grant application, the State Marine Board agreed to use the momentum of broad community support and cooperation across state, local, and federal agencies for the *Western's* removal to form a task force to engage in an open and collaborative exploration of the range of options for the short and long term issues associated with former commercial vessels that have become or are likely to become abandoned and derelict.

Task Force Objectives

The Environmental Programs Coordinator at OSMB and staff from Oregon Sea Grant planned and facilitated seven meetings of the task force. In the initial scoping meeting staff from the State Marine Board brought forward a list of objectives that was further refined by the group. The agreed objectives of the task force were:

- Increase communication and collaboration between coastal ports, law enforcement, state agencies, and other stakeholders on issues related to abandoned and derelict commercial vessels;
- Complete an inventory of existing and at-risk commercial vessels along Oregon's coast; inventory businesses that can respond to and salvage abandoned and derelict commercial vessels;
- Identify challenges and barriers, as well as strategies and solutions for preventing and managing abandoned and derelict commercial vessels in ports, marinas, and on state waters;
- Identify potential funding mechanisms to remove and recycle abandoned and derelict commercial vessels;
- Develop a collaboratively written Findings Report, incorporating the above information

The initial scoping meeting was held on February 9, 2016 to gauge interest in the potential of a task force, recruit task force members, and set a topic list. The Task Force subsequently met six times and discussed the following topics:

Meeting One: April 26, 2016, Newport

Review of abandoned/derelict vessel removal programs and vessel of concern inventories in other states. Invited speakers from Washington Dept. of Natural Resources, Texas General Land Office, Florida Fish and Wildlife Conservation Commission, and US Coast Guard Sector San Francisco.

Meeting Two: July 15, 2016, Astoria

Vessel Insurance and agency jurisdiction issues. Invited speakers from US Coast Guard, Oregon Dept. of Environmental Quality, Oregon Dept. of Fish and Wildlife, State Police, and Servco Pacific Insurance

Meeting Three: November 16, 2016, Florence

Vessel removal and disposal permitting challenges. Incentivizing proper disposal.

Meeting Four: January 20, 2017, Tillamook

Vessel disposal challenges, waste haulers, recycling options. Funding options for future removal fund.

Meeting Five: April 29, 2017, Lincoln City

Solutions to challenges with funding, solutions to removal and disposal barriers, prevention ideas.

Meeting Six: September 18, 2017, Newport

Strengths and weaknesses of suggested solutions, outline of whitepaper

Task Force Members

The Oregon State Marine Board organized the Abandoned and Derelict Commercial Vessel Task Force with participation from Oregon coastal ports, vessel owners, and other relevant community stakeholders.

Task Force Members

<i>Name</i>	<i>Affiliation</i>
Matt McGrath	Port of Astoria
Aja Vickers	Port of Toledo Boatyard
Mike Dunning	Port of Coos Bay
Jane Sweet	City of Warrenton Marina
Steven Leskin	Port of Siuslaw
Terry Thompson	Lincoln County Commissioner
Darus Peake / Nancy Fitzpatrick	Salmon Commodity Commission
Dep. Barry Bruster	Lincoln County Sheriff's Office
Sgt. Todd Thompson	Oregon State Police, Fish & Wildlife
Fran Recht	Pacific States Marine Fisheries Commission
Kerry Walsh	Global Diving & Salvage, Inc.

Staff/Technical Advisors

<i>Name</i>	<i>Affiliation</i>
Nancy Pustis / Gary Cooper	Oregon Dept. of State Lands
Rachel Graham	Oregon State Marine Board
Steve Rumrill	Oregon Dept. of Fish & Wildlife
Jennifer Purcell	OR Dept. of Environmental Quality
Jamie Doyle	Oregon Sea Grant Facilitation/Meeting Support
Meg Reed / James Cogle	Oregon State Marine Board
Omar Borges / Chad Thompson	US Coast Guard

Additional stakeholders were invited to speak and/or participate in the Task Force as they were identified by the group. In addition, several interested parties who were not initially invited to the task force participated in later meetings.

Inventory of Commercial Vessels

One of the problems identified in the scoping meeting was that no one state agency interacts with all commercial vessels. The Department of Revenue assesses taxes on commercial tugboats, barges, cruise ships, tour boats, and sternwheelers. By contrast, commercial fishing vessels are assessed by local county assessors. Further, any boat, vessel, or floating craft used in the taking of food fish or shellfish for commercial purposes (except clams and crayfish) is required to have a commercial fishing boat license or an individual landing permit from the Department of Fish and Wildlife. In theory, the majority of commercial vessels are documented by the US Coast Guard, but there are exceptions. For example, fishing vessels with foreign built hulls cannot be documented, so this small group of boats are often titled and registered with the State Marine Board.

Since no one Oregon agency tracks commercial vessels, no one knows how many commercial vessels are in the state. Thus the objective of the inventory was to estimate the total number of commercial vessels, the number that were “at risk” of becoming derelict or abandoned, and any factors that might be predictive of future risk. The quantification of the number of commercial vessels in the state, the proportion that are at risk, and a forecast of the number of vessels that could be at risk in the future was critical to setting a target for funding needs. An estimate of the number of active commercial vessels is also important in estimating costs to individual boat owners under different funding strategies.

Methodology

Creation of the inventory involved a combination of existing datasets along with on-the-ground verification. As a starting point, all commercial vessels (all operations except recreational) in the US Coast Guard’s Vessel Documentation database, with a homeport listed in Oregon³, and a documentation expiration date of 2016 or later, were imported into an MS Access Database. This table was merged with a list of commercial vessels from the Marine Board’s database that had current registration. The ports and marinas were then asked to provide lists of all the commercial boats that had long-term leases in their facilities, so that the

³ It is understood that this is inexact. A vessel owner can list any homeport he or she wishes too.

vessels in the Access database could be assigned a location.⁴ Most ports were able to provide the information; four ports were not.

In the end, the inventory was only able to identify the location of 424 of an estimated 1,702 commercial boats in the state, and these were almost all fishing vessels. It is possible that many of the “unknown location” boats are moored at private docks, are trailered, or are not actually in the state. A great number of the freight barges and towing vessels list their homeport as “Portland, Oregon.” However, the Port of Portland itself does not have a moorage; rather the tug and barge companies have their own facilities in Portland and along the Columbia and Willamette Rivers. These facilities were not inventoried, but the companies could be included in future inventory efforts. The Task Force suggested that an inventory of vessels occur on a regular schedule, if not annually, at least every few years.

At risk vessels

While collating the inventory of commercial vessels, the ports and marinas were asked to identify vessels they were concerned may become abandoned and derelict in the near future. 30 commercial vessels were identified as being “of concern” in seven ports and marinas, one of which has since sunk and been removed with 3 others having been seized as abandoned and derelict. The estimate provided for the removal and disposal of the vessel that had sunk was \$92,000. The remaining 29 vessels have an average age of 61 years and length of 45ft. 12 of the 29 vessels have wooden hulls, 9 have steel hulls, 6 fiberglass, and 2 have concrete hulls.

Disposal costs of vessels depend on a number of factors including hull material, the vessel length, and vessel mass, with larger boats costing more to dispose of, and steel and concrete vessels often costing significantly more than wood and fiberglass. Salvage costs can also significantly increase the total cost of addressing an abandoned and derelict vessel.

Cost estimates were calculated for the disposal of the 29 vessels of concern based upon disposal estimates for vessels of a certain length and certain hull type provided by a Port boatyard. This was then compared to costs incurred by the State Marine Board during past commercial vessel removals. Estimates for wood and fiberglass were calculated as \$5,000 for boats up to 35ft in length, \$7,000 for boats 36-50ft, and \$12,000 for boats 51-70ft in length. Estimates for steel and concrete hulled boats were significantly higher starting at \$25,000 for boats up to 35ft in length. For steel and concrete hulls over 35ft in length, costs were grouped at intervals of every ten feet starting at 40ft with each vessel’s length rounded to the nearest ten and assigned a disposal costs of \$1000 per ft. Cost estimates for an individual vessel were adjusted if a disposal estimate was received for that vessel’s specifications. The average estimated cost to dispose of the 29 vessels of concern was calculated to be \$25,189.66 for an estimated total cost of \$730,500.

⁴ It was expected that some boats would move between homeports.

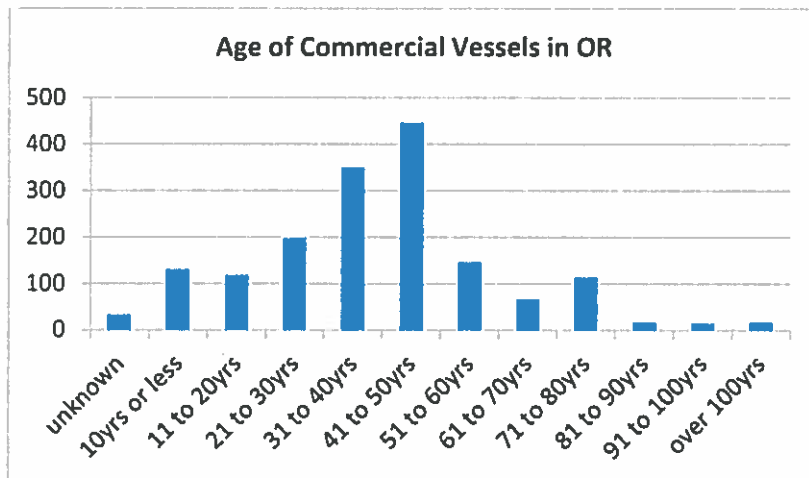
Location	Active Vessel	Vessel of Concern	Total
Unknown	1273	5	1278
Charleston Marina	134	5	139
Charleston Marina/ Salmon Harbor Marina*	3		3
City of Warrenton	58	4	62
Port of Astoria	21	2	23
Port of Brookings		2	2
Port of Gold Beach	10		10
Port of Newport	139		139
Port of Newport/ Charleston Marina*	1		1
Port of Siuslaw	12	1	13
Salmon Harbor Marina	25	7	32
Total	1676	26	1702

* Vessels reported by more than one marina.

Future Derelict and Abandoned Vessels

As the age of boats increases, the proportion of those boats that remain on the water and are considered "of concern" or become abandoned or derelict typically increases. However, the total number of boats in those older age groups are generally lower.

Vessel Age	Proportion Removed from water or Of Concern	# of boats in Oregon
10 yrs or less	0.0%	133
11 to 20 yrs	0.0%	121
21 to 30 yrs	0.5%	198
31 to 40 yrs	0.6%	351
41 to 50 yrs	1.8%	448
51 to 60 yrs	3.3%	148
61 to 70 yrs	11.7%	68
71 to 80 yrs	4.9%	116
81 to 90 yrs	16.7%	20
91 to 100 yrs	26.1%	17



However, because of the variability in cost based on hull material, vessel length, and vessel condition (floating or sunk), it was not possible to make precise projections of future funding needs based on the characteristics of the active boats. As noted above, estimates of per-boat costs can range from \$5,000 to \$100,000. Without the length, hull material, and location of the “future derelicts,” it is not possible to narrow the cost estimate range. The best that can be said is that boats will continue to age and move into higher risk age groups.

As an alternative to using vessel characteristics to project future risk, task force members suggested that certain commercial segments be tracked. For example, the smaller, older vessels that have salmon trolling permits may become at risk if there are widespread fisheries closures or if closures happened several years in a row. Another group of vessels that was noted to be at risk were older tugboats that may not be able to be upgraded to new US Coast Guard safety standards.

Task Force Solutions

The culmination of six meetings of the task force was a compilation of possible solutions to the problems identified. These solutions were grouped in five main themes:

1. Identify boats at risk before they become derelict or abandoned,
2. Streamline processes and increase removal and recycling capacity,
3. Incentivize owners to responsibly dispose of their vessels at the end of vessel's service,
4. Find funding to deal with existing vessels in need of disposal, and
5. Find funding to deal with existing vessels in need of disposal.

1 - Identify boats at risk before they become derelict or abandoned

1.1 Assign one state agency to track all commercial vessels in the state, including monitoring commercial sectors to identify classes of boats that may be vulnerable (e.g., because of fisheries closures, changes in US Coast Guard regulations, etc.)

Strengths: This would be a coordinated approach that would allow much better oversight.

Weaknesses: This is not something that is practical and straight forward to implement, and would require financial resources. The State Marine Board's missions would need to be expanded to encompass more than recreational vessels. There would need to be the capacity (resources) increased for any agency to take this on.

Recommended Action: Have the governor require state agencies to coordinate on this, but dedicate one agency as the lead. May need legislation to allow the resources to implement this.

1.2 Maintain a Vessel of Concern list/database and provide information to vessel owners

Strengths: This database was created in 2016, as a recommendation at one of the first Task Force meetings. The database is housed at OSMB, and collects information on all vessels in public marinas and ports. Additional information is collected on any vessel that a marina operator or law enforcement are concerned could end up abandoned or derelict. The database is a proactive way to plan for future pollution problems.

Weaknesses: This could be perceived as "big brother" watching boat-owners' activities. If any action was taken on these vessels, beyond just being added to an inventory list, clear communication would be necessary. The database must be maintained to be relevant, and OSMB needs the resources/capacity to do this. Not all marinas are reporting, and non-marina vessels are not reported, so gathering data is not always easy, and the database is incomplete.

Recommend Action: Have OSMB continue to maintain the database.

1.3 Require marina/moorage owners to check for registration, maintain the information, and provide the information to requesting agencies

Strengths: If marinas are required to maintain this, and agencies can access the information, it is may be a more efficient approach to tracking. It is also more realistic than requiring an individual vessel owners to report, which would be unlikely to have follow-through without it being a state law.

Weaknesses: Marina capacity to do this might be low, especially if they keep records on paper vs. electronically. Marinas might need to change processes, and the billing system is for the render of the slip, not the vessel. Some marinas do not track the registration #s, but these would be needed for cross referencing. A “requirement” is only effective if there is a penalty for noncompliance. This could require legislation or rule changes from a state agency (most likely the Department of State Lands).

Recommend Action: Creating a simple form for marinas to fill-out could begin this data gathering on a voluntary basis

1.4 Continue the Commercial Vessel task force as a workgroup that meets ~twice a year

Strengths: Continued communication for coordination of efforts has been identified as a need by the Abandoned and Derelict Commercial Vessel Task Force. If there is any new legislation or elected official support for these recommendations, it would be beneficial to have a group that could help determine policies and track progress to make sure recommendation were implemented and working well. Once things were working smoothly, it could disband.

Weaknesses: This needs a lead agency. If this takes four or more years, people might get burned-out by the process.

Recommend Action: The Abandoned and Derelict Commercial Vessel Task Force recommended seeking support from the coastal caucus for continuing to meet. Add abandoned and derelict commercial Vessel to the agenda at the Pacific Coast Congress of Harbor Masters and the Oregon Ports Association meetings. Determine most appropriate organization to convene this. Oregon Sea Grant will take on this role for the short-term. The roster of partners will need to be updated to include staff turn-over and so that all relevant partners are included (e.g., OPRD). The Task Force also recommended that recreational and commercial vessels are addressed together in these future discussions, as at the local level (e.g., port, marina, city, county), these distinctions of recreational or commercial are not relevant.

2 - Streamline processes and increase removal/recycling capacity

2.1 State could publish and maintain a list of qualified (licensed, bonded, insured) boat removal/ recycling contractors

Strengths: This can be used by ports, individual boat owners, and agencies, similar to how DEQ has a list of prequalified contractors for asbestos. Boat dismantling contractors need to be qualified, and not create new pollution/issues.

Weaknesses: Need to determine where this list would be housed (e.g., which Oregon state agency), and the capacity for that entity to do create, publish and maintain the list.

Recommend Action: Research any legal impediments to publishing a list. Determine if legislation or rulemaking is required.

2.2 Request Department of Administrative Services establish a state-wide price agreement for boat removal and recycling services

Strengths: Local governments could also purchase using the same price agreements set by the state. This could allow help during emergencies by expediting the process and hiring immediately.

Weaknesses: There is a chance of losing money, because they are not getting the best possible price.

Recommend Action: State Marine Board and Department of State Lands should work with Department of Administrative Services to develop a scope of work

2.3 Request permitting agencies streamline and simplify permitting process for the removal of sunken vessels

Strengths: Having agencies coordinate/work together with better communication and relationships, that would improve the permitting process, saving time and money.

Weaknesses: It is fairly streamlined already, and in an emergency (i.e., when a vessel has just sunk), permits are not needed. If the goal is to keep them from sinking, this is less of an issue.

Recommend Action: State Marine Board and Department of State Lands should continue dialog with Army Corps of Engineers on nationwide permits for sunken vessel removals

2.4 Pool the money and resources from state agencies involved in vessel removals (i.e., OSMB, DSL, DEQ, State Parks)

Strengths: Agencies could jointly prioritize projects and fund removals that would have the greatest positive impact (on navigation, the environment, public trust values). This would be a pro-active and more coordinated approach. Agencies could jointly applying for opportunities like NOAA Marine Debris Program grants or this approach could apply for specific issues, such as tsunami debris.

Weaknesses: Each agency has different restrictions on the use of their funds. Unknown if agencies would agree on removal priorities. Unknown what agency would coordinate these efforts.

Recommend Action: Oregon State Parks should be involved in any future Task Force meetings or other groups convened to deal with abandoned and derelict vessels.

3 - Incentivize owners to responsibly dispose of their vessels at the end of vessel's service

3.1 Require marine survey/ insurance before transfer of title on boats over 40 years in age and over 65 feet long

Strengths: Washington State requires this. Sellers of vessels more than 65 feet long and more than 40 years old have to have the vessel surveyed and provide the buyer and Washington Department of Natural Resources with a copy of the survey. The seller must also require the buyer to show proof of insurance for the vessel. The buyer would know the condition of the vessel he or she was buying, and uninsurable (not seaworthy) vessels would be less likely to change hands.

Weaknesses: While required by law, most owners of formerly commercial vessels never apply for a state of Oregon title. Title transfers for commercial vessels happen at the federal level (US Coast Guard documentation). An Oregon State agency would have to track all commercial vessels more than 65 feet long and more than 40 years old. Surveys are expensive for owners, costing between \$500 and \$1000 depending on the vessel's size.

Recommend Action: Before moving forward, find out how the Washington State program is working out.

3.2 Establish a "vessel turn in program" for owners unable to afford dismantling/disposal to prevent boats from being sold for less than their disposal cost

Strengths: This is a proactive approach. It is an incentive for the owner, since he or she would not have the liability of removing and disposing of the vessel. It may be more cost effective, because it removes vessels in a controlled manner while they are still floating.

Weaknesses: Who determines an owner's ability to pay, and how? Concern with equity of who pays for the turn in program versus who benefits (i.e., where are the repercussions for those that do not plan or maintain their boats. A "vessel turn in program" has a carrot/incentive, but not stick/repercussion. Requires that a new source of funds (beyond existing accounts) be identified.

Recommend Action: Need to determine a source of funding for a pilot program, and which agency would have oversight.

3.3 Require insurance on all vessels moored on the water in Oregon

Strengths: Insurance policies would cover the removal costs for vessels that sink

Weaknesses: How would it be policed? Which state agency would verify that an insurance policy is in place? What would incentivize vessel owners to maintain the insurance, and not get it today but cancel it tomorrow?

Recommend Action: The Task Force felt that this was a wish and would make sense, but is not realistic to implement.

3.4 Limit use of Marine Board's abandoned derelict vessel fund to helping ports and public marinas that require insurance

Strengths: This could incentivize ports and marinas to require insurance as a condition of moorage. If the insurance requirements (contractual) for moorage were consistent statewide, there would be less need for a statewide law requiring vessel owners to prove to a state agency that their vessel was insured.

Weaknesses: Would this be enough incentive to have ports/marinas change policies to require insurance?

Recommend Action: The State Marine Board should explore rulemaking to change the eligibility criteria for use the abandoned derelict vessel fund.

4 – Find funding to deal with existing vessels in need of disposal.

This topic is extremely important, as any funding model to deal with currently sunk or sinking vessels should not be the burden of the active vessels that are well maintained. The Task Force felt strongly that current needs and future needs are very different, and should be dealt with individually. The existing needs, if not addressed, could cost the state \$730,500 or more.

4.1 One-time allocation of state funds to establish a Trust Fund that would fund the removal of seized abandoned and derelict vessels as well as a “vessel turn in” program for the next 5 years

Strengths: The Task Force felt that this was one of the most important possible solutions to deal with the “of concern” vessels that have been identified as well as a backlog of vessels rotting in port boatyards (boats on land are not eligible for the existing programs). Task Force members felt this approach was equitable as it does not punish any vessel owners that are currently working on well maintained vessels by making them pay for boats that are out of service and have already been neglected. This approach would have strong support from industry and would allow for all of the problem vessels to be taken care-of, while a long-term solution to funding is identified.

Weaknesses: A one-time allocation does not deal with long-term need (i.e., 10, 15, 20 years in the future). Given the state’s budget and other priorities, there is a low probability that such an allocation would be made. Unknown which agency would oversee the fund.

Recommend Action: Find a legislative champion that may be able to request a one-time allotment to deal with existing derelict and abandoned vessels (determine what amount is needed, and then add 25% to that). Make sure to have the position very clear, and demonstrate what the state of Oregon is getting for this amount (what the costs are if they sink, and what they can save if pro-active).

4.2 Leverage money from the US Coast Guard for the removal of oils and hazmat to lower costs

Strengths: This does not require any legislation, just better coordination at the beginning of a removal project. State agencies often coordinate with the US Coast Guard for cleaning of vessels, but ports rarely do.

Weaknesses: The funds can only be used to remove oils and hazardous materials. For most removal projects it would at best be a 10-20% cost savings.

Recommend Action: The State Marine Board should educate port managers about the availability of Coast Guard funds.

4.3 Apply for NOAA Marine Debris Program grant opportunities

Strengths: This can be a non-cash match, such as the Task Force time for the Western removal project.

Weaknesses: This is limited in scope, requires matching funds (even if in-kind), and is a limited amount of funding (compared to the overall need). The capacity to write grants and the competitive nature of grants make this not a long-term solution to all abandoned derelict vessel removals.

Recommend Action: The State Marine Board should keep aware of the opportunities, and apply in situations that make sense, but this is not a long-term solution to abandoned derelict vessel removals.

5 - Develop a long-term funding mechanism for commercial boats to sustain future removal needs (e.g., supporting a commercial abandoned derelict vessel fund into the future)

The Task Force discussed mechanisms for ongoing funding, but the group did not reach consensus on what would be a fair and appropriate approach or fee level. The Task Force is very aware that a fiscally sustainable pathway to the future is critical. The Task Force did not have the people with fiscal expertise or decision-making abilities to help come up with a funding scheme that was acceptable by all entities. There was considerable discussion about making sure any funding mechanism was thoroughly vetted with industry, starting with the Seafood Commodity Commissions. For example, in Washington, a formal work group was tasked with coming up with the funding mechanism. A similar approach might work with Oregon.

The following mechanisms have all been discussed, but none are put forward as a final recommendation of the Task Force. These are contingent on first dealing with the current issues, and the Task Force feels that the ongoing maintenance cannot be determined until the current needs are addressed. The group has recommended that some format of Task Force meet on an annual basis, and this would be a priority for that group.

5.1 Flat annual “environmental fee” on all commercial boats

Strengths: This is simple because everyone has to pay the same fee, but not “equitable” because it disadvantages smaller vessels.

Weaknesses: Nobody will want to pay this. The recreational boats do not pay a set fee, it’s a set-aside in the budget. This is disproportionately harder on the smaller boats, because they land less/make less, and thus are carrying a disproportionate portion of the fee.

5.2 Graduated annual fee (based on age or length of vessel)

Strengths: The fee is more commiserate with the risk the vessel poses

Weaknesses: Larger boats would be paying a larger amount.

5.3 Per gallon fee on marine diesel sales

Strengths: The fee could be collected at the retail level vs. the boat owner level.

Weaknesses: Larger boats and more active boats would be paying a much larger fee

portmanager@portofbrookingsharbor.com

From: Travis Webster <travis@portofbrookingsharbor.com>
Sent: Tuesday, August 6, 2019 3:15 PM
To: Gary Dehlinger
Subject: Fwd: Oregon Marine Board - Clean Marina Program - Abandoned and Derelict Boats

----- Forwarded message -----

From: DOLPHIN Glenn * OSMB <Glenn.DOLPHIN@oregon.gov>
Date: Tue, Aug 6, 2019 at 12:55 PM
Subject: Oregon Marine Board - Clean Marina Program - Abandoned and Derelict Boats
To: Mark Anderson - Leasing (leasingA3@columbiacrossings.com) <leasingA3@columbiacrossings.com>, stan@rparina.com <stan@rparina.com>, 3232brad@gmail.com <3232brad@gmail.com>, barnes@portofcolumbiacounty.org <barnes@portofcolumbiacounty.org>, pmstalla@co.douglas.or.us <pmstalla@co.douglas.or.us>, harbormaster@cityofdepoebay.org <harbormaster@cityofdepoebay.org>, harbormasterandrew@comcast.net <harbormasterandrew@comcast.net>, Mike Stonesifer (MStonesifer@PortofCoosBay.com) <MStonesifer@portofcoosbay.com>, Chris Urbach (chris@portofnewport.com) <chris@portofnewport.com>, manager@willamettesailingclub.com <manager@willamettesailingclub.com>, kathy@portofthedalles.com <kathy@portofthedalles.com>, pkoch@portofcascadelocks.org <pkoch@portofcascadelocks.org>, david@portofgaribaldi.org <david@portofgaribaldi.org>, waterfront@portofhoodriver.com <waterfront@portofhoodriver.com>, mark@mccuddysmarina.com <mark@mccuddysmarina.com>, tnewman@embarcaderouoa.com <tnewman@embarcaderouoa.com>, marina@portofastoria.com <marina@portofastoria.com>, travis@portofbrookingsharbor.com <travis@portofbrookingsharbor.com>, portshop@portofgoldbeach.com <portshop@portofgoldbeach.com>, portmanager@portofbandon.com <portmanager@portofbandon.com>

Hello Clean Marina Participants,

Sorry about the long email below but there is a lot to communicate to you about regarding this topic.

I'm contacting you all today to ask for some information regarding boats being moored at your facilities. I have spoken to a few of you recently regarding this growing issue of abandoned and derelict boats on Oregon waterways as the problem seems to be getting worse in some areas not better. Some of you may have worked with James Cogle here at the Marine Board over the past 2 years as he was our program coordinator for this effort, well he left the agency a few months ago and I have been trying to fill-in for his duties until a replacement is hired (interviews are being held later this week). Today I'm asking all of you to report back to me any recreational boats (no retired coastal fishing vessels at this time please) that are floating and tied to your docks that are in an abandoned and/or derelict condition that the owner has walked away from the boat leaving you the marina, the default owner of a boat that needs to end its life at a local disposal site.

Those of you that I have visited with this summer and spoke to about the issue of large numbers of boats that are moored at your facilities with expired State of Oregon – Marine Board registration stickers, have heard my story about the Marine Boards budget declining over the years due to less boats renewing their registration. These are also the types of boats that could easily become abandoned at the docks and become big issues in the near future. I'm also receiving pressure from my manager (who is new to the agency, Josh has been here for about 4 months now) about why certified Clean Marinas allow their paying customers to have boats moored on the water and not actively require that they comply with state boating laws. In-addition, the majority of you if not all of you at this time, have rules in-place in your signed moorage agreements that state the requirement to comply with all state boating laws which would of course include maintaining current registration status. I have started working with a few of you recently in that I have provided a letter that describes the state boat registration law and asks boat owners to comply with the law in a timely fashion (60 days from date on notice). I have always envisioned certified Clean Marinas to be the best of the best in the state and hope that you see yourselves in that same manor, therefore I do hope your willing to work with me on this and try to gain as close as possible to 100% boat registration compliance at your facilities which I would hope would lead to more responsible boat owners that take care of their vessels and keep them clean and in a seaworthy condition so that perhaps there can be less problem boats in the future to take care of.

One of my many projects this month is to investigate a grant program that the federal agency NOAA is going to be opening soon to accept applications. The Marine Board would like to apply for some funding to increase the amount of resources that we could have to work specifically with certified Clean Marinas like yourselves to get these types of boats out of the water and to decrease the numbers of these types of boats in the future. Typically this type of program is called a vessel turn-in program where boats that are still floating and in the ownership of a marina that doesn't want them and are not worth any money to sell, would be taken out of the water and sent off for disposal with the cost being covered by the Marine Boards derelict vessel removal fund. In order for me to accurately report in my grant application what the need is and the amount of funding to request to fill that need, I would like to get a report back from you all on the status of any boats that meet this description that are currently at your marina. If you have this type of boat could you please respond back to me with the description of the boat, its size and type and the hull registration number, that way I can assess the need and put an application together for our grant proposal. If at all possible, could I please receive this information from you during the next three weeks with just a short email describing the situation at your facility. Please just respond back to me individually and not a reply to this whole group. If you do not have any boats that would meet this description can you also please let me know that as well. Thank you for your time and continued participation with the Clean Marina Program and I look forward to working with you all on this issue.

Glenn Dolphin

Aquatic Invasive Species Program Coordinator

Clean Marina Program Coordinator

Oregon State Marine Board

503-378-2625

glenn.dolphin@oregon.gov



--
Travis Webster - Harbormaster
Port of Brookings Harbor
cell: 541-291-7380



August 9, 2019

Dear Boat Owner,

This letter is being sent to you because your moored boat at our facility has expired State of Oregon registration stickers. All boats in Oregon that are being operated or otherwise in use, are required to maintain current registration status at all times. This includes any federally documented boat as that status is for titling purposes only, all recreational boats need to have current registration in the state of their primary use. The Oregon State Marine Board is the agency that implements these laws with the following definition of a boat being in use on Oregon waters:

Oregon Administrative Rule (OAR) 250-010-0051:

Definition of "Operate" and "Otherwise Use a Boat on Water"

- (1) For the purpose of ORS 830.700(5), the term "operate" means to navigate or otherwise use a boat on water;
- (2) The term "otherwise use" includes, but is not limited to, being at anchor, adrift, moored on the water, use as live-a-board residence on water or otherwise being afloat on the waters of this state.
- (3) A boat does not have to be "underway" to be in use for the purpose of titling and registration requirements as provided in ORS 830.070 to 830.830.

The Oregon Marine Board boat registration law is:

Oregon Revised Statute (ORS):

830.795 Issuance of certificate of number and validation stickers; stickers placed on boats. (1) Subject to the provisions of ORS 830.800, if the application is in order, the State Marine Board shall issue to the owner a certificate of number which shall state the identifying number awarded to the boat, the name and address of the owner, the description of the boat, the issue date and the expiration date of the certificate of number. The certificate of number shall be pocket size.

(2) The board shall issue a set of validation stickers bearing the year through which the certificate of number is issued. The stickers shall be placed three inches to the rear of the identifying number placed on the boat as required by ORS 830.780. [Formerly 488.735]

830.800 Expiration of certificate of number; renewal of certificate and stickers.

- (1) A certificate of number expires on December 31 of the year indicated on the certificate.
- (2) The State Marine Board may require the surrender of the expired certificate of number before issuing a new certificate of number.
- (3) The identifying number awarded to a boat by the board shall remain the same.
- (4) An application for renewal of a certificate of number shall be made in the same manner as provided in ORS 830.785. The application shall be accompanied by the fee prescribed by ORS 830.790. The board shall renew certificates of number and issue validation stickers in the same manner as provided in ORS 830.795. [Formerly 488.740]

Penalties: Class B Violation = \$265

The Oregon Marine Board is an independently funded state agency that relies on boat registration and title fee revenue to implement their state-wide boating programs. Our Marina partners with the Marine Board to maintain an environmentally compliant facility with our enrollment into their Clean Marina Program and as such, we are increasing our efforts to have our moorage customers comply with all state and federal laws. In addition we are requesting that you maintain your boat to a seaworthiness condition and keep it clean by conducting any regular maintenance tasks. All of these conditions are outlined in the moorage contract that you have signed with us and are required for you to comply with.

We are asking that you comply with this request within the next 60 days and provide proof of compliance to our office. If you have any questions please contact me and thank you for your time regarding this matter.

Sincerely,

Port of Brookings Harbor
Travis Webster, Harbormaster



Agency Info

Oregon State Marine Board
(</osmb/info/>)

(</osmb/>)

[Home](/osmb/Pages/index.aspx) (</osmb/Pages/index.aspx>) > Agency Info (</osmb/info/Pages/Agency%20Info%20Home.aspx>)
> Petition and Rulemaking Process

Petition and Rulemaking Process

Petition Procedures

Any interested person can request that the Marine Board adopt, amend, or repeal a boating regulation through a petition. To be considered, petitions include the following:

- (1) Name and address of petitioner(s) (email address preferred)
- (2) Names and addresses of other interested parties (email address preferred)
- (3) The proposed language in full (for new rules) or the existing rule language in full with proposed additions and deletions clearly indicated (for rule amendments).
- (4) An explanation of the petition that includes facts or arguments in sufficient detail to show the reasons for and effects of adoption, amendment or repeal of the rule.
- (5) If the petition requests the amendment or repeal of an existing rule, the petition must also contain comments on:
 - (a) Options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses;
 - (b) The continued need for the existing rule;
 - (c) The complexity of the existing rule;
 - (d) The extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations; and
 - (e) The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the existing rule since the agency adopted the rule.

Petitions not complying with these requirements may be returned by the director.

To submit a petition or provide written comment, email: osmb.rulemaking@oregon.gov
(<mailto:osmb.rulemaking@oregon.gov>)



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[ORS \(https://www.oregonlegislature.gov/bills_laws/ors/ors830.html\)](https://www.oregonlegislature.gov/bills_laws/ors/ors830.html)

Address

Oregon State Marine Board
435 Commercial St. NE., Ste 400
Salem, OR 97301

Mailing: P.O. Box 14145
Salem, OR 97309

HOURS: M-F, 8 am - 5 pm

Contact

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503-378-8587

Fax

503-378-4597

Email

[marine.board@oregon.gov \(mailto:marine.board@oregon.gov\)](mailto:marine.board@oregon.gov)



Agency Info

Oregon State Marine Board
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(/osmb/)

🏠 (/osmb/Pages/index.aspx) > Agency Info (/osmb/info/Pages/Agency%20Info%20Home.aspx)
> 2019 Agency Bills

2019 Agency Bills

The Process

During even-numbered years, Marine Board staff proposes legislative concepts to its five-member Board based on feedback from stakeholders and partners, to improve recreational boating laws and services. Legislative concepts approved by the Marine Board are submitted to the Department of Administrative Services (DAS). After review from DAS, legislative concepts are forwarded to the Governor's Office for consideration. If legislative concepts are approved by the Governor's Office, they move to Legislative Counsel to be drafted into bills. The Marine Board and the Governor give a final review after the bills are drafted to determine what moves forward for legislative consideration.

The agency met with stakeholders in 2018 after hosting four open houses around the state to gather feedback on the concepts (scroll down the page to the right to see when and where the open house took place).

The agency asked for the following concepts to be considered by the Board and the Governor, which were approved in December 2018:

Waterway Access (/osmb/info/Documents/Legislative-Concepts/LC25000_001WaterwayAccess.pdf) (/osmb/info/Documents/Legislative-Concepts/LC25000_001WaterwayAccess.pdf) **Account** (/osmb/info/Documents/Legislative-Concepts/LC25000_001WaterwayAccess.pdf) **(SB 47):** Creates a dedicated account to increase waterway access to all of Oregon's waterways. The permit that funds this account would be required on all boats 10' and over except motorboats and sailboats with valid registration decals. This is identical to the current requirement for non-motorized boats to carry the Aquatic Invasive Species Permit (AIS permit), and in this concept, the Waterway Access Permit would replace the AIS permit for non-motorized boats. Permits would be transferable to other non-motorized boats

(<https://www.oregon.gov>)4 would not need a permit. Revenue will be used to support boating facility grants for state, local governments, park organizations and tribal governments for the acquisition of property, leases, or easements in order for the public to access waterways and construction and maintenance of boating access facilities. Funds would also be available for public bodies and non-profit entities to develop safety education courses and to purchase boating equipment to reduce barriers for underserved communities who wish to recreate on Oregon's waterways. **View the story map with examples of boating access projects (<https://arcg.is/0aey9G>).** See the measure history for SB 47 (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB47>).

Aquatic Invasive Species (</osmb/info/Documents/Legislative-Concepts/LC25000-003AIS.pdf>) (HB 2076): Gives law enforcement the authority to require drivers who by-pass an open inspection station to return to the station for inspection/decontamination. Requires boaters to "pull the plug" after retrieving their boat and before transporting the boat over land. See the measure history for HB 2076 (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2076>).

Livery Program (</osmb/info/Documents/Legislative-Concepts/LC25000-004BoatLiveriesFinal.pdf>) (HB 2077): Requires boat liveries (boat rental businesses) to register with the Marine Board. Businesses will provide basic information about the business and the types of boats they rent. The information will be used for outreach and education in an effort to reduce accidents and fatalities. Failure to register would be a Class B violation (\$265). See the measure history for HB 2077 (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2077>).

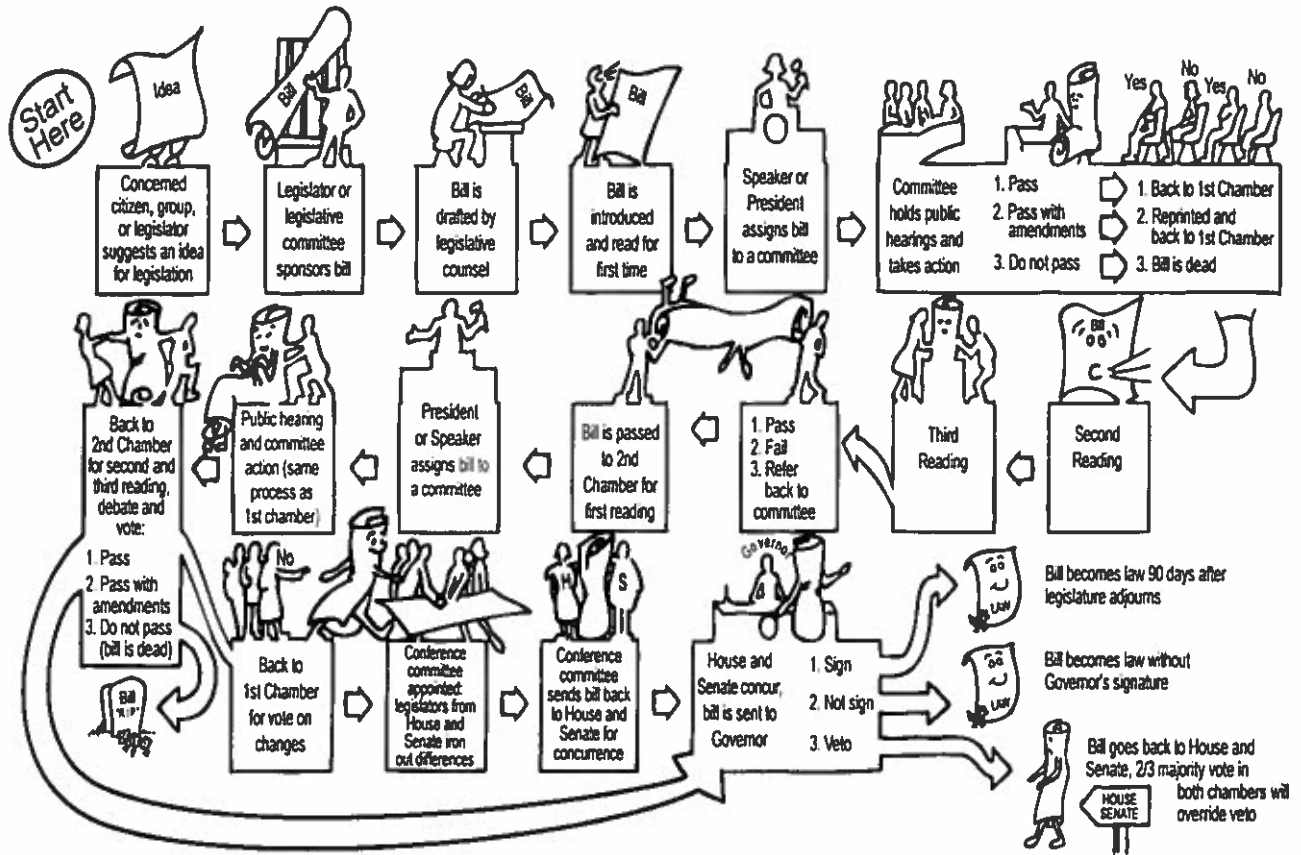
Boater Education Card (</osmb/info/Documents/Legislative-Concepts/LC25000-006BEC.pdf>) (HB 2078): Requires all people to complete an approved boating safety course as defined in ORS 830.084 prior to operating a boat with a motor greater than 10 hp and remove the 60-day exemption for people who purchase a new or used boat. Out-of-state visitors would be required to complete the level of education required in their home state of registration. See the measure history for HB 2078 (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2078>).

Boating Safety Laws (</osmb/info/Documents/Legislative-Concepts/LC25000-007BoatingSafety.pdf>) (HB 2079): Enables courts and the Marine Board to suspend the Boater Education Card for convictions for BUII for one to three years and enables suspension of the boater education card for one year for a conviction of reckless boating. Updates the language for reckless boating to the standard used in the motor vehicle code. Changes fine for not carrying a life jacket from a B violation (\$265) to a D violation (\$115). See the measure history for HB 2079 (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2079>).

Boating Related Services, Program Fees (</osmb/info/Documents/Legislative-Concepts/LC25000-008FeeChange.pdf>) (HB 2080) Registration fees would increase from \$4.50 per foot to \$5.95 per foot, a 33% increase (or \$1.45 per foot). The fee increase would be implemented in 2020, or five years since the last fee increase (2015). The prior fee increase to 2015 was in 2003. New title and title transfer fees would increase from \$50 to \$75. Increases fees for boater education card from \$10 to \$20 (these fees have remained the same for nearly two decades). See the measure history for HB 2080 (<https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2080>).

(http://www.maine.gov/legis/boards/2019/2019LCRelease_Final.pdf) (distributed on June 29, 2018)

Once a legislative concept becomes a bill, it follows this process:



(<http://www.oregon.gov>)



The Marine Board's 2019 Legislative Concepts



Marine Board Bills

Waterway Access Account (/osmb/info/Documents/Legislative-Concepts/LC25000_001WaterwayAccess.pdf)

Bill Language (<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB47/Introduced>)

Story Map of Access Examples (<https://arcg.is/0aey9G>)

SB 47 Enrolled (</osmb/info/Documents/Legislative-Concepts/SB47.pdf>) -effective January 1, 2020 with enforcement after August 1, 2020

Aquatic Invasive Species Program (</osmb/info/Documents/Legislative-Concepts/LC25000-003AIS.pdf>)

Bill Language

(<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2076/Introduced>)

HB 2076 Enrolled (</osmb/info/Documents/Legislative-Concepts/HB2076.pdf>) -effective January 1, 2020

Livery (Rental Businesses) (</osmb/info/Documents/Legislative-Concepts/LC25000-004BoatLiveriesFinal.pdf>)

Bill Language (<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2077>)

HB 2077 Enrolled (</osmb/info/Documents/Legislative-Concepts/HB2077.pdf>) -effective January 1, 2020

(<http://www.oregon.gov>)

~~Boating Education Card~~ (/osmb/info/Documents/Legislative-Concepts/LC25000-006BEC.pdf)  

Bill Language

(<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2078/Introduced>)

HB 2078 Enrolled (/osmb/info/Documents/Legislative-Concepts/HB2078.pdf) -effective January 1, 2020

Boating Safety Laws (/osmb/info/Documents/Legislative-Concepts/LC25000-007BoatingSafety.pdf)

Bill Language

(<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2079/Introduced>)

HB 2079 Enrolled (/osmb/info/Documents/Legislative-Concepts/HB2079.pdf) -effective January 1, 2020

Boating Related Services, Program Fees (/osmb/info/Documents/Legislative-Concepts/LC25000-008FeeChange.pdf)

Bill Language

(<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2080/Introduced>)

HB 2080 Enrolled (/osmb/info/Documents/Legislative-Concepts/HB2080.pdf) -effective January 1, 2020

To receive bill notifications, visit the Oregon Legislature website (<https://www.oregonlegislature.gov/>), find the bill number for the 2019 session, and select "e-subscribe" to follow bills.

Open Houses Held

DATE: July 10, 2018

TIME: 7 pm - 8 pm

LOCATION: Jackson County Parks Auditorium Room, 7520 Table Rock Rd., Central Point, OR

DATE: September 19, 2018

TIME: 7 pm

LOCATION: Marine Board Office, 435 Commercial St., NE., Salem, OR

DATE: October 16, 2018

TIME: 7 pm

LOCATION: Eagle Crest Resort, 1522 Cline Falls Rd, Redmond, OR 97756

DATE: October 22, 2018

TIME: 6:30 - 8 pm

LOCATION: Southwestern Oregon Community College, Empire Hall -Lakeview E & F
1988 Newmark Ave, Coos Bay, OR 97420

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[ORS \(https://www.oregonlegislature.gov/bills_laws/ors/ors830.html\)](https://www.oregonlegislature.gov/bills_laws/ors/ors830.html)

Address

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Salem, OR 97301

Mailing: P.O. Box 14145
Salem, OR 97309

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503-378-4597

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[marine.board@oregon.gov \(mailto:marine.board@oregon.gov\)](mailto:marine.board@oregon.gov)

About Oregon

[Oregon.gov \(https://www.oregon.gov\)](https://www.oregon.gov)

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portmanager@portofbrookingsharbor.com

From: DOLPHIN Glenn * OSMB <Glenn.DOLPHIN@oregon.gov>
Sent: Monday, August 19, 2019 1:27 PM
To: portmanager@portofbrookingsharbor.com
Cc: 'Travis Webster'; MULHOLLEM Josh * OSMB; Doyle, Jamie
Subject: RE: Port of Brookings Harbor

Hello Gary,

Thank you for contacting the Marine Board in regards to your interest to help the State with managing abandoned and derelict vessels (ADV's). I have included both my supervisor Josh on this email and Jamie Doyle with the OSU Sea Grant Program. Josh and I are currently covering the duties of a vacant position here at the Marine Board, our Environmental Programs Coordinator who would normally handle these types of requests (our new employee will be starting in early September) and Jamie was part of a team that was leading the implementation of a project from several years ago that convened a Commercial Vessel ADV Task Force. Here is a link to the page on the Marine Boards website where that project is described:

<https://www.oregon.gov/osmb/boater-info/Pages/ADCV-Task-Force-.aspx>

A final report was written for this above mentioned project but Jamie I think was in the process of finalizing it before it was ready for posting on the internet. This issue of ADV management can become quite complex and so it will take many partners to come together for productive solutions to be found. Perhaps you have contacts at the Oregon Ports Association as they might be a good organization to bring more formally in to help with future solutions, especially if any legislation were to be proposed. Just so you know, the Marine Board is authorized in state law to manage recreational boating activities whereas commercial vessel activity is not under our authorities. Our agency is operating our ADV program basically at maximum capacity as there are no extra funds available to be allocated from our budget, any new funding would need to come from some other source outside of our agency, not from our OSMB budget. Through the Clean Marina Program which the Port of Brookings participates, I'm moving to implement more standards this coming winter that will specifically ask marina managers to increase their oversight of boats moored to your docks. I will be asking managers to make sure boaters keep up on compliance with state registration requirements, keep boats in a seaworthy condition and also to require that boat insurance be required to keep a boat moored at a Clean Marina. These activities will hopefully help to prevent future abandoned and derelict boats from becoming environmental problems.

I Hope this helps to answer some of your questions and feel free to let any of us on this email know of your ideas on how we can all partner together to produce some future solutions to this important issue.

Glenn Dolphin
Aquatic Invasive Species Program Coordinator
Clean Marina Program Coordinator
Oregon State Marine Board
503-378-2625
glenn.dolphin@oregon.gov



Copied here are the OSMB's ADV laws:

830.948 Salvaged Vessel Subaccount; sources; limits; uses. (1) The Salvaged Vessel Subaccount is established within the Boating Safety, Law Enforcement and Facility Account created under ORS 830.140. The subaccount shall consist of moneys deposited into the subaccount by the State Marine Board from fees collected pursuant to ORS 830.790 and 830.850. The moneys in the subaccount are continuously appropriated to the board for the purposes specified in this section.

(2) The board may not deposit more than \$150,000 per biennium into the Salvaged Vessel Subaccount and may not retain more than \$150,000 in the subaccount at any time. After the board has deposited \$150,000 into the subaccount under this subsection or any time there is more than \$150,000 in the subaccount, any remaining moneys from fees collected pursuant to ORS 830.790 and 830.850 shall be deposited in the Boating Safety, Law Enforcement and Facility Account.

(3) The board may use the moneys in the Salvaged Vessel Subaccount to pay the expenses of the board in implementing ORS 830.908 to 830.948 that are associated with the salvage, towing, storage and disposal of:

- (a) Vessels other than boats that are abandoned vessels or derelict vessels; and
- (b) Vessels that are boats of less than 200 gross tons.

(4) The board may use the moneys in the Salvaged Vessel Subaccount to pay an enforcement agency for no more than 90 percent of the costs of salvage, towing, storage and cleanup of an abandoned vessel or a derelict vessel that has or had a certificate under ORS 830.770 or 830.775 and that is:

- (a) A boat of less than 200 gross tons; or
- (b) Any other abandoned vessel or derelict vessel that is not a boat.

(5) The board may use the moneys in the Salvaged Vessel Subaccount to pay an enforcement agency for no more than 75 percent of the costs of salvage, towing, storage and cleanup of an abandoned vessel or a derelict vessel that has never had a certificate under ORS 830.770 or 830.775 and that is:

- (a) A boat of less than 200 gross tons; or
- (b) Any other abandoned vessel or derelict vessel that is not a boat.

(6) The board may reimburse an enforcement agency under subsection (4) or (5) of this section for costs associated with an abandoned vessel or a derelict vessel only if the enforcement agency complied with ORS 830.908 to 830.948 in seizing the vessel.

(7) The board may use the moneys in the Salvaged Vessel Subaccount to award grants to the state, a city, a county, a water improvement district, a park and recreation district or a port as provided in ORS 830.150 for the disposal of a vessel that has or had a certificate under ORS 830.770 or 830.775 and that the owner has surrendered to an accepting public agency if:

- (a) The public agency has determined that the vessel was in danger of being an abandoned vessel or a derelict vessel and was likely to cause damage to the environment or become a hazard to navigation; and
- (b) The decision to accept the vessel was based solely on the public agency's determination under paragraph (a) of this subsection.

(8) The board may recover payments made from the Salvaged Vessel Subaccount from an owner of a vessel who is liable for the costs of salvage, towing, storage and disposal under ORS 830.938. The board shall deposit all funds recovered under this section into the subaccount in accordance with the provisions of subsection (2) of this section.

[Formerly 830.926]

From: portmanager@portofbrookingsharbor.com [mailto:portmanager@portofbrookingsharbor.com]
Sent: Monday, August 19, 2019 10:48 AM
To: DOLPHIN Glenn * OSMB
Cc: 'Travis Webster'
Subject: Port of Brookings Harbor

Hi Glenn,

One of our commissioners wants to produce a Bill that would increase the funding to handle abandon vessels at Ports. I tried to find a breakdown on OSMB website what the current boat registration dollars support.

Can you direct me where I can find this information or provide how much of the fee goes to abandon vessel fund, if there is one?

Thank you,
Gary Dehlinger
Port Manager
portmanager@portofbrookingsharbor.com



Boater Info

Oregon State Marine Board
(/osmb/boater-info/)

(/osmb/)

🏠 (/osmb/Pages/index.aspx)

> Boater Info (/osmb/boater-info/Pages/Boater%20Info%20Home.aspx) > ADCV Task Force

ADCV Task Force

The Oregon State Marine Board coordinated a task force to engage in an open and collaborative exploration of the short and long term issues associated with **commercial vessels, such as fishing boats, tugs, and barges, that have become or may become abandoned and derelict**. Commercial vessels are especially challenging and expensive to remove and recycle because of their size and potential to contain hazardous materials. Coastal ports, in particular, have expressed their concern for how to remove existing and prevent future abandoned and derelict commercial vessels.

The Abandoned and Derelict Commercial Vessel (ADCV) Task Force was formed after a scoping meeting in February 2016. Membership includes representatives from public ports, city marinas, fishing groups, conservation groups, law enforcement, the US Coast Guard, and a number of state agencies. This diverse group is charged with working together to create an inventory of commercial vessels in order to quantify the scope of the problem, strategize actions that may help prevent future abandoned and derelict commercial boats, and identify potential funding mechanisms to remove current and future abandoned and derelict commercial vessels.

Task Force Expectations:

- Increase communication and collaboration between coastal ports, law enforcement, state agencies, and other stakeholders on issues related to abandoned and derelict commercial vessels (ADCV's);
- Complete an inventory of all commercial vessels on the waters of the state and identify which commercial vessels are "of concern" of being abandoned or becoming derelict in the near future; This included creating an evaluation form to uniformly assess "vessels of concern";
- Inventory businesses that can respond to and salvage ADCV's;
- Identify challenges and barriers, as well as strategies and solutions, for preventing and managing ADCV's in ports, marinas, and on state waters; This should include issues related to owner accountability and gaps in vessel registration and titling

(<http://www.oregon.gov>) identify potential funding mechanisms to remove and recycle ADCV's;

- identify public education and outreach pieces that may help promote prevention strategies to the wider boating community; and
- Develop a collaboratively written Findings Report, incorporating the above information.

The group meets approximately every other month for the duration of one year. For more information, please contact the Environmental Programs Manager (<mailto:josh.mulhollem@oregon.gov>).

Resources

Overview of Abandoned Derelict Vessels (</osmb/boater-info/Documents/ADCV%20Task%20Force/ADVoverviewslices.pdf>)

Operating Protocols (</osmb/boater-info/Documents/ADCV%20Task%20Force/OperatingProtocolsTaskForce.pdf>)

Proposed Task Force Meeting Topics (</osmb/boater-info/Documents/ADCV%20Task%20Force/TaskForceTopicsList.pdf>)

Scoping Meeting Agenda 2.9.16 (</osmb/boater-info/Documents/ADCV%20Task%20Force/TaskForceAgenda2.9.16Meeting.pdf>)

Meeting #1 Agenda 4.26.16 (</osmb/boater-info/Documents/ADCV%20Task%20Force/TaskForceAgendaApril16Meeting1.pdf>)

Meeting #2 Agenda 7.15.16 (</osmb/boater-info/Documents/ADCV%20Task%20Force/TaskForceAgendaJulyMeeting2.pdf>)

Meeting #3 Agenda 11.16.16 (/osmb/boater-info/Documents/ADCV%20Task%20Force/TaskForceAgendaMeeting3_11-16-16%20.pdf)





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[Federal Boating Regulations \(https://uscgboating.org/regulations/federal-regulations.php\)](https://uscgboating.org/regulations/federal-regulations.php)

[OARs \(https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=154\)](https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=154)

[ORS \(https://www.oregonlegislature.gov/bills_laws/ors/ors830.html\)](https://www.oregonlegislature.gov/bills_laws/ors/ors830.html)

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ACTION ITEM – Q

DATE: August 20, 2019
RE: Project Work Orders 2019-20 Rev. 1
TO: Honorable Board President and Harbor District Board Members
ISSUED BY: Gary Dehlinger, Port Manager

OVERVIEW

- Attached spreadsheet is the current repairs, maintenance and smaller projects for fiscal year budget planning.
- Once the project is approved by the Board or Port Manager, the Harbormaster gives a project a number for scheduling the work. The work is either completed by Port Staff or contractor.
- Updated spreadsheet with Board approved meeting dates. Revised estimated costs with either current actual costs or updated quotes.
- Quote received for the installation of catch basins came in under the Port estimated cost. Approximately \$6,000 lower. Estimated cost for the relocation of existing light poles came in much lower than anticipated because the Port did not have to purchase new light poles. Existing poles are part of Coos Curry Electric Coop. Approximately \$18,000 lower. With the savings of these two items approximately \$24,000, Port Staff plans to resurface the asphalt parking lot around Zola's and section between Sporthaven and Righetti's, and sections of worn asphalt between the boat rinse and boardwalk and areas between boat rinse and Lower Harbor Road.

DOCUMENTS

- Project Work Order List, 1 page

COMMISSIONER ACTION

- **Recommended Motion:**
Motion to approve the expenditure, using the savings from catch basin and light pole projects, to resurface the asphalt parking lot as needed not-to-exceed \$24,000.

Project Work Orders 2019

PWO #	Description	Notes	Material / Contractor Cost Estimate	Marina-Admin	RV Park	Boat Yard	Commercial-Retail	Fuel Dock	Land Use Events	Total
			Amount in Budget							
1	Basin 2 Main Dock Repair at Q Dock	Done								
2	Install TP Dispensers in Restrooms	Done								
3	Basin 2 Brush Removal from Slopes	3/4 Done								
4	Install P-11 / 13 Finger	Done								
5	Paint Pacific Ocean Harvesters Fascia Boards	Done								
6	Paint Retail Buildings	1 Building Done	10,000.00				10,000.00			
7	Retail Landscape Islands Brush Removal	3/4 Done	5,000.00				5,291.00			
8	Install New Catch Basins at Retail Parking Lot		15,000.00				9,000.00			
9	Relocate Parking Lot Light Poles & Parking	Approved 7/16	25,000.00				7,000.00			
10	Roof Repairs (POH, Boat Launch & Kite Field)	Done	30,000.00				30,000.00			
11	Sealcoat & Striping Retail Parking Lot	Approved 7/16	50,000.00				50,000.00			
12	ADA Ramp and Landscaping at Port Office	Approved 7/16	15,000.00				9,000.00			
13	Expand Secured Storage Fencing	Approved 7/16	15,000.00				8,000.00			
14	Install Security Fencing at Gear Storage	Approved 1/15	40,000.00				15,000.00			
	N Dock Rebuilding		50,000.00	25,000.00						
	O Dock Rebuilding		50,000.00							
	P Dock Rebuilding		50,000.00							
	Basin 2 C Dock Rebuilding		35,000.00							
	Basin 2 D Dock Rebuilding		35,000.00							
	Basin 2 E Dock Rebuilding		35,000.00							
	Basin 2 F Dock Rebuilding		35,000.00							
	Basin 2 G Dock Rebuilding		35,000.00							
	Basin 2 Main Commercial Dock Rebuilding		50,000.00							
	Basin 2 Main Sport Dock Rebuilding		50,000.00							
	Basin 1 Brush Removal (Under Boardwalk)		3,500.00	3,500.00						
	Clear Brush on Transient / Fuel / Ice House Slopes (FEMA)									
	Install Catch Basin at Steel Wall		10,000.00				10,000.00			
	Install Catch Basin at Gear Storage		7,500.00				7,500.00			
	Install Catch Basins at Basin 2 Comm Lot		5,000.00	5,000.00						
	Signs at Retail (Temp - maybe)		5,000.00				1,500.00			
	Install Additional Parking Lot Light Poles		100,000.00							
	Contract Electrical - Gowman	Approved 7/19	15,000.00	15,000.00						
	Contract Earthwork, Landscape, Grading - 5-R	Approved 2/19	20,000.00	5,000.00		5,000.00	10,000.00			
		Average Amount Spent on Supplies		12,000.00	14,434.00	14,400.00	20,434.00	10,000.00		
		Amount Remaining in Budget		27,553.00	28,613.00	5,967.00	(57,304.00)	15,392.00	1,500.00	21,721.00