

SANCTUARY ADVISORY COUNCIL



September 22, 2017

Lee Whitford, Chair
Casey Dennehy, Vice-Chair
John Veentjer, Secretary

Dear Superintendent Bernthal:

Representation

Citizen-At-Large
Conservation
Education
Fishing
Marine Business
Outer Coast Marine Resource
Committees
Research
Tourism/Economic
Development
Hoh Tribe
Makah Tribe
Quileute Tribe
Quinault Indian Nation
Local Government:
Clallam County
Jefferson County
Grays Harbor County
Washington State:
Dept. of Ecology
Dept. of Fish and Wildlife
Dept. of Natural Resources
NOAA Fisheries
Olympic National Park
U.S. Coast Guard
U.S. Fish and Wildlife Service
U.S. Navy

At the September 22, 2017 Advisory Council meeting, Olympic Coast National Marine Sanctuary (OCNMS) Advisory Council (AC) passed a consensus resolution supporting the recommendations of the Vessel Incident Working Group (VIWG).

The AC is concerned with the loss of life, property and damage to resources within the sanctuary that result from vessels that are lost in OCNMS. While many of the contributing factors that result in vessels being lost are beyond OCNMS's control, we feel these recommendations represent a responsible response from the sanctuary to this important issue. In addition, we also recommend that sanctuary staff continue to be engaged in vessel safety issues and support partners in addressing marine and environmental safety in the region.

The council is an advisory board to the Sanctuary Superintendent. The opinions and findings of this letter do not necessarily reflect the position of Olympic Coast National Marine Sanctuary and National Oceanic and Atmospheric Administration.

Sincerely,

A handwritten signature in blue ink that reads "Lee N. Whitford". The signature is written in a cursive, flowing style.

Lee Whitford
Chair, Olympic Coast National Marine Sanctuary Advisory Council

Attachment: Vessel Incident Working Group Final Report

Artwork: David Sones

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Olympic Coast National Marine Sanctuary's Advisory Council
Vessel Incident Working Group
Final Report
September 22, 2017

Vessel Incident Working Group Members

John Veentjer (co-chair) –AC Marine Industry primary representative
Allison Mahaney (co-chair) – AC Citizen at large alternate
CDR Aaron Meadows-Hills, AC USCG alternate representative
Josh Peters, AC Department of Natural Resources alternate
Joel Kawahara, AC Fishing primary seat
Michael Lynch, Department of Ecology
Troy Wood, Department of Natural Resources
Susan Shingledecker, BoatUS
David DeVilbiss, Global Diving and Salvage
Sarah Fiskens, Washington Sea Grant
Aaron Barnett, Washington Sea Grant

OCNMS Staff Support

George Galasso, Deputy Superintendent
Karlyn Langjahr/Chris Butler-Minor, OCNMS AC Coordinator

Recommendations and Actions

Recommendation 1: Add type of insurance to the OCNMS vessel incident database.

Recommendation 2: Meet with regional marinas to investigate the potential of establishing kiosks/signage to educate mariners on safe boating practices and local conditions.

Recommendation 3: In support of recommendation 2, provide additional printed material at regional marinas.

Recommendation 4: Work with the insurance industry to educate brokers and vessel owners on their liability and responsibility for wreck removal if they lose their vessel in the sanctuary.

Recommendation 5: Work with the Puget Sound Harbor and Grays Harbor Safety Committees to include discussion and recommended actions for small vessels operating in the OCNMS.

Recommendation 6: NOAA and the OCNMS, through their representatives on the Regional Response Team (RRT 10), should work with the area committee to communicate their expectations for the handling and disposition of vessels suffering casualties in or near OCNMS boundaries within the area plan.

Recommendation 7: Recommend to the USCG that they review their enforcement of Quillayute River Bar restrictions and make changes, as appropriate, to encourage a higher degree of compliance.

Recommendation 8: Recommend that the USCG either track adrift vessels near/in the sanctuary and/or prioritize towing those vessels to a safe harbor to avoid grounding or sinking of those vessels in the sanctuary and increase chance of recovery if they do.

Recommendation 9: Recommend WDNR investigate the challenges that wooden vessels have in obtaining insurance and in complying with their regulations.

Purpose

The Vessel Incident Working Group (VIWG) mission was to review the circumstances leading to vessels being lost in the sanctuary, consider options to mitigate against future incidents, and provide recommendations to the Sanctuary Superintendent.

The group's Charter addressed this mission by focusing on three tasks:

1. Review the sanctuary's 2017 report on vessel incidents, including the adequacy of documentation and response to incidents;
2. Review existing programs and legislation, including how they are implemented in the sanctuary;
3. Brainstorm, discuss and provide recommendations on actions that the sanctuary, or partner agencies, could consider to prevent future incidents.

Background

Since Olympic Coast National Marine Sanctuary (OCNMS or sanctuary) was designated in 1994, there has been an ongoing effort to track incidents that resulted in vessels being lost in or near the sanctuary. This includes vessels that have sunk, grounded or capsized regardless of whether the vessel was salvaged or remnants of the wreck remain in the marine environment. When a vessel is lost, there is often an associated oil spill, which is a violation of the law both within and outside of the sanctuary. Outside the sanctuary once the pollution risk has been mitigated, USCG regulations do not require the removal or salvage of the vessel. In OCNMS, the abandoning of any material on the submerged lands of the sanctuary is prohibited. This includes vessels that have sunk or grounded within the sanctuary's boundaries.

The sanctuary has drafted a report documenting and analyzing 46 vessel incidents that occurred from 1994 through 2016. Data collected on those incidents was summarized and presented to the OCNMS Advisory Council (AC) on March 17, 2017. The AC discussed and supported the creation of a working group to review the findings of the report and to provide recommendations to the Sanctuary Superintendent.

Meetings

The VIWG met five times on May 17, May 31, June 14, June 28, and August 18, 2017. OCNMS staff provided context for discussions and distributed preliminary draft documents to facilitate discussion. In addition to information sharing and comments provided via conference calls, review comments were also provided by VIWG participants and used by OCNMS staff to refine

draft documents. The following are some of the key issues that were discussed at the VIWG meetings:

- OCNMS [Vessel Incident Analysis Report](#), with focus on 46 lost vessels
- Insurance, including Washington state legislation passed in 2013
- Boater Education, including Washington state requirement for Boater Education Card
- Marine Salvage
- Coast Guard Fishing Vessel Inspections
- Ocean conditions that exceed the seaworthiness of small vessels, including bar crossings
- Fishing vessel operator fatigue
- Maintaining an adequate lookout
- Examples of other sanctuary vessel operator outreach efforts

Review existing programs and legislation, including how they are implemented in the sanctuary

The charter directed the VIWG to review existing programs and legislation, including how they are implemented in the sanctuary. Working group members discussed a number of programs, laws and regulations. Source documents were shared, and several working group members volunteered to prepare presentations to the group on selected important topics. The major issues that the group focused on were:

- Boater education
- Fisher training
- Small vessels operating beyond their seaworthiness
- Material condition of fishing vessels
- Fishing vessel operator fatigue
- Maintaining an adequate lookout
- Marine salvage
- Vessel insurance

The nature of potential recommendations were discussed, and four general categories were identified:

- Outreach
- Regulations
- Enforcement
- Recommendation to partners

Recommendations to prevent future incidents

To facilitate the discussion of potential recommendation the VIWG organized their discussions into a matrix listing issues/accident causes in one axis and potential recommendations in the other axis. Recommendations were not drafted for all issues, nor in all categories. The VIWG

reviewed the matrix for key recommendations that met the objective of reducing the number of future vessel incidents leading to lost vessels using the following criteria:

- Achievable with limited resources
- Appropriate for sanctuary action

Identifying meaningful recommendations that met the above criteria, and that would represent a positive change to the status quo, was challenging. Identified incident causes are not unique to OCNMS, and would be more appropriately dealt with at the national level. One important example is legislation to address the material condition of the nation's fishing fleet. Current regulations for fishing vessel inspections concentrate on safety equipment, e.g., life rafts, but not necessarily the material condition of the vessel, e.g., hull integrity. The USCG was tasked by Congress to craft alternate safety program regulations that would address stability, material condition, navigation, communication and engineering systems. This work was to be done in concert with the fishing industry, to be completed by January 2017, and implemented by January 2020. The proposed regulation was nearing completion when fishing industry representatives successfully appealed to Congress to delay the effort. Congress is currently considering language to reinvigorate the project in FY2018.

The VIWG's nine recommendations are listed under three headings:

- Vessel Incident Documentation
- Outreach
- Recommendations to Partners

Vessel Incident Documentation

Recommendation 1: Add type of insurance to the OCNMS vessel incident database.

Prior to the first meeting, the VIWG was provided with the OCNMS Vessel Incident Analysis. This report, as well as the supporting database, was discussed during the first meeting. This discussion included background on the sources and types of information that the sanctuary collects when they document a vessel incident. In 51% of the incidents, the cause was not determined and listed as unknown. Part of the reason for this was that the types of incidents OCNMS tracked has changed over the years and OCNMS has only recently standardized the information to be collected. In addition, OCNMS does not directly investigate vessel incidents, depending on secondary sources of information. Not all of the incidents in the sanctuary are investigated, especially the cases involving smaller vessels. During subsequent meetings, the VIWG discussed the related issues of insurance and salvage, and it became clear that information on insurance carriage would be a valuable addition to the OCNMS vessel incident database.

The 2017 report was a key document for the VIWG's deliberations. It was helpful to have real life examples to set the context of many of the issues. The group did not spend a lot of time deliberating over the adequacy of documentation, but does recommend that the sanctuary begin to collect information on the types of insurance that responsible parties carry when investigating incidents.

Outreach

Recommendation 2: Meet with regional marinas to investigate the potential of establishing kiosks/signage to educate mariners on safe boating practices and local conditions.

Recommendation 3: In support of recommendation 2, provide additional printed material at regional marinas.

Recommendation 4: Work with the insurance industry to educate brokers and vessel owners on their liability and responsibility for wreck removal if they lose their vessel in the sanctuary..

Recommendation 5: Work with the Puget Sound Harbor and Grays Harbor Safety Committees to include discussion and recommended actions for small vessels operating in the OCNMS.

Recommendation 6: NOAA and the OCNMS, through their representatives on the Regional Response Team (RRT 10), should work with the area committee to communicate their expectations for the handling and disposition of vessels suffering casualties in or near OCNMS boundaries within the area plan.

The five recommendations listed under outreach address both incident prevention and incident response. The focus of the first two recommendations would be prevention, with specifics determined based on discussions with local jurisdictions, but could address some of the following issues:

- Washington State Boater Education Requirements
- Boaters liability and recommendations to carry insurance
- Marine forecasts and warnings
- Quillayute bar restrictions
- Hazards of operating in the near-shore
 - Adequacy of navigational charts
 - Potential for uncharted rocks and pinnacles
 - Potential of breaking waves in shoal waters

The work with the regional marinas could be informed by discussions with the Harbor Safety Committee (*recommendation 5*).

Recommendations to Partners

Recommendation 7: Recommend to the USCG that they review their enforcement of Quillayute Bar restrictions and make changes, as appropriate, to encourage a higher degree of compliance.

Recommendation 8: Recommend that the USCG either track adrift vessels near/in the sanctuary and/or prioritize towing those vessels to a safe harbor to avoid grounding or sinking of those vessels in the sanctuary and increase chance of recovery if they do.

Recommendation 9: Recommend WDNR investigate the challenges that wooden vessels have in obtaining insurance and in complying with their regulations.

Summary

While VIWG members reached a consensus on these recommendations, this consensus opinion may not reflect an endorsement by the VIWG members' organizations or constituencies.

The issue of lost vessels is broader than one of protecting sanctuary resources, the loss of property and potential loss of life is one that we, as members of the Olympic Coast community, should all be concerned with. We believe that maritime and environmental safety go hand-in-hand, and by keeping sanctuary visitors and users safe, we are also contributing to OCNMS's primary purpose of resource protection.

The number of recommendations is larger than originally anticipated and we realize that the sanctuary has a small staff and has many demands on its time. We recommend that the sanctuary consider these recommendations and to continue to work with partners, including working group participants, to consider these recommendations when developing their annual operating plan.