

RESOLUTION of the
Greater Farallones National Marine Sanctuary Advisory Council

**To adopt the non-regulatory recommendations of the Vessel Incidents Subcommittee and forward them to
Greater Farallones National Marine Sanctuary Superintendent**

At its meeting on February 24, 2023, the Greater Farallones National Marine Sanctuary (GFNMS) Advisory Council made minor edits to the non-regulatory recommendations of the Vessel Incidents Subcommittee. The council passed a resolution to adopt the edited non-regulatory recommendations and to forward the recommendations to the GFNMS Superintendent for consideration.

Attachments: GFNMS Vessel Incidents Subcommittee Non-regulatory Recommendations

This resolution was passed with majority vote by a quorum of primary members (or alternate members serving in place of primary members) at a public meeting on February 24, 2023 held in Point Reyes Station, CA and via Google Meet. Council discussion regarding this resolution can be found in Meeting Highlights documentation at https://farallones.noaa.gov/manage/sac_meetings.html.

The council is an advisory body to the sanctuary superintendent. The opinions and findings of this letter/publication do not necessarily reflect the position of the sanctuary and the National Oceanic and Atmospheric Administration.

**GFNMS Advisory Council Vessel Incident Subcommittee¹ Non-Regulatory
Recommendations For Improving Response To Vessel Incidents:**

Subcommittee members:

Cea Higgins: Chair
George Clyde: Vice-chair
Richard James
Richard Ogg
John Berge
Kris Lannin-Liang, Barbara Emley, Abby Mohan, & Michael Kleeman.

GFNMS staff support: Max Delaney, Karen Reyna, & Jordan Gorostiza

Technical Experts:

Paul Ortiz, NOAA Office of General Counsel Enforcement Section (Southwest)
Ron Kent, Division of Boating and Waterways
Andrew Kershen, State Lands Commission
Karen Grimmer, Monterey Bay National Marine Sanctuary
Vessel Incident Subcommittee, Monterey Bay National Marine Sanctuary Advisory Council
Sage Tezak, Greater Farallones National Marine Sanctuary

Proposed Recommendations:

Partner Agency Communication & Coordination:

1. Working with local stakeholders, partner agencies, all coastal land managers including land trusts, & first responders; the Sanctuary should solicit input, provide guidance, and develop strategies to coordinate & improve abandoned, derelict, or grounded vessel response within the Sanctuary and create the following unified response protocol via:
 - Develop GFNMS Vessel Desertion Checklist and Letter of Notification similar to MBNMS Checklist (See attached).
 - Work with Emergency services to develop a region wide (Sonoma, Marin, Mendocino, San Mateo Counties) Coastal Incident Response Plan (CIRP) for grounded vessel response and develop a VESSEL AGROUND Quick Response Card (see Monterey & Santa Cruz Counties QRC attached) ²
2. Through their representatives on the Regional Response Team(RRT) IX and Area Committee meetings, GFNMS should work to communicate their expectations for the handling and disposition of vessels suffering casualties in or near GFNMS boundaries including ensuring notification and preparedness for specific incidents and bring forward a request for Federal, State, and local agencies to develop a Regional Contingency Plan

¹ The advisory council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Office of National Marine Sanctuaries and the National Oceanic and Atmospheric Administration.

² Current [Sonoma County Operational Area Coastal Incident Response Plan](#) does not mention GFNMS.

(RCP) or Area Contingency Plans (ACPs) to coordinate vessel removal with pollution abatement of grounded, abandoned, or derelict vessels within the Sanctuary.

3. 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.
4. Sanctuary should assess all tow capacity within their jurisdiction and identify and make recommendations to ensure capability to address vessels adrift that may sink or run aground. Establish “On-call” tow contracts with existing experienced companies for responding to vessel incidents to prevent grounding disaster by putting vessels under tow quickly. These contracts would be triggered by harbor or sanctuary personnel who are contacted about a vessel in distress.
5. Sanctuary should work to improve communications within its expanded Northern boundaries on grounded vessel response by identifying partners and assessing current response capabilities in this area.

Policy:

Vessel Registration:

6. Working with the appropriate agencies, policymakers, boaters, and boating organizations the Sanctuary will provide guidance on policies to establish a California yearly vessel registration requirement for both commercial and recreational vessels including establishing a derelict vessel removal fund supported by registration fees dedicated for ADV removal programs and adequate enforcement of these requirements. The derelict vessel removal fund needs to be equally available for grounded vessels on the outer coast.

Vessel Insurance:

7. Working with the appropriate agencies, policymakers, boaters, and boating organizations to address under or uninsured vessels within the Sanctuary and the need for stricter vessel owner requirements, the Sanctuary will provide guidance on policies that could mandate insurance requirements for commercial and recreational vessels including wreck removal insurance and secondary liability coverage for older and larger vessels to ensure funding to cover response. Response includes containment and/or damages from contamination from fuel, oil, and hazardous materials, deconstruction of vessels, removal and disposal of the abandoned or grounded vessel, and site restoration.
8. Work with the vessel insurance industry to educate brokers and vessel owners on their liability and responsibility for wreck removal if they lose their vessel in the Sanctuary

Education & Outreach:

9. Meet with regional marinas and managers of boat launches to investigate the potential of establishing kiosks/signage or printed materials to educate mariners on safe boating

practices and local conditions to reduce small vessels operating beyond their seaworthiness as well as inform boaters of GFNMS regulations on prohibited activities.

10. GFNMS create a single web page including an interactive map highlighting resource protection areas (e.g., no anchor eelgrass zones) as well as all jurisdictions identified with links to their regulations in the same map and also include on this webpage links for boater safety, marine forecast and current conditions, as well as clearly identifying Sanctuary prohibited activities.³
 - The Sanctuary should also maintain a clear focus on publicizing, on this webpage and through other communication outlets, enforcement efforts and successes, including compensation awards, noting where appropriate the lack of liability insurance meant that the individual responsible party was required to make the payment from their personal assets.

Enforcement:

11. Sanctuary should prioritize vessel incidents working through the Enforcement Coordination Committee process or by establishment of a new working group which consists of U.S. Coast Guard, County Sheriff Departments (e.g., Marin, Sonoma, Mendocino), County Offices of Emergency Services (OES), the California Department of Fish and Wildlife, and National, State, and County Parks that meet regularly on addressing enforcement challenges such as permit compliance and natural resource injuries from vessel incidents in the Sanctuary. The group should meet at least quarterly and when there are important incidents.⁴
12. Work with NOAA's Office of Law Enforcement (OLE) to amend the existing operations plans with applicable Joint Enforcement Agreement (JEA) partners to prioritize working on vessel incidents together and to ensure that all future and JEA operations plans include enforcement of Sanctuary regulations.
13. Request that the General Council on Enforcement and Litigation for NOAA (GCEL) establish a summary settlement authority and schedule for GFNMS so that JEA partners would be more inclined to pursue Sanctuary violations because issuing tickets for low level violations with minimal natural resource impact offer an immediate sanction which, coupled with public outreach, could assist to deter future violations and encourage boaters to purchase liability insurance.⁵
14. Provide guidance on policies to establish a mechanism for law enforcement agencies to be funded or compensated for time and equipment needed to enforce Sanctuary regulations and to issue civil penalties. JEA partners should be required to provide regular reports to OLE, the Sanctuary Superintendent, and the committee pursuant to

³ Current information is on static [PDF maps](#) or difficult to find on GFNMS website

⁴ [U.S. Department of Commerce Office of Inspector General report](#)

⁵ NOVA (notice of violation and assessment) process can take months or years and should be reserved for larger more serious violations.

Recommendation #11 on the enforcement work they do specifically in the Sanctuary (e.g., number of man hours spent patrolling sanctuary, citations issued...).

15. Work with OLE and GCES to explore options during vessel incident response and investigations to improve responsible parties' promptly taking on the removal and restoration actions for their vessels and compensating others for their costs in doing so (whether insured or not).
16. Given the limitations that affect "bottoms up" efforts by the Subcommittee, the SAC, the Sanctuary or even the West Coast Region to obtain information on enforcement and to influence enforcement efforts, seek a further review of the problems of enforcement in the Sanctuary or the West Coast Region.

The U.S Office of Dept. of Commerce Office of the Inspector General found in 2008:

*"Enforcement of sanctuary regulations needs to be strengthened. Enforcement challenges in the sanctuaries range from permit compliance to offshore vessel traffic to a range of natural resource injuries, including oil spills, vessel groundings, and plane crashes. Most sanctuary and enforcement officials and other stakeholders we spoke to believe that enforcement of sanctuary regulations remains a challenge and could be improved."*⁶

The Sanctuary Superintendent of West Coast Regional Office should seek from the OIG, NOAA, the Office of National Marine Sanctuaries or another appropriate entity a new review of local enforcement efforts with further recommendations.

Dead Ship Tow:

17. GFNMS should establish with the U.S. Coast Guard protocols and/or regulations requiring "dead tow" operators to notify GFNMS when dead vessels of over an established tonnage enter and are towed through their jurisdictions and consider requiring "dead tow" operators to obtain a permit to enter and navigate through the National Marine Sanctuary. The permit should require the dead tow operator to show proof of insurance and 3rd party inspection/approval of the vessel transport.

⁶ [U.S. Department of Commerce Office of Inspector General Report](#)

ATTACHMENTS

Draft MBNMS Vessel Desertion Checklist and Letter of Notification November 2021

Background

Monterey Bay National Marine Sanctuary (MBNMS or sanctuary) is a federally protected ocean area that spans over 6,000 square miles of ocean off the central California coast. MBNMS was designated in 1992 by the U.S. Congress, and is managed by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce. National Marine Sanctuaries protect nationally significant underwater environments, much like National Parks protect special terrestrial environments.

MBNMS's natural resources are protected by the National Marine Sanctuaries Act (NMSA) of 1972, as amended (16 U.S.C. §§ 1431 *et seq.*), and its implementing regulations. Pursuant to MBNMS regulations (15 C.F.R. part 922, subpart M), specific activities are prohibited in the sanctuary, with certain enumerated exceptions, and are thus unlawful. These prohibited activities include discharging or depositing from within or into the sanctuary any material; constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the sanctuary; deserting a vessel aground, at anchor, or adrift in the sanctuary; and leaving harmful matter aboard a grounded or deserted vessel in the sanctuary (15 C.F.R. § 922.132(a)).

The MBNMS Vessel Desertion Checklist (attachment A) and the Letter of Notification template (attachment B) are intended to serve as proactive tools to avoid a potential vessel desertion, at anchor or adrift (§ 922.132(a)(9)), from occurring in a sensitive area of the sanctuary. The checklist is a tool for use by law enforcement to assess the need to post the Letter of Notification or the need for more immediate action to avoid a more serious vessel incident from occurring (e.g. vessel aground) in the sanctuary.

Draft MBNMS Vessel Desertion Checklist

Vessel/Owner Information

Name of Vessel
Name of Vessel Owner (if known)
Vessel CF Number
Type/Color/Size of Vessel
Location of Vessel (lat/long & general location description)
Other items to note?

Incident Information

Name of Reporting Party
Affiliation (if any)
Time of Report
Mariners Aboard Vessel, if any
Any Contact with Mariners?
Current Status of Vessel (vessel in disrepair, vessel taking on water, location/quality of anchorage?)
At Anchor or Adrift?

Proximity to Rocky or Other Sensitive Habitat?
Weather/Sea State Conditions

Law Enforcement Report Verification & Next Steps

(Law Enforcement agencies include, yet are not limited to US Coast Guard, Harbor Patrols, CA Fish and Wildlife, CA State Parks, City Police Dept,)

Law Enforcement (LE) Agency and Name of LE Officer
Date and Time of Inspection of Vessel
Vessel is abandoned/derelict and no persons aboard (Yes/No) If no, no further action required. If yes, continue with Checklist
Time of physically posting Notification on vessel (see attachment A)
Time of attempting to contact Owner (if information is known)
Per Notification, has owner contacted LE within the required 12-hour timeframe? (Yes/No)
If yes, request Owner move vessel to a safe location (action complete). Owner needs to move vessel immediately, if close to rocky and sensitive habitat. If Owner is NOT able to move vessel, please refer the incident immediately to MBNMS and NOAA OLE for follow up.

Monterey Bay National Marine Sanctuary
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
99 Pacific Street, Bldg 455a Monterey, CA 93940

Dear Responsible Party/Vessel Owner:

Monterey Bay National Marine Sanctuary (MBNMS or sanctuary) is a federally protected ocean area that spans over 6,000 square miles of ocean off the central California coast. MBNMS was designated in 1992 by the U.S. Congress, and is managed by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce. National Marine Sanctuaries protect nationally significant underwater environments, much like National Parks protect special terrestrial environments.

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Date _____ at (time PDT) _____ CF# _____

Location _____

Desertion _____

Responsible Party/Vessel Owner _____

Because this incident occurred within MBNMS, we request that the Responsible Party notify my office within 12 hours of receipt of the notification on how the vessel will be moved to a safer location (i.e., a nearby harbor). Action to salvage the vessel or remove wreckage and debris from the sanctuary should be coordinated with my office in advance.

Please contact Karen Grimmer, MBNMS Resource Protection Coordinator, at (831) 236- 6535 to discuss receipt of this notification and next steps.

Thank you,
Lisa Wooninck
Sanctuary Superintendent

VESSEL AGROUND

Quick Response Card

Monterey & Santa Cruz Counties

Priority – Life Safety

- Initiate & utilize the Coastal Incident Response Plan (CIRP) with responding agencies
- Confirm if vessel is occupied / number of victims accounted for or missing
- Request specialized resources early, as needed: shallow draft Rescue Watercraft (RWC) / Coast Guard Helicopter / drone for search
- Evacuate the vessel if safe to do so
- Request additional resources as needed: medical
- Secure the area from the public

Immediate Notifications

(Hazardous Materials spills and potential releases)

National Response Center (800) 424-8802

Cal OES Warning Center (800) 852-7550

Priority – Property

- Soft aground: consider requesting on scene water rescue personnel assist with anchoring / [kedging](#) the vessel if safe to do so
- Write down critical info: CF number, HIN, make model, size / type of boat, is visible sheen present or any oiled wildlife?
- If Responsible Party is on scene get name / contact info, determine if they have insurance and have them contact the following salvage companies to start recovery.
- Notify marine salvage companies:
 - Tow Boat U.S. Monte Ash – Santa Cruz (831) 359-0702
 - Parker Diving / Redwood Shore Diving (415) 331-0328, cell (415) 740-1279
 - Monterey Bay Diving (831) 642-9966
 - Earth Works Rick Straus – Capitola (831) 475-1223 for heavy equipment on the beach
 - Community Tree Service, South Santa Cruz County (831) 345-1935
 - Global Diving and Salvage – Sacramento (707) 561-6810
- If Responsible Party is not on scene, have County Sheriff or local law enforcement identify and contact owner.
- Request County Sheriff respond to safeguard property [per Harbors & Navigation Code Section 510](#)
- Identify optimal timeframe for removal: tide, wind and predicted ocean conditions

Priority – Environment

- Notify National Oceanic & Atmospheric Association (NOAA) – Monterey Bay National Marine Sanctuary: (831) 236-6797 Duty Phone
- California Department of Fish and Wildlife - Office of Spill Prevention and Response (OSPR)
(916) 826-1110 - Spill Desk (business hours)
(916) 358-0333 - NORCOM (after hours)

Additional Contacts

- US Coast Guard Sector San Francisco Incident Management Division: (510) 928-9939 Duty Phone

Notes: