

Welcome to the ADV Workgroup Meeting #4

November 7, 2023

AGENDA

- 1:00 - Welcome and introductions
- 1:05 - ADV Program Update
- 1:15 - Presentation: Exploring the Enforcement Agency Partnership
- 1:20 - ADV Workgroup Discussion
- 1:30 - Presentation: Streamlining Contracting and Procurement
- 1:35 - ADV Workgroup Discussion
- 1:50 – ADV Workgroup Discussion: Scope of ADV Workgroup and Workplan
- 2:45 - Community Input
- 2:55 - Next Steps & Adjourn @ 3 p.m.



Oregon's Abandoned and Derelict Vessel Workgroup

LEARN MORE

<https://www.oregon.gov/dsl/WW/Pages/ADVAC.aspx>

CONTACT US

Facilitator

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Oregon Department of State Lands

Cait McCusker, Community Engagement Officer
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ADV Workgroup Schedule



The anticipated schedule of meetings for this effort is tentative:

- Meeting 4 November 7, 2023 (online)
- Meeting 5: November 21, 2023 (online)
- Meeting 6: December 5, 2023 (HYBRID)
- Meeting 7: December 19, 2023 (online)
- Meeting 8: January 16, 2023 (online)
- Meeting 9 – 11: Estimated once monthly Feb - April

Meetings will be noticed one week in advance, and recordings will be made available.

ADV Workgroup Member Participation



Use the "Raise Hand" feature to speak:

- To raise your hand, click the reactions near the bottom of your screen and click "raise hand" or by pressing star 9 if you are on the phone.
- You will be called in the order in which hands are raised.
- Please keep your mic muted unless it is your turn to speak.

When it's your turn to speak:

- When your turn is coming up, the moderator will call on you to begin speaking.
- We ask that all participants be respectful of each other and agency representatives.

Community Involvement



ADV Workgroup meetings are open to community members to attend and stay connected to the discussion.

- ADV Workgroup meetings include limited time on the agenda for input from community members.
- Current meeting information and materials will be posted on the DSL website. Meetings will be noticed one week in advance, and recordings will be made available.
- In early 2024, DSL will open a comment period on the proposed ADV program framework, prior to bringing these efforts before the Land Board for a decision.

ADV Program Update: Staffing



Josh Mulhollem,
Waterways Stewardship
Manager

**Outreach and
Compliance
Specialist**

*Recruitment complete,
to be announced*

**Waterways
Stewardship Project
Manager**

Recruitment underway

**Purchase / Contract
Specialist**

Recruitment underway



ADV Program Update:

F/V Tiffany



Waste fully removed from deconstruction site on Monday, November 6. Total anticipated removal cost is \$1.4 million.



ADV Workgroup Roles



ADV Workgroup members and partners provide input and frame policy choices on:

- Near-term actions
- Topics related to establishing an effective ADV program
- Existing barriers to components of a program framework, and proposed solutions.
- Where needed, identify potential solutions that may lead to and shape proposed legislative action.

Department of State Lands staff will:

- **Now / ongoing:** Programmatic work to hire ADV team, work with partners for priority ADV removals, and cost recovery.
- **Feb 2024:** Provide an update on possible legislative action and program progress to the Legislature.
- **April 2024:** Informed by the ADV Workgroup, staff develop a program framework recommendation, proposed legislative concepts, and budget requests to the State Land Board.
- **2024 – 2025:** Prepare with stakeholders for the 2025 legislative session for funding and policy requests. Continue outreach and engagement to partners.

Exploring the Enforcement Agency Partnership



Photo Courtesy of: Dorothy Diehl, Oregon State Marine Board

Enforcement Agency Partnership

*What we heard
from you*



What we heard from 40+ stakeholder interviews in Summer 2023:

Enforcement agencies want:

- A "single point of contact" at the State of Oregon that coordinates info on ADV reporting and response.
- A framework for roles and responsibilities and work agreements between agencies. Clear coordination will increase agency leadership comfort in decision-making and accountability.
- Access to state funding to support local priorities, particularly for proactive removals to address vessels before they sink to avoid greater cost, complexity, and environmental hazards.
- Greater access to resources and guidance (e.g. clear process, templates, vendor service agreements) to support a streamlined process for procurement, removal, and disposal.
- Clarification and streamlining on the seizure and storage process, as well as greater access to storage facilities.



Exploring the Enforcement Agency Partnership

Broad support for DSL ADV Program to incorporate substantial Enforcement Agency/Authorized Public Entity cooperation

- Workable and has precedent.
- Empowers local jurisdictions to identify, prioritize, and act on regional problems and shifts unilateral mandate off DSL.
- Considerations:
 - Availability of funds
 - Adherence to process
 - How a project fits into State prioritization matrix
- DSL maintains capacity to take the lead on large, complicated, multi-jurisdictional projects.

ADV Workgroup Discussion: Exploring the Enforcement Agency Partnership



Enforcement Agency Partnership

Discussion



Reflecting on what we heard:

- Share observations or comments on what was presented.
- Are there other barriers to this potential model that were not covered?
- Does the current definition of "enforcement agency" in statute support this process?
 - *"Enforcement agency" means a law enforcement agency, a federal agency, the State Marine Board or any other public body, as defined in ORS 174.109 (state government bodies, local government bodies and special government bodies), that has responsibility for land or water on which an abandoned vessel or a derelict vessel is located.*

Streamlining Contracting and Procurement in Oregon



Photo Credit: Katrina Scotto di Carlo, Dept. of State Lands

Contracting and Procurement

*What we heard
from you*



What we heard from 40+ stakeholder interviews in Summer 2023:

Perspectives on availability of vendors to do the work were mixed:

- Plenty ready to do the work, if the funding is there to pay for it.
- There are limited contractors for this work. In more remote areas, there is just one local person to do the job and may require bringing someone else in from the Portland metro area.
- There are even fewer contractors for specialized jobs, particularly for hazardous vessels that have sunk and require being raised.

We need contractors ready and responsive with adequate equipment.

- It's easier for a potential contractor to pay attention to one solicitor.
- Can more vendors be incentivized to "get into the business" of ADVs?

There are other barriers.

- Complex environmental regulations.
- Owners seeking to make a claim with insurance company can delay the process.
- Not having a place to put the boat after it's towed, or when it's ready to be disposed of.



Photo Credit: Katrina Scotto di Carlo

Streamlining Contracting and Procurement in Oregon

Abandoned and derelict vessels have unique considerations that impact the needs of the contract. A few examples:

- A sailboat may just need to be put on a trailer and moved to temporary, secure storage.
- A sunken commercial vessel requires an environmental assessment
- A huge sunken military vessel is multi-million dollar project that is highly complex and require partnership with other agencies.

We must minimize risk and steward public funds, while effectively and efficiently get remove these hazards. This requires keeping up with evolving project needs as well as new tools or resources (e.g. new dry dock; new partner available, new funding opportunities) that can impact daily decisions.



Photo Credit: Katrina Scotto di Carlo

Streamlining Contracting and Procurement in Oregon

Over the last five years the Department of State Lands' need for an efficient, effective, and nimble contracting and procurement process has increased exponentially.

- DSL created the agency's first set of ADV pricing agreements. We've just renewed these for the next 6 years.
- It no longer takes 3 – 5 months. We already have the contract in place. We can go out, do the bid, and get a work order contract. This simplification has met a time sensitive need to address the navigational and environmental hazards that an ADV poses.

But statewide pricing agreements that aren't specific to DSL offer even more benefits.



Photo Credit: Katrina Scotto di Carlo

Streamlining Contracting and Procurement in Oregon

The *State of Oregon* is in the final process of establishing a statewide master services agreement for vendors in ADV removals.

- DSL staff and partner agency staff have been advising on this project.
- At DSL we can use our agency's pricing agreements, but we will also be able to choose to use the statewide master services agreement as needed.
- Government entities that are members of the ***Oregon Cooperative Procurement Program*** can access the statewide master services agreement. This supports our partners in being more flexible in their path forward, and to respond faster to address ADVs.
- It also enables cost-sharing between entities and will also allow for DSL to partner with those entities as needed.

ADV Workgroup Discussion: Contracting and Procurement



Photo Courtesy of: Dorothy Diehl, Oregon State Marine Board

Contracting and Procurement

Discussion



Reflecting on what we heard:

- Are there any questions about DSL's pricing agreements or the new statewide master services agreement?
- Shared observations or comments on what was heard.
- Are there other barriers or challenges faced when trying to contract vendors for ADV removal and disposal?
- Are there legal or regulatory hurdles that impede the process? If so, what are they?

ADV Workgroup Discussion: Scope of the workgroup and workplan



Scope of the ADV Workgroup and Workplan



Core areas that we would like to focus on identifying solutions to identified challenges:

Process Improvements <ul style="list-style-type: none">- Seizure process- Ownership challenges- “Trash” vs. “Boat”	Sustainable Funding (\$ In) <ul style="list-style-type: none">- How much is needed?- Where does it come from?- How does insurance fit in?
Prevention <ul style="list-style-type: none">- Vessel Turn-in Program- Reasonable/desirable boat disposal options- Opportunities in DSL leases?	Contracting/Reimbursement (\$ Out) <ul style="list-style-type: none">- Authorized entities/enforcement agencies- State procurement- Contractor availability, capacity
Disposal	Peripheral Support <ul style="list-style-type: none">- Enforcement and accountability- Tech. needs- State/DSL capacity

Scope of the ADV Workgroup and Workplan

Discussion



Reflecting on our upcoming work plan and focus areas:

- Are there topics that you feel this group should discuss, in addition to those we've noted, during the remaining meetings of this year and headed into 2024?
- What else can we do as facilitator/staff to bring the most value to these meetings?
- What should we keep doing?

Community Input



Give Community Input Today



Use the "Raise Hand" feature to provide community input. Time is limited and we may not be able to hear from all of you today.

- To raise your hand, click the reactions near the bottom of your screen and click "raise hand" or by pressing star 9 if you are on the phone.
- You will be called in the order in which hands are raised.
- Please keep your mic muted unless it is your turn to speak.

When it's your turn to speak:

- When your turn is coming up, the moderator will call on you to begin speaking.
- Please say your name, where you're from, and any organization you're representing.
- Please keep your remarks to two minutes and be respectful of each other and agency representatives. We will help track your time.



Thank You!

Contact us or learn more:

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www.oregon.gov/dsl/WW/Pages/ADVAC