

# **Lieutenant P. M. "Bo" Stocklin**

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## **U.S. Coast Guard Derelict Vessel Management Authority and Policy**

### **Biography**

Lieutenant P. M. "Bo" Stocklin is the Chief of the Waterways Management Branch at Coast Guard Marine Safety Office Puget Sound, located in Seattle, Washington. He is responsible for monitoring and responding to incidents and activities that impact the Maritime Transportation System (MTS) in federal navigable waters in Puget Sound, the Straits of Juan de Fuca, and adjoining waters. This encompasses a broad range of issues ranging from hazards to navigation to seaport security and safety.

Lieutenant Stocklin was previously assigned to a Marine Safety post at the Eighth Coast Guard District in New Orleans, Louisiana, and prior to that was the Operations officer aboard U.S. Coast Guard Cutter SEDGE, a buoy tender out of Homer, Alaska. He received a Bachelor of Science degree in Government from the U.S. Coast Guard Academy in 1993. Lieutenant Stocklin is a native of Seattle.

### **Presentation Abstract**

For the purposes of this discussion, an abandoned vessel is a vessel with no known, verifiable, owner; a derelict vessel is a vessel whose owner is either unable or unwilling to maintain and operate the vessel responsibly. Often these vessels are in poor material condition, contain significant amounts of oil and hazardous materials, pose risks to navigation in their vicinity, and consume a vastly disproportionate amount of time and resources. Invariably, they evoke questions from other agencies and private citizens concerning Coast Guard responsibilities. Coast Guard policy concerning these vessels addresses the threats they pose to navigation and the environment

Coast Guard pollution response activities are carried out under the auspices of the Federal Water Pollution Control Act and the Comprehensive Environmental Response, Compensation and Liability Act. These laws provide the Coast Guard with the authority to investigate and respond to actual and potential threats to the environment from oil and hazardous materials. These laws place the responsibility for a spill or potential spill on the owner, operator, or person in charge of the vessel in question. Furthermore, each law includes a trust fund that can be used to fund

response operations when the responsible party is unable or unwilling to do so. The purpose of these laws is to reduce or mitigate the threat to public health and the environment posed by the pollutants themselves. While there are circumstances where the most reasonable method of achieving this goal could include removing the vessel, more often this is not the case. Using public funds or forcing the responsible party to remove or salvage a vessel when such action is clearly not necessary to mitigate the threat to the environment would be a misuse of authority and is not consistent with the letter and intent of these laws. The Coast Guard will continue to respond any time these vessels pose a substantial threat to the environment. In most cases, these responses consist of removing the oil and hazardous materials on board. We will continue to work closely with state officials throughout each response effort.

A similar situation exists when one of these vessels poses a hazard or obstruction to navigation. Again, the vessel owner has the primary responsibility to address the situation, but if they are unable or unwilling, the Coast Guard and Army Corps of Engineers (ACOE) share responsibilities and authorities to act to mitigate the risk to navigation. A Memorandum of Understanding exists between the ACOE and the USCG that sets forth a joint evaluation process, decisions on response options ranging from charting and marking to removal, and responsibilities for implementing actions. In many cases, the safety risks can be appropriately addressed without removal of the vessel.

The Coast Guard recognizes that local communities will often not have the resources to dispose of an abandoned or derelict vessel, even after the Coast Guard has removed all the oil and hazardous materials, or taken action to eliminate the risk to navigation. While we sympathize with the desire to be rid of the vessels completely, the Coast Guard has no mechanism, funding, or authority to salvage, remove, or destroy vessels once the threat to public health, the environment, or navigation has been removed.

The Coast Guard also enforces the Abandoned Barge Act. This law makes it illegal to abandon a barge of over 100 gross tons on the navigable waters of the United States. Unfortunately, it does not provide specific authority or funding for the Coast Guard to remove abandoned barges or other vessels.

Personnel from Coast Guard Marine Safety Office Puget Sound routinely inquire about possible abandoned or derelict vessels when they visit communities and harbors around Puget Sound. We encourage local officials

and harbor masters to identify and take action concerning these vessels before they begin to sink or otherwise reach a crisis stage.