



Abandoned and Derelict Vessels: Lessons Learned from a Bi-State Effort to Remove 17 Vessels from the Hudson River

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For over a decade, Weehawken Cove, located northeast of the City of Hoboken in New Jersey, along the Hudson River, has been known by locals as the “boat graveyard.” After Hurricane Sandy, over a dozen vessels littered the shoreline. Fully sunken sailboats---just barely visible by their masts--- began to pose a risk for recreational boaters and jet skiers. This problem is not unique to New Jersey. Like polystyrene foam (more commonly known as Styrofoam), plastic, and other kinds of marine debris, abandoned and derelict vessels (ADVs) have become a common sight in waterways around the world. Removing ADVs is important for maintaining water quality, protecting ecosystems and human infrastructure, and improving the aesthetics of the shore. But cleaning up large debris can be complicated. In 2021, the City of Hoboken, the New York-New Jersey Harbor & Estuary Program, and Riverkeeper formed a bi-state effort, funded by the National Oceanic and Atmospheric Administration (NOAA) Marine Debris Program, to get rid of this harmful debris in New York and New Jersey. During these processes, the partnership gathered useful information about how to effectively handle and prevent ADVs. Here, we share strategies for managing, preventing, and securing funding to remove this debris in the hopes of helping other municipalities and agencies to do the same.

What are abandoned and derelict vessels? Abandoned and derelict vessels (ADVs) are boats that are no longer taken care of and pose a threat to people and the environment. They can block navigational channels, damage the local ecosystem, and diminish the recreational value of the rivers. The legal definition of abandoned and derelict vessels varies by state. Generally, “derelict” often refers to vessels that are neglected with an identifiable owner, while “abandoned” vessels are those where the owner is unknown or has surrendered rights of ownership (NOAA, 2017). ADVs are found in rivers and tributaries throughout the Harbor Estuary including the Hudson River, the Arthur Kill and the Kill van Kull, and Jamaica Bay. Vessels become abandoned and derelict for many reasons. Severe weather events, like hurricanes or flooding, can cause boats to sink at moorings, become submerged in tidal areas, or leave them stranded on shorelines, reefs, or in marshes. Insured vessels that are wrecked in a storm can more easily be removed because boating insurance often covers “salvage,” even if the vessel is a total loss. In other cases, boats may break loose from anchors or moorings and drift away, they may be stolen, and other times owners may neglect or abandon their boats when they can no longer afford to maintain them. These vessels, especially those that are uninsured, cause the greatest problem in the ecosystem as they often remain in the water for years, sometimes leaking fluids such as fuel, oil, or waste. External deterioration of paint, wood, fiberglass, and other materials can also create widespread debris that threatens marine and coastal resources. The cost of salvage for these vessels, in many cases, equals or exceeds the value of the boat, and the vessel is intentionally abandoned to avoid maintenance, storage, or repair costs.

How do you remove an ADV from the waters and shorelines of the Harbor Estuary? It’s complicated. In the State of New Jersey, there is no dedicated funding for removing abandoned or derelict vessels. The same goes for the State of New York. This means that funding to remove an ADV is left to the municipality in which the ADV is located.

New Jersey has enacted legislation under the Abandoned or Sunken Vessels Disposition Law. Pursuant to N.J. Rev. Stat. § 12:7C-9-3(b) evidence exists that a vessel has been abandoned when: “A vessel which has remained moored, grounded, docked, or otherwise attached or fastened to or upon any public land or waterway or any private property without such consent for a period of more than 30 days, or which is

submerged partially or completely into the water for any period of time shall be deemed abandoned". Through this law, the State of New Jersey addresses how the possession, titling, and junk certification of ADVs is conducted by a municipality and how they must work with the New Jersey Motor Vehicle Commission to be allowed to remove the ADV. The time and costs to remove the ADV are left up to the municipality. Costs of removing and disposing of vessels may be recovered through the sale of the forfeited vessel or through penalties collected for statute violations. Any person who abandons a vessel in violation of N.J. Rev. Stat. § 12:7C-9-3(a) is liable to a civil penalty of up to \$1,000, with each additional day of violations considered separate offenses (N.J. Rev. Stat. § 12:7C-9-3(c)) (NOAA, 2015, New Jersey).



Photo Credit: Rosana Pedra Nobre, New York-New Jersey Harbor & Estuary Program, Weehawken Cove

In the State of New York, ADVs that are considered “wrecks” by the state are governed by the disposition of wrecked property under the state’s navigation laws. Under Navigation Article 10 - Wrecks, the County Sheriff has the authority to take possession of wrecked property in the name of the state. Provisions under Article 10 provide some direction as a process which includes notification requirements, salvage claims and disposal (sale), but are primarily directed at the property that is found within a wreck and not the wreck itself. New York does not outline a designated process for declaring a vessel as abandoned or derelict; however, under New York’s navigation laws, it is the responsibility of the Sheriff of every county, in which any wrecked property is found to take all necessary measures for saving and securing the property when no owner or other person entitled to possession of the property appears, and to take possession in the name of the people of the state (N.Y. Nav. Law § 130). Salvage costs may be recovered by the county

sheriff if the wrecked property is sold at public auction, which is authorized if the wrecked property is not claimed within a year (N.Y. Nav. Law § 138) (NOAA, 2015, New York).

The removal and disposal of an abandoned or derelict vessel by a municipality or county, in either state, is not part of municipal staff's daily work.



Photo Credit: Brian Crimmins, Hoboken Fire Department, Weehawken Cove

Case Studies

In 2021, the City of Hoboken, Riverkeeper, and the New York-New Jersey Harbor & Estuary Program (HEP) of the Hudson River Foundation partnered together and were awarded a NOAA Marine Debris Program grant of over \$235,000 (#NA21NOS9990025) to remove 17 high-priority ADVs from the Hudson River in both New York and New Jersey. The removals in these two jurisdictions were very different and each illuminates the unique challenges and possible solutions for disposing of ADVs. The tides and currents of the river posed one type of obstacle, as did the proximity to threatened and endangered species. Working together, project partners learned from each other's expertise, navigated these challenges, and developed a local ordinance to prevent future ADVs, illegal mooring, and issue violations and penalties. Project partners were able to successfully remove a total of 43.14 tons (86,280 lbs.) of marine debris from the estuary and recycle 19% (16,180 lbs.) of the recovered materials. This partnership also shows the importance of collaboration between agencies, nonprofits, and foundations to find creative solutions to shared problems.

Weehawken Cove, New Jersey



Photo Credit: Ken's Marine Services, Weehawken Cove

In recent years, Weehawken Cove has become a boat graveyard, littered with over a dozen sunken, derelict, and abandoned boats. The City of Hoboken had proactively removed these sunken vessels in the past whenever they would pose an imminent threat to public safety but the city struggled with the increasing number of vessels abandoned in the cove after Hurricane Sandy. “These sunken vessels have polluted the Hudson River to the detriment of marine wildlife for far too long,” said Mayor Ravi S. Bhalla. “After years of attempting to identify the irresponsible owners of these boats and taking it upon ourselves to remove them at the City’s expense, I am pleased that now, with the help of our local and federal partners, we will be able to remove all the boats from Weehawken Cove” (City of Hoboken, 2021). Funding from the NOAA Marine Debris Program made it possible for the City of Hoboken and its partners to remove all ADVs from Weehawken Cove.

The first step involved the Hoboken Fire Department and Riverkeeper identifying the number of ADVs that were visible at low tide in Weehawken Cove. This included vessels that were found along the shoreline, those that were abandoned but still floating and moored, and those that were partially or fully submerged. In all, they identified 14 ADVs littering the cove.

Once the NOAA grant was secured and funding was available, the City of Hoboken began the removal process. In accordance with the New Jersey Abandoned Vessel Disposition Law, this includes a lien search, contacting the owner of the vessel (if possible), and placing a notice in a published newspaper within the county and/or municipality where the vessel is located (NJ MVC, 2021). Once the 30-days after the publication date had passed, the City of Hoboken was able to apply for a title transfer of the ADVs with the New Jersey Motor Vehicles Commission (NJ DMV) (N.J. Rev. Stat. § 12:7C-7). Once the Certification of Ownership was provided to the City of Hoboken, the salver, Ken's Marine Services, disposed of each vessel. Ken's Marine Services was encouraged to recycle as much material as possible from each vessel prior to disposal. This process took several months and required discussions with the NJ DMV, U.S. Coast Guard, New Jersey Marine State Police, U.S. Army Corps of Engineers and the county.

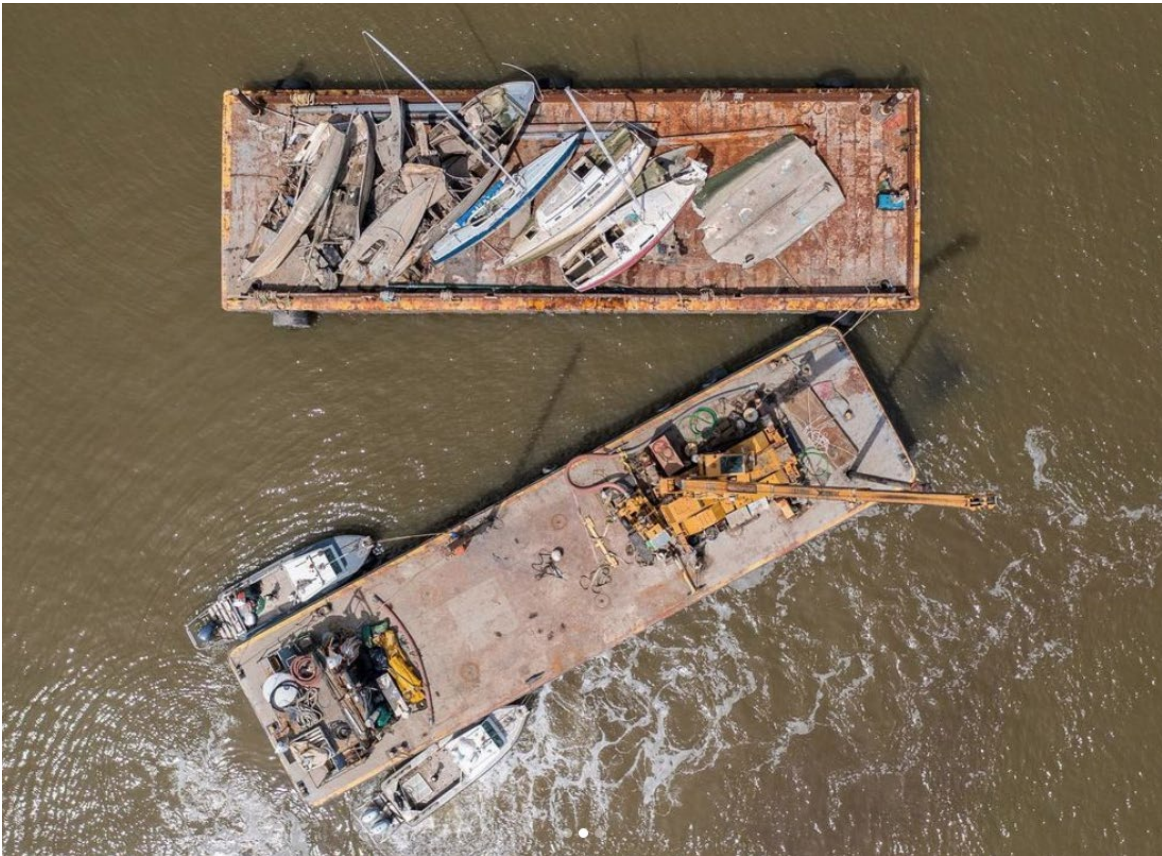


Photo Credit: TC Franco via Instagram @Phamousphilmz

Yasmine Pessar, Principal Environmental Planner with the City of Hoboken, coordinated directly with the NJ MVC, and DMVs of New York and Connecticut for the ADVs that were registered outside of the state of New Jersey to obtain the Titles of the Vessels, for proper disposal. Additionally, Ms. Pessar worked with Ken's Marine Services to identify and photograph each of the ADVs as they were being removed from the water along with any visible boat hull identification number. Vessels were then taken by the salver to the Sims Metal Distribution Center to be held until they were approved to be disposed of and/or recycled. Once the titles were obtained, the vessels were permitted by the NJ MVC to be disposed of. Ken's Marine

Services removed a total of 78,520 pounds from the cove and was able to recycle 17% (13,580 lbs.) of the materials from the Weehawken Cove.

Ecological restoration of Weehawken Cove is a high priority for the city for environmental, resiliency, and recreational purposes. Now Hoboken can advance the creation of a living shoreline and other mitigation measures to reduce frequent flooding due to storm surge, high tide, and heavy rainfall. The project will also enhance public access to the waterfront.

Mid-Hudson River, New York

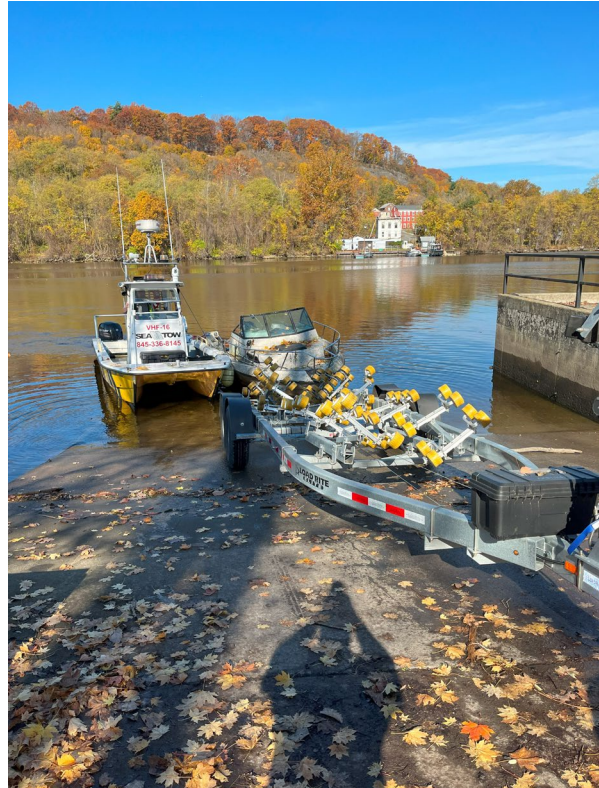


Photo Credit: Joe Thomas, Sea Tow (left); John Lipscomb, Riverkeeper (right), Rondout Creek

In New York along the upper Hudson River, Riverkeeper identified three boats that had been stranded for years: one at Sturgeon Point in Rhinecliff, NY, one in Rondout Creek near Kingston, NY and one in Roger's Island, NY. Although Riverkeeper had long identified these ADVs, funding their removal proved difficult, as there is no dedicated funding in New York for such activities, and the combined estimated cost of their removal was below the minimum request for a NOAA Marine Debris Program grant. Therefore, a bi-state partnership with the City of Hoboken, who also sought to remove ADVs in their waterways, was needed to accomplish the removals.

Riverkeeper had already been successful in identifying ownership of two of the three vessels and received signed letters relinquishing ownership of the vessels to Riverkeeper, approving its removal and disposal. This made the process less complicated than it was in Weehawken Cove. However, the location of these

vessels required Environmental Permits by the New York State Department of Environmental Conservation's (NYSDEC) Division of Environmental Permitting as well as the U.S. Army Corps of Engineers. These sites triggered NYSDEC's regulation pursuant to Article 15, Title 5, Excavation/Fill in Navigable Waters and Stream Disturbance; Article 11, Title 5, Threatened and Endangered Species, bald eagle, least bittern and sturgeon; and Section 401 of the Clean Water Act, Water Quality Certification for projects requiring a Section 404 permit. Working with NYSDEC, partners identified a timeframe for removal of between October 1st to December 31st to avoid any potential impact to the threatened and endangered species identified in this region, which allowed them to qualify under the NYSDEC's Blanket Water Quality Certification Section 404 permit. The costs of completing the permitting requirements were covered by the City of Hoboken. The City of Hoboken and Riverkeeper worked quickly to retrieve three estimates from local salvors and in November 2022 Sea Tow operator Joe Thomas worked to remove the vessels. Unfortunately, the one vessel found along Roger's Island was not able to be removed due to potential additional damage to the environment. Riverkeeper was also successful in connecting with Madeline Marine in Verplanck who were nearby finishing a job and were able to remove a sailboat found along a marsh near Hudson at no cost in January 2023. Sea Tow Mid-Hudson removed a total of 7,760 pounds from the mid-Hudson and was able to recycle 34% (2,600 lbs.) of the materials from the debris collected.

Riverkeeper's close ties with the community and the generosity of local marine operators greatly supported the effective removal of these ADVs. Their ability to connect directly with the boat owners to gain approvals for removal, rather than having to initiate processes with the County Sheriff's Department, helped to reduce the paperwork needed and led to the success of the bi-state effort to address and remove abandoned and derelict vessels from the estuary. "There's no shortage of technical expertise available on the Hudson to remove these wrecks. The challenge is paying for those removals, and dealing with the archaic legal roadblocks," said Neale Gulley, of Riverkeeper's Patrol Boat program. "It can be difficult to have derelict vessels officially declared abandoned – even vessels that have languished so long as to be partially disintegrated. Fortunately, in our efforts to remove vessels from the Hudson, the right people in both the local salvage industry (King Marine and SeaTow) and our county government stepped up and did the right thing for the river. And we're grateful they did."

How can ADVs be prevented? There are several strategies for managing these large debris. Some are focused on public education and keeping owners from abandoning vessels in the first place. Others are structural solutions that municipalities can take to create internal processes and funding to deal with vessels if they do become abandoned.

Public Education

Boat owners should be informed about keeping their registration current and purchasing boating insurance, even if the state does not require it. They should also be aware of how to maintain their vessels, how to prepare for extreme weather events, and what to do when they can't resell the vessel.

Similarly, the public should be aware of the dangers of ADVs and should know who to contact if they find a derelict vessel. That includes the number of the nearest U.S. Coast Guard Sector Command Center for dealing with potential navigation hazards, as well as information for local authorities, a state emergency

response or environmental health agency, and the U.S. Coast Guard National Response Center at 1-800-424-8802 if a vessel is leaking oil or other contaminants. If the item poses a serious hazard and requires immediate attention by authorities, make a 911 emergency call.

Municipal Actions and Legislation

Local municipalities may also pass ordinances to protect their shorelines and clarify a process for addressing ADVs that work with state regulations. For example, the City of Hoboken passed local law § 194-15 § 194-19: Mooring and Abandonment of Vessels shortly after the removal of the ADVs in Weehawken Cove. This ordinance identifies the Director of the Department of Transportation and Parking as the primary contact to address ADVs within the city limits. The ordinance allows for the Director of the Department of Transportation and Parking to declare a vessel that has been moored without notice or abandoned on any navigable waters to be a public nuisance and be ordered to be removed. The order would be served to the occupant and last known owner of record in person or by registered mail where the owner has 15 days after the service of the order to appeal and collect their property. The City of Hoboken benefitted from collaborating with Riverkeeper as their knowledge about how other Hudson River Valley municipalities have prevented and established a mechanism to fund the removal of ADVs informed the local ordinance.

“The problem of abandoned vessels is a nationwide one but lacks a uniform solution particularly in cases where the vessels are not deemed a hazard to navigation. In New York City, Long Island, Florida, and elsewhere, states and local governments have made progress using local ordinances, budgets, and equipment to address the issue,” Gulley said. “But these efforts require a bit of a rogue spirit on the part of local officials, given the cost and liability concerns. New state legislation to streamline the process would go a long way toward the goal of keeping our waterways free from scuttled vessels and associated marine debris.”

In New York City, derelict piers and abandoned vessels alike impact Jamaica Bay and other waterways surrounding the city. To address the challenges this debris poses to local waterways, Council Member Joann Ariola introduced Intro. 210-2022, This bill was approved by the City Council in March 2023 and enacted in April 2023. This law establishes an Office of Marine Debris Disposal and Vessel Surrendering to remove marine debris, develop disposal procedures for marine debris and abandoned boats, and recommend plans and enforcement to help prevent the accumulation of marine debris in the City’s waterways (Feldman, 2023).

The Office of Marine Debris Disposal and Vessel Surrendering, which will be headed by a Director of Marine Debris Disposal, will work with City agencies and the offices of the mayor to create recommendations, and plans to keep the City’s waterways and shores clean of marine debris. In this local law, the Director has the power and duty to coordinate the removal of marine debris in or on littoral waters or shores; develop a plan for reusing, recycling, or disposing of marine debris; recommend policies for enforcement against those who fail to legally dispose of their vessels; recommend a tracking program to monitor boats and prevent boat abandonment; and develop a program for individuals to surrender their boats and maritime vessels to the City for disposal.



*Photo Credit: Rosana Pedra Nobre, New York-New Jersey Harbor & Estuary Program,
Weehawken Cove after ADV removals*

Local laws and ordinances are important to establish a process through which a municipality can address abandoned and derelict vessels. It can also be a way to establish some funding to support the removal and disposal of these vessels, but most importantly it works to discourage operators from abandoning their vessels. The waterways of the Hudson River Valley down to the New York-New Jersey Harbor Estuary are an extraordinary resource both recreationally and ecologically. It's important that we work together to keep these shorelines clean.

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Front Cover Photo Credit: Ken's Marine Services, Weehawken Cove

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