

Virginia Coastal Zone Management Program Semi-Annual Success Story (“Section C”)  
October 2023

***Prevention & Removal of Abandoned & Derelict Vessels***



**Figure 1.** ADV grounded in salt marsh habitat on Nansemond Indian Nation’s property on the Nansemond River in Suffolk, Virginia.

**THE PROBLEM:** Abandoned and derelict vessels (ADV) threaten our ocean, coasts, and even inland waterways by obstructing navigational channels, causing harm to the environment (fuel leakage, release of hazardous materials, and habitat disturbance), and diminishing commercial and recreational activities. Unsightly abandoned vessels can also be a nuisance, attract vandals, and negatively impact tourism. ADVs can present many financial impacts:

- Marinas lose revenue when an abandoned boat occupies or damages a rentable slip.
- Marina owners, property owners, communities, or governments bear the expenses (in time and dollars) when they follow the process of obtaining the title for an ADV in order to legally remove it.
- Law enforcement and the United States Coast Guard (USCG) may be obligated to conduct costly search and rescue operations at taxpayers’ expense for persons assumed to be missing when reports of ADVs are received.
- Destruction of, or damage to infrastructure, living shorelines, oyster reefs, aquaculture (fish or shellfish farming) gear, etc. can be caused from unmoored boats, or sunken boats that move during storms.

Virginia CZM sought to assess the scope of the problem and the current laws and policies in place regarding ADVs, then propose new policy solutions to address both existing ADVs (removal and disposal) and prevent additional vessels from being illegally abandoned in the Commonwealth.

**THE FIX:** Virginia CZM’s efforts to address all types of marine debris date back several years. In 2014, in partnership with Clean Virginia Waterways (CVW), Virginia CZM published the 2015-2020 Virginia Marine Debris Reduction Plan (VMDRP), which identified four (4) major debris types to address: ADVs, derelict fishing gear (DFG), microplastics, and consumer

debris. At the time, Virginia was the first state on the U.S. East Coast to publish such a plan. The plan grew out of the program's 2010 Coastal Needs Assessment, where marine debris ranked as a high priority, and was an important goal of Virginia CZM's FY 2011-2015 Ocean Management Strategy. In November of 2021, Virginia CZM and CVW updated the VMDRP to include more specific actions and to document progress to date. The format of the 2021-2025 VMDRP also aligns with NOAA's 2021-2026 Mid-Atlantic Regional Marine Debris Action Plan (M-AMDAP), which includes Delaware, Maryland, New Jersey, New York, Virginia, and Washington, D.C.

In January 2021, at the height of the COVID-19 pandemic, Virginia CZM and CVW convened a Virginia ADV Work Group (ADVWG) to better understand and tackle the growing ADV problem. Membership includes federal, state, local, and Tribal government representatives as well as environmental NGOs, and representatives from the towing industry, boating communities, and marina owners. Meeting 36 times from January 2021 to September 2023, the work group and its four (4) subcommittees (Laws & Policies, Funding, Removal & Disposal, and Prevention & Public Education) had robust and frank discussions about the nature of the ADV problem, existing resources available, and policy recommendations to ensure a more streamlined and sustainably funded path forward. The ADVWG and its subcommittees were aided by the Virginia Coastal Policy Center (VCPC) of the College of William & Mary's Law School, which published a white paper containing information gathered from other states' ADV programs, a detailed analysis of existing Virginia law pertaining to ADVs, and policy recommendations. With VCPC's analysis, stakeholder feedback, and interviews conducted by Virginia CZM and CVW with nine (9) other coastal states, the work group completed a report documenting the effort and its own policy recommendations in early May 2022. The Virginia ADV report was reviewed and approved for public release by state agency leadership as well as by the Secretary of Natural and Historic Resources (SNHR) in early July 2022. Virginia CZM has maintained an ADV database since 2021, based on reports from the U.S. Coast Guard, VMRC, PDCs, localities, NGOs, and private citizens for the purpose of prioritizing and tracking ADV removal. A flier containing a QR code leading to a Google Forms survey has been particularly effective in logging reports from citizens, having received over 85 entries to date.



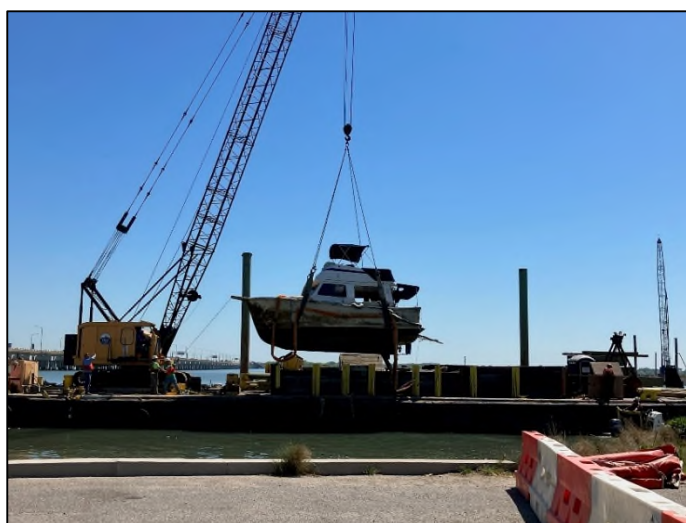
**Figure 2.** Locations of ADVs within Virginia's Coastal Zone as documented in the statewide ADV inventory. Flier with links to Virginia CZM and CVW ADV webpages and QR code to a Google Forms survey to report ADVs.

During the latter stages of the report's development, Delegate Barry Knight (Virginia Beach) also provided support for approximately \$3 million in Virginia General Assembly funding to the Virginia Marine Resources Commission (VMRC) to remove derelict vessels from Virginia's waterways. With state funding secured, VMRC worked with Virginia CZM to

develop a new grant program for localities with ADV removal ordinances and Virginia state and federally recognized Indian Tribes to apply for funding for either reimbursement or upfront costs to remove and dispose ADVs located on their (public) property. Several localities have also reached out to VMRC to draft ADV removal ordinances in order to become eligible for funding once adopted. To date, VMRC has funded eight (8) ADV removal projects for removal of over a dozen vessels by localities and Tribes.

However, state funding to public entities is not enough to remove the large number of ADVs in the Commonwealth.<sup>1</sup> Accordingly, Virginia CZM worked with a key NGO partner, Lynnhaven River NOW (LRN) to submit a proposal to NOAA's Office of Response & Restoration for \$2.9 million to remove 100 ADVs over three (3) years. The Virginia Beach-based LRN and key partners across Virginia's Coastal Zone were awarded the grant, *Removing Abandoned & Derelict Vessels in Virginia and Building Capacity for a Statewide Removal & Disposal Program* in July 2023 and work has begun to further verify ADV locations and conditions, working with VMRC to coordinate efforts. The significance of NOAA's funding cannot be understated – while VMRC's program is limited to providing state funding via grants to public entities, LRN or their certified towers in the BoatUS network will be able to directly acquire the title of any vessels by following the Virginia state protocols for attempting to find the last known owner and completing the paperwork to gain ownership. LRN's project thus allows vessels on private property to also be removed and disposed of.

Virginia CZM staff continue to play a crucial role in both coordinating the ADV removal effort with LRN and VMRC, but also developing a draft environmental compliance guide for properly removing and disposing of vessels. Virginia CZM staff solicited input from natural and cultural resource agencies in the Commonwealth regarding permitting requirements and developed a step-by-step checklist of actions needed to receive authorization from the U.S. Army Corps of Engineers (USACE), VMRC, Virginia Department of Wildlife Resources, Virginia Department of Environmental Quality, and Virginia Department of Historic Resources. The final guidance is currently under review by the USACE Regulatory Branch, but Virginia CZM has already worked with the Nansemond Indian Nation to submit documentation and compliance forms to the USACE and receive for the removal of an ADV on Tribal property on the Nansemond River in Suffolk, Virginia. The guidance was also included in the LRN proposal for NOAA funding in order to assist with National Environmental Policy Act (NEPA) review. Virginia CZM staff are also in the process of identifying which ADVs are located within a federally maintained navigation channel, which may trigger further coordination with the USACE under Section 408 of the Rivers & Harbors Act. Staff time funded by Task 1.01 of Virginia CZM's annual award from NOAA's Office for Coastal Management (NOAA-OCM) has made this additional support of ADV partners possible.



**Figure 3.** Removal of ADV from City of Norfolk's Willoughby Spit public boat ramp.

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<sup>1</sup> As of September 30, 2023 Virginia CZM staff have received reports of over 220 ADVs across the Commonwealth (including in inland waterbodies outside the Coastal Zone). Reports have come from the USCG Sector Virginia, VMRC Marine Police, PDCs, localities, Tribes, and individual citizens (latter using the Google Forms survey). Virginia CZM has worked with ADV partners to eliminate redundant ADV reports, but also believe that the actual number of vessels is underreported.

**THE IMPACT:** By leveraging NOAA funding for staff time and for funding marine debris partners such as CVW, Virginia CZM was able to convene a diverse network of partner organizations to not only assess the ADV problem, but to publish policy recommendation and then assist in the implementation of new removal programs and projects. What began as a poorly understood, but very tangible problem has evolved into a manageable issue with significant resources dedicated to addressing it. The next steps in the process of addressing the ADV problem from Virginia are a) securing sustainable and long-term funding to remove all ADVs and b) engaging a broader network of stakeholder to promote awareness of the issue and increase environmental literacy and empowerment of traditionally underserved communities. Virginia CZM has worked to incorporate capacity building and community engagement into not only the LRN grant (which includes a specific focus on environmental justice), but into a separate \$299,000 grant from NOAA's National Sea Grant Office to Virginia Sea Grant (VASG). The latter, *From Learning to Willing to Doing: A Collaborative Approach to Implementing the Virginia Marine Debris Reduction Plan*. The award, received as part of the National Sea Grant Marine Debris Community Action Coalitions challenge, will further expand the network of community partners and compliment the efforts of the LRN grant. Virginia CZM and its partners are extremely grateful for the opportunity to leverage funding and support across multiple NOAA offices and will continue to build relationships with existing and new stakeholders at the federal, Tribal, state, and local levels to demonstrate the effectiveness of its status as a networked state coastal program. Finally, Virginia CZM looks forward to continued collaboration with NOAA's Marine Debris Program to share lessons learned with other states in the Mid-Atlantic Region via conferences, the ADV Info Hub, and regional working groups led by NOAA.

#### **MORE INFORMATION:**

Virginia CZM's ADV Website:

<https://www.deq.virginia.gov/our-programs/coastal-zone-management/coastal-conservation/marine-debris/abandoned-and-derelict-vessels>

Clean Virginia Waterways' ADV Website:

<https://www.longwood.edu/cleanva/ADV.html>

VMRC's Abandoned or Derelict Vessel Program:

<https://mrc.virginia.gov/advgrant.shtm>

Environment Virginia's *Plastic Soup: Cleaning Our Waterways* webinar (ADV presentation by Virginia CZM staff):

<https://environmentamerica.org/virginia/events/plastic-soup-cleaning-our-waterways/>

Chesapeake Bay Magazine's *The Wicked Problem* article on ADV's (Virginia CZM staff interviewed):

<https://www.chesapeakebaymagazine.com/the-wicked-problem/#:~:text=Abandoned%20vessels%20are%20a%20complex,solution%20and%20defy%20standard%20approaches.>

NOAA Marine Debris Program's ADV Info Hub:

<https://marinedebris.noaa.gov/resources/abandoned-and-derelict-vessels-info-hub>

#### **PARTNERS:**

The Virginia Coastal Zone Management Program continues to work with several partners on the ADV prevention and removal issue:

- Virginia Marine Resources Commission
- Clean Virginia Waterways
- Lynnhaven River NOW
- Virginia Sea Grant
- Coastal PDCs
- Elizabeth River Project
- Nansemond Indian Nation

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