

Abandoned and Derelict Vessel (ADV) Workshop Notes
Friday, Nov 15 2019
DEQ Washington Regional Office
Notetaker: Sarah Bodin, N.C. Coastal Federation

- **Wildlife Resources Commission Authority, Perspective and Engagement, Erik Christofferson, N.C. Wildlife Resources Commission**
 - No statutory authority to remove vessels; can issue a felony littering charge if DA agrees; limits the ability to work with other organizations.
 - Provided an overview of WRC's role and outcomes in Hurricane Florence Emergency Support Function 10: If feasible for vessels in sensitive areas, the vessel would be moved to a less sensitive area. This can be destructive however, so limited in those efforts.
 - Out of 362 vessels displaced by Florence, 120 were left in place
 - Several moved from more sensitive to less sensitive habitats
 - Many owners reclaimed vessels
 - ~99 vessels remain in NC coastal waters
 - 40 in sensitive areas
 - Newly developed WRC GIS database application for mapping and tracking ADVs.
 - Would like to develop a way for the public to report
 - Access for partner organizations
 - Legislation: as of 11/14 funding and vessel removal authority was removed from the appropriations bill.
 - Discussion with participants:
 - Lt. Mike C, USCG - GIS Software Survey 123 great resource but USCG had to reassess all vessels after Dorian, as Survey 123 became a paid service. U.S Coast Guard now has their own database.
 - U.S Coast Guard can only mark vessels and remove hazardous waste following MOA, U.S Army Corps of Engineers has authority to remove vessels if in a federal channel.
 - Is there a way to modify nuisance ordinances if town has trouble passing vessel ordinance?
 - Important to use State project monies most efficiently by planning and prioritization of vessel removal (e.g. mobilizing removal equipment)
 - If a vessel is taking on water, it should be a priority for removal.

- **Community participation in vessel removal projects, Paula Gillikin, N.C. Department of Environmental Quality, Div. of Coastal Management**
 - DEQ roles in managing ADVs was reviewed
 - Div. of Coastal Management (DCM) has a best management practice vessel removal document that provides information on protecting coastal habitats and triggers for a CAMA permit.

- DCM will receive ~2M from USDA Emergency Watershed Protection Program to remove marine debris associated with hurricane Florence from Brunswick to Hyde Counties. This includes vessels in sensitive habitats, on State property and public trust waterways. The N.C. Coastal Federation (NCCF) will execute the project.
- Brunswick is currently the only county within the DCM-NCCF upcoming project geography that would benefit from vessel removal. Other counties do not have ordinances, and thus it would be difficult for the project to benefit those areas.
- Brunswick, Currituck, Hyde, Dare have vessel ordinances out of the 20 counties
- Town of Wrightsville Beach, Town of Beaufort, Carolina beach, Town of Manteo have vessel ordinances. There may be others. However, no vessels are located in these areas that would meet the criteria of the upcoming DCM-NCCF ADV removal project.
- Discussion with participants
 - It takes a while to draft the language and map the actual boundaries of the town to see where the towns jurisdiction lies.
 - If a county has authority to pass an ADV ordinance - can the town or town(s) request the county to pass an ordinance to cover all local jurisdictions within the town? Yes, that could be an option in some cases.
 - Concern: Once a jurisdiction has an ADV ordinance, they also have a greater responsibility. The benefits outweigh the cons according to Rett Newton, Beaufort Mayor; it comes down to political will in the towns and counties to ensure ADVs are prevented and removed.
 - Suggestion- send a link to attendees with existing ADV ordinances.
 - Participant comment: Owners of derelict vessels are derelict themselves; there is a struggle with accountability of these owners. Virginia has laws that hold whoever is the last registered owner accountable.
 - Some States have vessel reclaim programs that have shown to help prevent ADVs.

- **Panel discussion**

- Panelists:
 - Mayor Rett Newton, Town of Beaufort
 - Lt. Commander Mike Cavanagh, U.S Coast Guard
 - Wayne Randolph, N.C Division of Waste Management
 - Erik Christofferson, Wildlife Resources Commission
 - Daniel Ipock, Marine Patrol, N.C Division of Marine Fisheries
- *Moderator question: What is your role in ADVs and how has it changed in the past 5 years?*
 - Wayne- worked with EPA and Coast Guard in advising and removing hazardous waste from vessels.
 - Lt. Mike C.- 4 ways Coast Guard deals with vessels. CG can address the pollution from a vessel. They do have authority to remove the vessel if its the only way to remove the hazardous waste, but they don't have funding for removal. Corps of Engineers has more authority to remove. Prosecution and search and rescue- deal with vessels that may be a drift with missing owners.

- Erik- heavily involved in boating activities. Some other states have recurring funding for ADVs, but NC does not. This is new territory for WRC. Primarily receipt support, so funding for ADVs is currently an issue.
- Rett N. Volunteered with Rachel Carson Reserve and Duke drone program. Both experiences led him to the issue of marine debris, and he became a Ph.D. student at Duke studying the topic. Beaufort's ordinance is not about just ADVs, it's addressing the harbor and its environment in a more holistic way. ADVs are just one small piece of an important water quality issue. Other unsustainable and important local issues are drug abuse, socioeconomic divide, and climate change. All of these things are interlinked in some way. Civil penalties allow them to reinforce the ordinance. It takes time to go through the legal process even with their new ordinance. Had zero pushback from the community in passing the ordinance because engaged public prior to passing an ordinance.
- Daniel I. - Marine Patrol can charge owner of an ADV with littering, but, if there is no funding the vessel can't be removed so it doesn't really fix the problem.
- Audience question: If the State decriminalizes misdemeanors, how could this impact localities passing ADV ordinances?
- Moderator question: What have some of your greatest successes been managing ADVs?
- Daniel I. - Success has been working with the N.C. Coastal Federation.
- Rett N. - Would be willing to draft a letter to representatives of the General Assembly that combines as many organizations, entities as possible to help push for funding and ordinances.
- Moderator question: What have some of your greatest challenges been managing ADVs?
 - Rett N. and Daniel I. - Money.
 - Wayne R. - For disposal, some materials can be recycled or reused like fire extinguishers. The remainder of the vessel is disposed.
 - Rett N. - Boats were pulled just outside of their (Beaufort) jurisdiction. Boaters intending to dispose of a vessel in a waterway know where the county/town jurisdiction lines are. Some boaters will scrub registration numbers off of the vessels.
 - Lt. Mike C. - Authorities can be expanded under the Stafford Act or depending on the mission assignment. Coast Guard can move vessels in particular situations but can't dispose. Who is responsible after staging the vessels on land? The Oil Spill Liability Trust Fund can sometimes be used during a declared federal disaster, and ESF-10 is in use. ESF-3 mission post Katrina involved a mass removal of vessels and destruction of them. FEMA - The CG cannot use FEMA (ESF-10 or 3) to move a vessel that is located in a jurisdiction that doesn't have authority over vessels.
- Problems identifying owners of ADVs.

- Participant comment: Last registration is old and/or no title; registration, but some vessels have been here for years. Why don't we have a more stringent boat title process such as with cars? Is there hope of changing that policy?
 - Daniel I. - Doesn't foresee this changing any time soon.
 - Erik C. - If from out of State, after 90 days in NC the vessel must be registered in NC.
 - Moderator comment (Whitney J.) - Public support provided Beaufort an advantage in smoothly developing and passing an ordinance that addresses ADVs.
 - Participant question: Who enforces the 10-day mooring in Beaufort?
 - Rett N. - Beaufort doesn't have a harbor master but does have a dock master that manages boat traffic. There is tremendous support from the communities because no one likes ADVs. They had to tighten up the Harbor of Refuge area in the ordinance because before storms people were taking refuge in areas that weren't designated as such.
 - Participant discussion about towns and cities (not counties) obtaining legislative authority through a coordinated effort, instead of each community approaching the General Assembly. Have a blanket coverage?
 - Suggestion that the UNC School of government provide guidance and possibly coordination.
 - Authority and Drafting are two separate processes. Authority needs to be obtained from the General Assembly, first, then draft the ADV ordinance for a town or city. *Note: 20 coastal CAMA counties already have direct authority to pass ADV ordinances.*
 - County authority already exists; local jurisdictions can request that counties pass an ordinance that covers the jurisdictions within.
 - Participant question: Are there issues with ADVs inland?
 - Erik C. - Coastal communities have more issues with ADVs than the lakes because there are more vessels.
 - Wayne R. - Vessels on land that are waste hazards can be addressed by the Div. of Waste Management. This is why lakes don't have as many issues; fewer derelict vessels and those that are in bad shape are out of the water already.
- Follow-up. Whitney J. will send the participants the following:
 - Upon request: Materials that describe the public input process and feedback from the Town of Beaufort.
 - Workshop evaluation
 - List of existing county, town, and city ordinances related to ADVs.
 - Participant contact list
 - Presentations

ORIENTAL TREE BOARD
Regular Meeting
September 24, 2019

The regular meeting of the Oriental Tree Board was held at Town Hall on Tuesday, September 24, 2019. Members attending were Lynne Kaplan, Dick Creighton, Patricia Dietrich, Bob Miller, Toni Leavitt. Absent were Missy Tenhet and Phil Borders.

ADGENDA

1. Roll Minutes

2. Old Business

- * Dorian Clean Up - see attached**
- * List of removals/contract pruning - see attached**
- * Tree ID request**

3. New Business

- * Removal of small trees will be conducted by Tree Board and Town Crew**
- * Dead walnut - Per request of Diane Miller, determine whose tree @ 2nd and
Freemason. Board will use GSI to determine.**
- * Board will explore the possibilities for tagging/IDing town trees.**

4. Adjourn and prune trees

**ORIENTAL TREE BOARD
Regular Meeting
October 22, 2019**

The regular meeting of the Oriental Tree Board was held at Town Hall on Tuesday, October 22 2019. Absent was Missy Tenhet.

1. Roll Minutes

2. Old Business

* Dorian clean-up. List includes removals and contract pruning, **on-**
going.

3. New Business

* Dead walnut @ Freemason and 2nd Ave has been determined, thru GSI, to **be**
aTown tree and needs to be removed, by contract.

* Elms on 2nd Ave have been inspected and are determined to need to be **in need**
of removal, by contract.

* Bob Miller will send out press release seeking requests for new
tree plantings for the winter planting season.

4. Adjourn and prune at Town Hall

Respectfully submitted by Toni Leavitt

To: Oriental Town Board

From: Debra Khouri, BRMSD Board Member

Re: The Bay River Metropolitan Sewerage District Board at its monthly meeting held on November 21, 2019

Actions taken in September meeting

I was unable to attend the September meeting. One action was taken: The board voted to approve a budget amendment that would establish a line item for FEMA funds. Discussion centered on FEMA. The District has received funding for an engineering study on the Spray field. Pamlico County has been declared one of 13 NC counties approved for federal disaster relief.

November Meeting

No actions were taken at the November meeting. The District will receive approximately \$20,000 of FEMA funds for generator rentals, repairs, from Hurricane Dorian pending receipt and approval of bills paid. Most of the damage was due to a large line break on Chinchilla Road. Since the damage from Dorian was not large by federal standards, the reimbursement process was straightforward.

The damages from Hurricane Irene were much more extensive and widespread. This has required a huge amount of time, and paperwork. The damage that was done to the spray field and the loss of trees will require the new spray field being brought on line. Engineers from FEMA have been in the county for months. This is an extensive project that will require time and complexity with extensive FEMA oversight and reporting.

Our auditors will come in January.

The Board Members are also going to review the Sewer Use Ordinance and plan to re-approve or clarify, if necessary, in 2020.



ORIENTAL PLANNING BOARD MINUTES

Wednesday, November 20, 2019 3:00PM
Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

PRESENT: Chairman Aeschleman, Member Flaherty, Member Lohmar, LUA Miller, ,
Commissioner Overcash, Mayor Pro Tempore White.

Chairman Aeschleman called the meeting to order at 3PM.

Approve Minutes from Workshop October 25, 2019. Having made two minor corrections to the October 25, 2019 Minutes, Member Lohmar made a MOTION to accept the amended Minutes. Member Flaherty Seconded. 4-0.

OLD BUSINESS

- Solar Ordinance progress/ potential review of language (included email from Cherry Point). Draft documents were provided to all members and the Public prior to the meeting. Need to define primary structure- and also redefine footprint: “The area covered by the roof of a building”(existing)ADD: “inclusive of an enclosed and attached garage or carport”
 - LUA Miller draws attention to the compliance forms attached today- shed is larger than primary structure- we have no regulation preventing that.
 - Solar 2 document: Last bullet changed and moved up to #1.
 - Solar 3: TPU: make S’s X’s in R-1, R-2, R-3- no commercial solar enterprise in residential zones.
 - Somehow make the E’s in PUT in Ground mounted accessory to new principal construction clearer that it is not a SEPARATE permit required, but must be included in the new construction paperwork.
 - Note literature that is supportive of property values.
 - What about those panels used for boats/R/Vs 33:23
- Sign Ordinance revision (see attached Cary Ordinance, Minutes from 10/25, TB Minutes 10/31)

NEW BUSINESS

- Compliance forms for review: Rost (addition), Collins (Addition/carport enclosed), Ricker (shed-large)
- Potential SUP request coming for construction of new hardware store on currently vacant lot
- Planning Board Member vacancy

NON-AGENDA ITEMS / PUBLIC COMMENT

ADJOURN: Next Meeting scheduled for December 18, 3PM