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News March 24, 2016

That Sinking Feeling

The effort to keep Humboldt Bay's derelict boats from going under

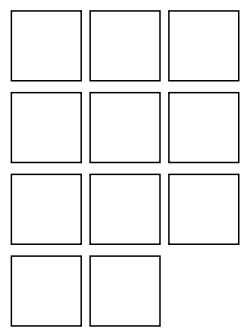
BY GRANT SCOTT-GOFORTH

The sinking of the *Dennis Gayle* is a success story, perhaps not to boatmakers or historians, but to the people and creatures that call Humboldt Bay home.

On the morning of Feb. 28, someone at the Humboldt Bay Forest Products Dock in Fields Landing noticed the *Dennis Gayle*, which had been moored there for years, was gone. The wood-hulled ship, a repurposed Naval vessel that was once the last boat to whale out of Humboldt Bay before the practice was banned in the 1970s, was lying at the bottom of the bay. No one yet knows exactly why it sank — a sprung plank in the hull is everyone's best guess — but it didn't surprise anyone. The *Dennis Gayle* had been ready to go underwater for years. It had turned on its side as it sank, and a thin sheen of oil had covered the surface of the bay near the dock by the time people gathered to look at the space where it had once been.

The bay water, muddied by recent rains, obscured the *Dennis Gayle* completely. Nearly a month later, somewhere down there still rests the latest example of a serious problem on Humboldt Bay: derelict ships that are listing and deteriorating into the sea, posing environmental and safety hazards to the people who make their livings on the bay.

The *Dennis Gayle* lies at the confluence of well-intended government programs, the pipe dreams of marine enthusiasts, an aging and changing industry, a lack of money and jurisdiction and the need to protect the bay. At least 10 other boats on Humboldt Bay pose immediate sinking threats, and their potentially hazardous contents are unknown. Few of the owners have the money to deal with them — and, in some cases, even if the money was there, Humboldt Bay lacks the infrastructure to haul them out of the water. And as local agencies look for funding and mechanisms to deal with derelict boats, the problem seems poised to grow.



about the author

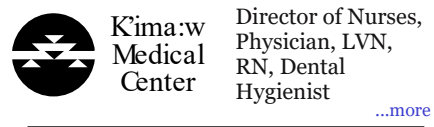
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Let's get back to that success story. In 2008, the *Allen Cody*, the *Dennis Gayle's* sister ship, went down. It had been moored at the Humboldt Bay Forest Products Dock, same as the *Gayle*, and was reportedly dilapidated at the time it sank. At least 220 gallons of diesel fuel spilled from the *Allen Cody* before responders were able to plug fuel tanks. Under the guidance of the Coast Guard, contractors laid booms in the water to prevent the spread of the leaked oil and sponged it up with absorbent pads. Divers sealed fuel tanks shortly after the boat went down, preventing another 2,100 gallons of fuel from escaping into the bay.

No wildlife was confirmed oiled by the *Allen Cody*, but eelgrass, an important ecological component of the bay, was damaged and had to be removed near the dock.

"It was ugly," said Jeff Dayton, a Fish and Wildlife biologist who's been part of the local California Department of Wildlife's Oil Spill Prevention and Response team since 2008. "Ugly in the south bay and for the residents of King Salmon."

Within two weeks, a contractor hired by the *Allen Cody's* owner raised the boat. Eventually it would be pulled onto shore nearby, where it remains today. But before it was pulled out of the bay, while the oil slick undulated on the water, people started worrying about the *Dennis Gayle*, which even then was in a "significant state of disrepair," Dayton said.

"We were worried about its seaworthiness and ability to float," he said. "It looked like it could sink at any time."

So in 2009, an OSPR specialist boarded the *Dennis Gayle* and measured the fuel in its tanks and the oil in its engines and generators, finding a few thousand gallons of hazardous materials on board.

Using the financial sting of the *Allen Cody's* sinking as leverage — the spill response cost the boat's owner several hundred thousand dollars — Dayton and the OSPR team convinced the *Dennis Gayle's* owner to have the hazardous materials pumped out of the boat's engine and tanks.

It paid off. The *Dennis Gayle* is likely leaching creosote and other chemicals from its wood into the water — it's impossible to completely scrub the oil from an old boat — but its sinking didn't warrant a spill response. Dayton said he hasn't seen wildlife impacted by the boat having gone down. The boat's owner saved a lot of money that way, and taxpayers probably did, too (though who will foot the bill to refloat the *Gayle* is yet to be determined). While all would have preferred if the *Gayle* had remained seaworthy, OSPR's proactive approach prevented the worst case scenario: a large-scale spill that would have harmed wildlife and brought huge financial ramifications for the ship's owner.

Dayton met the *Journal* on Woodley Island on a cold, blustery Monday morning, along with his OSPR partner, Game Warden Josh Zulliger. Dayton, dressed in a Fish and Wildlife fleece, talked softly about the *Dennis Gayle* and the history of oil spills in Humboldt County. Zulliger, who worked for the Coast Guard's Humboldt Bay small boat station during a large oil spill in the late '90s before becoming an OSPR game warden in 2008, was more forceful in demeanor, but both were gregarious. In the span of a few minutes, they chatted with a sheriff's office special services deputy, the Woodley Island harbor master and captain and boat builder Leroy Zerlang. It's their job to know what poses a pollution threat on Humboldt Bay.

A big part of that is knowing which boats are derelict. Ever since the *Allen Cody* went down, Zulliger and Dayton have gotten proactive with dilapidated boats. That means

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keeping a keen eye out for neglected vessels and talking with people, like Zerlang, who are doing the same. It also means tracking down and talking to those boats' owners.

Boat ownership, unsurprisingly, is subject to the same foibles as any other human enterprise. "You have people whose intentions exceed their capacity," Dayton said. Or, as Zulliger put it, "Their dreams exceed reality."

Some buy boats because they have a romantic idea of taking to the sea and traveling down to Baja, or of hosting afternoon soirees on a yacht, or of restoring their father's old boat to its former glory. Most of those are "unachievable pipe dreams," Dayton said.

Perhaps no one knows more about the business of rebuilding and maintaining boats on Humboldt Bay than Leroy Zerlang, the owner of Zerlang & Zerlang Marine Services. When he restored the *Madaket*, he expected it to cost \$60,000. It wound up costing him a quarter million. *The Golden Rule* also cost a quarter million to restore. And the *Stephanie*, which Zerlang's son Cody Hill hopes to have restored by 2017 for offshore whale watching tours, will likely end up costing \$500,000. "A lot of people love these old boats, and a lot of people should love these old boats, but nobody in their right mind has any idea how expensive it is to maintain a boat," he said. "The minute that you stop doing maintenance on a boat, it starts deteriorating."

He's not sympathetic to people who get underwater, so to speak, on their boats. "They have no clue what is going on with the liability or the maintenance of their vessel," he said. "But they're all excited. They go down for the first month or two, hang curtains on it, have barbecues. All of a sudden it's taking on water. So what do they do? They abandon the boat."

For the last couple months, a small sailboat miffed the various agencies that keep an eye on Humboldt Bay. At a recent meeting, Harbor Safety Committee Chair Suzie Houser called the sailboat a "homeless issue on the water." Its owner docked at the Eureka and Woodley Island marinas for a time before being booted from both for breaking the rules.

No one aboard was an experienced sailor, Houser said, and the Coast Guard, having boarded it to check its seaworthiness, determined there was little to no safety equipment on board.

At one low tide — being unable to dock in Humboldt Bay or make it to the next port — the sailboat ran hard aground in the mud. A fireboat had to pull it free, but not before the sailboat had caught a line in its propeller and cut an anchor the crew had forgotten about.

Eventually, with pressure mounting from the Coast Guard and others, the Harbor District was able to convince the boat's owner that it had to come out of the water. On March 18, the district hauled it out of the bay at Fields Landing. The Harbor District mentioned looking into a lien on the boat for the costs of hauling it out, but that process has yet to begin.

City of Eureka Recreation and Facilities Manager Jeff Raimey is in charge of the city's 6.5 miles of tidal coastlands, which include the public marinas. The city currently has two abandoned sailboats at its facility, Raimey said, and he and his staff are going through a lien process to take ownership of the boats. The Humboldt Bay Harbor Recreation and Conservation District, which manages the Woodley Island Marina, goes through a similar process with abandoned or problem boats and it gives the agencies the power to either destroy or sell the ships.



The two sailboats in the city marina are seaworthy, Raimey said, so the city will try to sell them to offset the costly demolition of boats and the expense of the liens, which take three to six months of staff time.

"What we don't want to do is continue to progress a problem boat" by turning around and selling it to another person who can't afford to maintain it, and who'll end up re-selling it, continuing the circle of dilapidation, or re-abandoning it on a public marina, Raimey said.

There comes a point, Zerlang said, when "somebody makes this decision that a boat has to be destroyed. That's hard to do," he adds, with more than a hint of sentiment in his voice.

Hard emotionally, for a boat lover like Zerlang, but hard physically, too. Steel boats have to be cut through. Wooden boats are coated in lead paint and saturated in decades of oil, "You can't just go out and burn it," Zerlang said. Fiberglass boats — like your uncle's ski boat — are dangerous to dismantle. There's pretty much always fuel, oil, batteries, asbestos or some other hazardous material involved.

In Humboldt Bay, most abandoned boats are taken out of the water at the Harbor District's boatyard in Fields Landing — an area some call "Death Row." There, they stay, waiting for the lien process to be complete or for the responsible party — be it city, harbor district or private owner — to find the money to have it demolished. A 30-foot boat, Raimey said, can cost \$5,000 just in Dumpster fees to haul the remnants away.

Zerlang's company, the Harbor District and the city collaborate to cover the costs of abandoned vessels. Most people who talked to the *Journal* said the harbor district eats a lot of the costs, but because of the piecemeal and collaborative nature of the work, the district couldn't estimate how much it's spent in the last 10 years dealing with derelict vessels.

Zerlang and his employees donate a lot of time and work — whether in consulting on how to best demolish an old boat or pulling it down to the Fields Landing yard.

But Humboldt Bay has limitations. The owner of the *Dennis Gayle* inquired about hauling it out of the water after the *Allen Cody* sank, but the Harbor District's boatyard couldn't pull a boat that big out. No one on the bay has the means to even lift it from the bay's floor, in fact.

Just how much of a threat to Humboldt Bay are these derelict vessels? It's hard to quantify. Boats, from small recreational skiffs to 100-foot-long fishing vessels, can contain anywhere from 20 to 20,000 gallons of fuel, not to mention engine oil and other chemicals.

(It should be noted, derelict vessels can pose direct hazards to people as well; when the *Dennis Gayle* went down, the Sheriff's Office initiated a missing person's report because people feared a man who'd been living on the boat had gone down with it. He turned up safe on dry land, shortly thereafter, but many people buy funky old boats as a cheap place to live. "Somebody's going to get killed," Zerlang said.)

The U.S. Coast Guard has designated seven boats on Humboldt Bay as "abandoned vessels": *Karen Anne II*, *Fast Horse*, *Dixie D*, *Miss Cathy*, *Alma III*, *Filthy Oar* and *Dennis Gayle*. That, explained Chief Warrant Officer Billy Gartman, is not a comprehensive list of local problem boats, but it's compiled every year so local agencies can apply for abatement funding from the California Division of Boating and

Waterways. It's unclear how many of them have fuels or other hazardous materials on board.

Other boats of concern that came up in multiple conversations with the *Journal* are the *High Sea*, the *Sunset* and the *1091*. The boats are spread around the bay, from the King Salmon docks north to Woodley Island.

The *1091* is a good example of the tricky situation boat owners can find themselves in between dry dock and sea floor. It's been moored at the Englund Marine fueling dock since the mid-1980s, when its owner bought it from an Alaskan fishing company.

The *1091* started its life as a Navy Landing Craft Infantry vessel, serving in the 1940s in Okinawa and Korea, according to Leroy Marsh, project manager for the Humboldt Bay Naval Sea/Air Museum, the nonprofit that owns the boat. It was converted to a medical boat in the 1950s before being reserved briefly and then sold into a commercial fishing fleet.

It hasn't moved off its dock since the museum took ownership in the early 2000s, and its condition has some concerned. Harbor District CEO Jack Crider said now that the *Dennis Gayle* is underwater, the *1091* is his biggest worry on the bay. The city, he said, rebuffed his offer to help do something about it.

Raimey, the city's marina manager, said the 160-foot boat is much more seaworthy than the *Dennis Gayle* was, but noted that because of its size — and a lease dispute with the city — it remains a concern. He said the boat still has fuels on it, though Marsh disputed that, saying the tanks have been stripped and the engine "mothballed."

Marsh said the *1091*'s lease at the Englund Marine dock wasn't transferred to the museum when it took ownership. That's caused a bit of stress, but it's being worked out, he said. And it's far from neglected, he added. Ten to 15 volunteers come down to the dock on the foot of Commercial Street twice a week to work on the boat. The goal, he said, is to restore it to its Navy shape and maintain it as a historic destination.

It needs major work though, Marsh conceded. It'll have to be dry-docked so they can look at the hull. There's no boatyard big enough to do that on Humboldt Bay, and sailing to another port, hiring a boatyard to haul it out and paying contractors to do the work is prohibitively expensive for the nonprofit.

Marsh said his group instead plans to find a bayside piece of property where volunteers can roll it up on giant airbags and work on the boat's hull at their own pace (and at a much lower cost). Finding that property has proven fruitless so far, but Marsh sounds undaunted.

Zerlang said the *1091* is an example of a boat with a "good family." But it's still a boat with issues.

One of the biggest sources of frustration to the many people dealing with Humboldt Bay's derelicts is a 2003 federal buyback program, intended to stabilize the crab and shrimp fishing markets. Congress spent \$46 million to purchase commercial fishing permits from West Coast fishermen, banning associated boats from fishing again. The purpose was to reduce the fleet, to "financially stabilize this limited-entry fishery," according to a federal report.

But the unintended side effect was the creation of a new fleet of boats that had no reason to float. The *Dennis Gayle* and *Allen Cody* were buyback boats that languished

when they couldn't fish again. The *High Sea* was another, and while it's not abandoned — its owner pays rent at the Eureka marina — its condition troubles some.

"That boat was worth a million in 2003," Zerlang said. "Now [the owner] probably couldn't sell it for \$30,000. It has nothing in this world to do. It can't be a tug. It's too slow for a research boat."

The only option, he said, is for its owner to invest a lot of money into making it a pleasure boat.

Zulliger, who, along with Zerlang and others seems to maintain a mental catalog of buyback boats, their fates and whereabouts, said there have been buyback success stories. Some have been turned into research vessels, another into a "beautiful yacht," but most keep bumping from port to port, from owner to owner, slowly decaying into the sea.

Part of the reason buyback boats have such a propensity to become derelicts is a lack of funding to deal with ones that fall into neglect and disrepair. If you register a recreational boat with the California Division of Boating and Waterways, you pay into a statewide abatement fund, which is granted to local agencies yearly to haul out and destroy boats specifically identified as abandoned. (That's partially the purpose of the Coast Guard's list — a tool for the Harbor District or city to use to apply for those abatement funds.)

It's akin to the abatement fund paid into every time you re-register your car with the DMV. But no such fund exists for commercial boats. "There's no magic pot of money for this," Dayton said.

So, boats like the *Dennis Gayle* sit tied to a dock for seven years despite their sinking threat. Now, it sits underwater. While a sheen of oil sits on the water over it, Dayton said he's observed no negative effects to wildlife, meaning there hasn't been a formal spill response. That's good — the efforts to remove hazardous materials were effective — but it also means there's no pressing need to get the ship off the bay floor. The only hope, outside of the owner coming up with a pot of money to raise it, is for the State Division of Boating and Waterways to visit the site and deem the boat a navigational hazard. Its antenna, which protrudes slightly into the wide channel, is marked with a buoy, and no one at a recent Harbor Safety Committee meeting was sure it constituted hazard status. If it does, the Army Corps of Engineers will have to send a boat up with a lift powerful enough to haul out the *Dennis Gayle*. No one locally has the means.

Further limiting the options for derelict boats is the fact that owners are not required to have insurance to cover abandonment or pollution in the event of a spill.

Raimey said the city has considered requiring owners to insure their boats as a policy of the public marina but, at this point, it simply encourages insurance and requires boat owners to follow marina rules, which include basic upkeep. Vessel owners are responsible for any damages to the facility or the environment, he said.

But Zerlang said responsible boat owners most likely are paying insurance; it's the people who can't pay the costs associated with a sunken boat or an oil spill who probably aren't investing in insurance. Requiring insurance will only tick them off, Zerlang said, but "[Requiring insurance] is the only thing that will save the marinas — the only thing long term to save our coast."

It all comes back to being proactive, though there's little OSPR can pre-emptively enforce. "You don't have a violation until the fuel's in the water," Dayton said,

explaining OSPR's perspective.

"I can't tell a person what to do with his boat," Zulliger said. But he approaches the owners of problem boats and tries to reason with them, explaining their liability, the costs of raising a sunken ship, the potential criminal charges if it causes pollution. Most of the time, people let their dreams shadow the realities.

"They talk like they're receptive — but their actions aren't receptive," Zulliger said. "People are people."

Of course, it's not only abandoned vessels or derelict vessels that can cause problems. The two biggest oil spills in Humboldt County waters came with working ships: the wood chip freighter *M/V Kure*, which collided with a loading dock in 1997; and the *Stuyvesant*, a dredge that spilled fuel 2,000 gallons of fuel near the bay entrance in 1999. The combined spills killed an estimated 6,400 birds along a large swath of the Humboldt County coast and prompted millions of dollars in settlements that are still funding restoration programs. Since then, aquaculture has exploded into a multi-million dollar industry on the bay. A modern spill could have grave economic impacts for thriving local oyster farms.

But the dangers of derelict boats are floating close to home, and a lack of comprehensive solutions means they won't be going away any time soon.

"That's one of the absurdities of our system," said Humboldt Baykeeper Executive Director Jennifer Kalt. "[Derelict boat owners] just take out all these fluids and wait for them to sink. It becomes someone else's problem. ... The more government agencies that are potentially responsible, the less you can actually get accomplished.

"From Baykeeper's perspective, it's really frustrating that there are all these systems in place to only deal with it once the pollution happens."

Kalt's not alone in that frustration. While the gaps in jurisdiction and funding make derelict boats a real concern on Humboldt Bay, it's hard to imagine finding a more dedicated group of people than that which sits down regularly at the Humboldt Bay Harbor Safety Committee meetings. They include representatives of the harbor district, city of Eureka, the Coast Guard, Fish and Wildlife, Sheriff's Office, OSPR, the Coastal Commission, NOAA and environmental and industry groups.

Between them, they know just about everything about Humboldt Bay. Except how to get the *Dennis Gayle* off the bottom.

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