



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: APRIL 19, 2012

FROM: WHARFINGER

**SUBJECT: ORDER NO. _____ AUTHORIZE DISPOSAL OF
ABANDONED FISHING VESSEL, BETSY ROSS II**

SUMMARY:

The City of Los Angeles Harbor Department (Harbor Department) is requesting that the Board of Harbor Commissioners (Board) declare the vessel BETSY ROSS II, Official No. 257-966 abandoned, and allow the Harbor Department to dispose of the vessel. The BETSY ROSS II is a 37.5 foot wood fishing vessel built in 1949 and powered by a single diesel engine.

The Wharfinger Division was notified on February 10, 2012, by Mrs. Bonnie Shaw, that her husband, Joseph W. Shaw, the sole owner of the fishing vessel BETSY ROSS II, had passed away on January 29, 2012. Mrs. Shaw communicated to Wharfinger staff that she had no interest nor did she want to take possession of the fishing vessel. In addition, Bonnie Shaw attempted to contact Mr. Shaw's two adult children from a previous relationship. Mr. Shaw's daughter stated she has no interest in the fishing vessel and his son could not be reached. On March 9, 2012, the Wharfinger Division received written consent from Mrs. Shaw agreeing to the vessel being declared abandoned by the Harbor Department and destroyed.

This vessel is considered at risk because of its unseaworthy and dilapidated condition, is filled with 100 gallons of fuel, and has no watchman. Recently, for safety reasons, the vessel originally moored at Fish Harbor, was moved to Construction and Maintenance's dock at Berth 161 because it started to take on water.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find and declare the fishing vessel, BETSY ROSS II (Official Number 257-966) abandoned, pursuant to Port of Los Angeles Tariff No. 4, Item No. 1670;

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2. Instruct the Board Secretary to publish a copy of the Board Order in the manner of ordinances of the City;
3. Authorize the destruction and disposal of the vessel upon the expiration of the prescribed 10-day notification period; and
4. Adopt Order No. _____.

DISCUSSION:

On September 15, 2011, the Harbor Department issued a temporary dockage permit to Joseph Shaw for the fishing vessel BETSY ROSS II. Public records indicate that Mr. Shaw died on January 29, 2012. The last monthly billing for moorage for the vessel was processed by the Wharfinger Division on January 6, 2012. The vessel has remained abandoned and unclaimed for over thirty days.

The Harbor Department is requesting Board action declaring the vessel BETSY ROSS II, Official No. 257-966, abandoned which will allow the Harbor Department to dispose of the vessel (Transmittal 1). On February 20, 2012, Mrs. Bonnie Shaw notified Wharfinger Division, that her husband, Joseph W. Shaw, owner of the fishing vessel BETSY ROSS II, had passed away on January 29, 2012. Mrs. Shaw communicated to Wharfinger staff that she had no interest nor did she want to take possession of the fishing vessel, BETSY ROSS II. On March 9, 2012, Mrs. Shaw signed a statement indicating that neither she nor the estate of Joseph Shaw claims any interest in the fishing vessel BETSY ROSS II (Transmittal 2).

The statement also indicates that she is not aware of any person, including Mr. Shaw's two adult children from a previous relationship, that claims an ownership interest in BETSY ROSS II. She further states that she has no objection to the vessel being declared abandoned by the Harbor Department and understands that such a declaration will result in the vessel being destroyed.

An Abstract of Title produced by the United States Coast Guard's National Vessel Documentation Center reflects Mr. Shaw as the sole owner of the vessel. The Certificate of Ownership expires on July 31, 2012.

Port of Los Angeles Tariff No. 4, Item No. 1670, allows the Board of Harbor Commissioners to declare a vessel abandoned if it is "in an unseaworthy or dilapidated condition upon tide and submerged lands in the Harbor District for a period of longer than 30 days without a watchman or other persons being maintained upon or near and in charge of such property, and without the consent of the Board expressed by

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resolution.” The facts supporting the abandonment include the failure of the estate to contact the Harbor Department, the unseaworthy and dilapidated condition of the vessel, the extended length of time the vessel has remained unattended and without authority to moor in the harbor, and the disinterest shown by Mrs. Shaw.

Upon Board approval and Order, Harbor Department staff will destroy and dispose of vessel properly.

ENVIRONMENTAL ASSESSMENT:

The proposed action is adoption of an Order declaring the fishing vessel BETSY ROSS II abandoned and authorizing the sale or destruction and disposal of the vessel. The vessel is considered a risk to the harbor due to its deteriorated condition and the presence of unspent fuel. As such, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) as an activity necessary to prevent or mitigate an emergency in accordance with Article II Section 2(a) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS:

This Board action will have no employment effect.

FINANCIAL IMPACT:

The abandoned fishing boat is not expected to have any salvage value due to its current condition. Existing Port Construction & Maintenance (C & M) staff will dispose of the boat using existing budgeted resources estimated at a cost of \$13,000. There is not expected to be any additional C & M staff costs associated with the disposal than what has already been approved in the current FY 2011/2012 budget. If the Board takes no action and the vessel were to remain abandoned in Fish Harbor and subsequently sink, the estimated C & M staff costs to raise and abate could exceed \$50,000.

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CITY ATTORNEY:

The proposed Order declaring the vessel abandoned was approved as to form and legality by the Office of the City Attorney.

TRANSMITTALS:

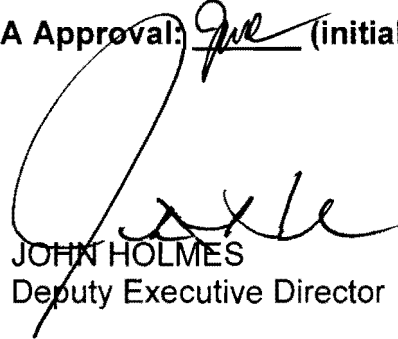
1. Board Order
2. Written consent from Bonnie Shaw

FIS Approval: ef (initials)

CA Approval: Jul (initials)

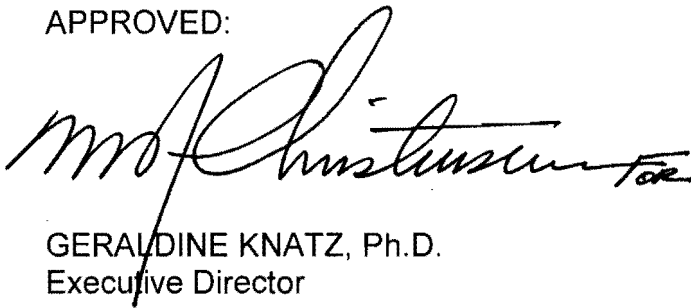


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APPROVED:



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DB/my
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