Florida Fish and Wildlife Conservation Commission

Ships–2-Reefs Program
2022-23 Annual Report

Ships-2-Reefs Program

In 2008, the Florida Legislature passed “Ships-2-Reefs” Program legislation (SB 432), Chapter 2008-100, *Laws of Florida*, whose guiding language and objectives were incorporated in sections 379.249(8) and 379.2495, *Florida Statutes*. The Florida Fish and Wildlife Conservation Commission (FWC) was authorized to establish a matching grants program, in partnership with local coastal governments and eligible nonprofit corporations, for purposes of securing, cleaning, and placement of appropriate, available U.S. Navy and U.S. Maritime Administration (MARAD) inactive reserve fleet ships as artificial reefs in coastal state and adjacent federal waters. Implementation of the program is subject to available appropriations. Section 379.2495(6), *Florida Statutes*, requires FWC to submit an annual report to the Governor, President of the Senate, and Speaker of the House of Representatives detailing the expenditure of the funds appropriated to FWC for the purposes of carrying out the military “Ships-2-Reefs” program. This report is submitted to fulfill that requirement.

For Fiscal Year (FY) 2022-23, there were no funds appropriated by the Florida Legislature to support any new MARAD or Navy Ships-2-Reefs projects under s. 379.2495, *Florida Statutes*.

NATIONWIDE SHIPS-2-REEFS DEVELOPMENTS

Nationwide Ships-2-Reefs Developments

MARAD SHIPS

Nationwide, large military noncombatant auxiliary ships (at least 300-feet in length and displacement of 1,500 gross tons or greater) with title held by the U.S. Navy or the U.S. Department of Transportation Maritime Administration (MARAD) are not currently available for shallow water artificial reefing (less than 500-feet depth). For MARAD, emphasis continues to be on domestic ship scrapping. On May 29, 2012, MARAD issued a policy that will not allow the reefing of any ship in their disposal inventory that was built prior to 1985, the year that polychlorinated biphenyls (PCBs) were prohibited from use in ship-board materials, and other applications. This policy considers the elevated value of recycled steel and non-ferrous metals, like copper and aluminum, creating high demand for decommissioned military ships by the domestic ship scrapping industry. Additionally prompting issuance of the 2012 MARAD policy, were non-governmental organizations voicing environmental concerns about the presence of PCBs in older decommissioned military vessels. As of September 2023, the MARAD National Defense Reserve Fleet Inventory listed only seven non-retention vessels built during 1985 or later. Four vessels are Champion tankers, and three vessels are Container & Roll-on/Roll-off Ships located in Beaumont, Texas and Ft. Eustis, Virginia and identified for immediate disposal. However, due to the cost of transport and the lack of available funding, Florida is unable to pursue these vessels as future artificial reef opportunities. With no other post-1985 vessels available at this time, MARAD vessels are not available as a source for ships for reefs in the near-term.

As the inventory of pre-1985 ships decline through sales and subsequent scrapping, the expectation is that more of these newer ships will be decommissioned and MARAD will again become more pro-active in offering these ships for reef projects as they have prior to 2012. In addition, cleanup costs for these newer PCB-free ships are expected to be significantly less since PCB remediation has been a major cost in ship preparation for older pre-1985 vessels.

During a Spring 2013 meeting of the artificial reef subcommittee of the Atlantic States Marine Fisheries Commission (ASMFC), the subcommittee drafted a letter requesting MARAD to reconsider its new ship reefing policy of only allowing MARAD vessels newer than 1985 to be released for use as artificial reefs. Making the case that with sufficient funds and resources to completely mitigate all PCB materials on an older MARAD ship, as was demonstrated for the USS VANDENBERG sunk off Key West in 2009, a state should have the option to request and take title to any MARAD inactive reserve fleet ship available for disposal. The letter was sent out by the ASMFC on June 5, 2013. MARAD replied to the letter on October 31, 2013, stating that they would pursue the most cost-effective methods for ship disposal available at the time. As of 2023, scrap steel prices are high and scrapping continues to be more cost effective than reefing for MARAD due to higher scrap steel, copper, and aluminum prices. As of October 2023, the cost for MARAD to scrap a vessel is zero (shipyards generate revenue through sale of scrap metal). Additionally, MARAD contract development and vessel transfer for scrapping has historically required less time to process and approve applications for reefing a vessel, compared to waiting until all funding is in place to complete a reefing project and executing a title transfer.

In light of an increase in listed post-1985 non-retention MARAD vessels, the long-term outlook of possible vessels available for reefing is starting to look more favorable, and on November 15, 2023 a teleconference was held with MARAD Ship Disposal and FWC Artificial Reef Program staff to identify the process and pathway to select and pursue viable non-retention vessels for reefing. During FY 2023-24, regular meetings with MARAD will be scheduled, to identify suitable vessels for reefing, and to be prepared to be able to accept those vessels for the State of Florida in the event funding is appropriated for the Florida Ships-2-Reefs program.

U.S. NAVY SHIPS

In 2004, legislation was passed by the United States Congress and signed by the President of the United States authorizing the Navy to transfer vessels stricken from the Naval Vessel Register to states for use as artificial reefs as stated in Title 10 United States Code Section 7306b.

If obsolete Navy vessels become available, the Naval Sea Systems Command Inactive Ships program will offer them to states for reefing through an application process. The office evaluates applications according to established criteria such as: whether the site has an Army Corps of Engineers permit; whether the state has an authorized reefing program; and if there is strong support from the state government for the reefing program. The Navy also requires that states obtain and bear all responsibility for complying with all federal, state, interstate and local regulations for using, siting, constructing, monitoring, and managing the vessel as an artificial reef.

After choosing the ship's recipient and executing a donation transfer contract, the ship must be environmentally prepared in accordance with the Environmental Protection Agency (EPA) document "*Best*

Management Practices for Preparing Vessels Intended to Create Artificial Reefs" developed by the EPA and MARAD. This document establishes pre-sinking environmental preparation requirements as well as methods for achieving these requirements. It requires the vessel to be environmentally cleaned, which includes the removal and disposal of liquid hydrocarbons, loose debris, floatable materials, and materials containing PCBs. Additionally, vessels must be approved by the U.S. Coast Guard (USCG) for seaworthiness.

Only two Navy ships have been transferred under this authority: the USS ORISKANY (CVA 34) donated to the State of Florida and sunk in May 2006, after environmental preparations were conducted by the Navy in accordance with EPA requirements; and the USS ARTHUR W RADFORD (DD 968) transferred to the State of Delaware in June 2010 and sunk in August 2011, after environmental preparations were conducted in accordance with EPA requirements. All other U.S. military vessels transferred for reefing to date have been from MARAD.

As of October 2023, the Navy does not have any other inactive ships available for transfer to states for use as artificial reefs. We will continue to monitor the Naval Vessel Register (https://www.nvr.navy.mil/NVRSHIPS/SHIP_STATUS_SUMMARY.HTML) for future artificial reefing opportunities. The Navy continues to pursue non-reefing ship disposal and utilization options over designating vessels available for artificial reefs. These alternative uses, in addition to domestic scrapping, include prolonging the active life of ships prior to decommissioning, donation of suitable ships to allied governments, museum donations, and sinking of vessels in depths greater than 6,000 feet during military training operations. Navy ships decommissioned will continue to be evaluated by the Navy Inactive Ships program on a case-by-case basis, but Navy preference for non-reefing ship disposal significantly limits availability for reefing in the future. If a Navy vessel does become available for reefing it would most likely be a vessel built after 1985 and expected to be PCB free.

Following a November 30, 2020 Navy press release that the USS BONHOMME RICHARD (LHD-6) would be scheduled for decommissioning and scrapping, the Florida FWC Commission Chairman, and the Division of Marine Fisheries Management initiated coordination with the Florida Congressional Legislative Delegation and the Navy to identify opportunities to acquire the vessel as an artificial reef off of Florida as an alternative to scrapping. The USS BONHOMME RICHARD, an 844' long Wasp Class Amphibious Assault Ship was built in 1995, and subsequently taken out of service after a July 12, 2020 explosion and fire on board the vessel. Unfortunately, due to the extent of damage to the vessel caused by the explosion and fire, the Navy explained that the vessel would not be a viable candidate for reefing due to the inability to successfully remediate contaminants in compliance with EPA Artificial Reefing standards, and uncertainty about the vessel's seaworthiness for artificial reefing. However, following successful letter writing and strong federal legislative support for the concept of reefing as a cost-effective approach for decommissioned Navy vessels, a July 2021 teleconference was held with the Navy NAVSEA, Florida FWC Commission Chairman, Marine Fisheries Management Division Director and Artificial Reef Program Administrator to discuss options beyond the USS BONHOMME RICHARD to improve communication and partnerships for future reefing opportunities for the State of Florida. From this meeting, the "Re-use Equipment for Environmental Fortification Act" or "REEF Act" was introduced by U.S. Representative Maria Salazar (R-FL) and U.S. Sen. Rubio (R-FL). The REEF Act proposes that the Navy should explore and solicit artificial reefing opportunities with appropriate entities (such as a state agency) for any naval vessel planned for retirement. Additionally, no later than 90 days before the retirement of any navy vessel from the Naval Vessel Register, the Navy must notify Congress. These conditions will help facilitate determining if a scheduled retired navy vessel is viable for reefing. In the past the Navy has reached disposal decisions internally without any input from the state artificial reef programs that might be able to pursue reefing as an alternative. On July 14, 2023, the REEF Act was again approved by the U.S. House of Representatives as part of the National Defense Authorization Act (NDAA). While the U.S. Navy, in its 2024 budget, has recommended the decommissioning of several vessels within a fleet class, the United States Congress has rejected the decommissioning of those specific vessels. In the House appropriations bill that funds the United States Department of Defense for fiscal year 2024, the U.S. House of Representatives included language that prevented the U.S. Navy from decommissioning those vessels. The United States Navy retains its ability to decommission other ships that the Navy no longer utilizes in any operation. The United States Congress continues to work on the full appropriation process for fiscal year 2024.

NAVAL MUSEUM SHIPS

The vessel museum donation program may be an option for future reef vessel candidates, based on the successful cleaning and sinking of the USCG Cutter USS MOHAWK on July 2, 2012, off Lee County, Florida. Local funding sources covered the $1.6 million cost of this project. There are about 164 vessel museums nationwide. Navy reservists make annual inspections of these museums and write up reports, noting any safety or structural integrity concerns. Occasionally, a museum ship can no longer be financially justified for use as a floating museum as was the case with the MOHAWK.

During Fiscal Year 2022-23, there were no opportunities for Naval Museum Ship to reefing opportunities.

FWC SHIPS-2-REEFS TECHNICAL ASSISTANCE

FWC has a program, along with policies and guidance in place, to assist any local government wishing to pursue a large military ship artificial reef project. Section 379.249, *Florida Statutes*, and Chapter 68E-9, *Florida Administrative Code*, currently authorize FWC to execute grant agreements to fund artificial reef development activities for authorized local coastal governments. FWC staff has experience with several large military ship artificial reef projects, most recently in May 2009 with the successful sinking of the 520-foot former missile tracking ship, USS VANDENBERG, off Key West.

During FY 2022-23, no Florida coastal local government made a formal request to FWC to obtain a large MARAD or Navy military ship.

Should a U.S. Navy combatant ship or MARAD auxiliary vessel become available from the inactive reserve fleets in the future, both the U.S. Navy and MARAD will require that all the necessary funding to fully complete a large military ship reefing project and a valid artificial reef permit already be in place prior to FWC's submission of a complete application for a military vessel donation. Lack of readily available funding, including a required county cash match for a military vessel project, continues to be a limiting factor for most Florida coastal counties. Some counties are limited by not having an artificial reef permitted area with water depths deep enough (at least 100-130 feet) to sink a large military ship and still achieve suitable navigational clearance. The federal government's increased focus on domestic ship scrapping to take advantage of best dollar return on inactive reserve fleet vessel disposal options while scrap metal value remains high also continues to be a limiting factor.