

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
P/C Liahona Umpqua River - Removal Polrep  
Initial and Final Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region X

**Subject:** POLREP #1  
P/C Liahona Umpqua River, Initial and Final  
P/C Liahona Umpqua River  
  
Reedsport, OR  
Latitude: 43.7032040 Longitude: -124.1105430

**To:**  
**From:** Daniel Heister, On-Scene Coordinator  
**Date:** 2/17/2012  
**Reporting Period:** 2/15/2012-2/17/2012

## 1. Introduction

### 1.1 Background

<b>Site Number:</b>	E12007	<b>Contract Number:</b>	
<b>D.O. Number:</b>	E12007	<b>Action Memo Date:</b>	2/15/2012
<b>Response Authority:</b>	OPA	<b>Response Type:</b>	Emergency
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	2/15/2012	<b>Start Date:</b>	2/15/2012
<b>Demob Date:</b>	2/16/2012	<b>Completion Date:</b>	2/17/2012
<b>CERCLIS ID:</b>		<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	
<b>FPN#:</b>	E12007	<b>Reimbursable Account #:</b>	

#### 1.1.1 Incident Category

Emergency Response

#### 1.1.2 Site Description

The Liahona is a forty nine foot pleasure craft (PC) illegally moored near the confluence of Scholfield Creek and the Umpqua River in the City of Reedsport OR. The vessel was put onto submerged pilings by a storm packing 80-90 mph on 1/17/2012. This caused the vessel to list and take on water. USCG began the initial investigation, but later determined that it was in USEPA jurisdiction and referred the case to USEPA on 2/15/12 for further investigation.

##### 1.1.2.1 Location

Within the city limits of Reedsport, OR one quarter mile west of US Hwy.101 on Scholfield Creek.

##### 1.1.2.2 Description of Threat

Unknown amount of diesel and oil on board in a river system with protected species (Salmon, Steelhead).

#### 1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

Based on the information provided by USCG, Columbia River the vessel posed an imminent and substantial threat to the environment.

## 2. Current Activities

### 2.1 Operations Section

#### 2.1.1 Narrative

On 2/15/2012 I received an email from Lt. Johna Rosetti, USCG Columbia River Sector, regarding the P/C Liahona. The email contained photographs of a vessel that was listing badly to the starboard side. Lt. Rosetti wrote that USCG had begun to take steps to address the vessel but later realized that Scholfield Creek was in USEPA jurisdiction. As this is in my geographic area the case was referred to me.

Rosetti wrote that the vessel was considered derelict as it had not been registered with the Coast Guard for many years, was illegally moored on state property, and both owners (Jeffery and June Jamison) were deceased. She said that the lawyer for the estate, Thomas C. Nicholson, was disputing the claim of a Mr.

Allen Peterson to have some ownership interest in the vessel. Rosetti had the phone number for Mr. Nicholson but not for Mr. Peterson. As far as Coast Guard knew the condition of the vessel was the same as that seen in Photo #1.

I called Mr. Nicholson to discuss the situation. I informed him that I planned to go to Reedsport (a five hour drive from Portland) immediately after I got off the phone with him and intended to pump the fuel and oil off of it if neither the Estate or Mr. Peterson were not. I told Mr. Nicholson I would like to meet him, his client Mr. Peter Jensen (Mrs. Jamison's son, and executor), and Mr. Peterson in the morning to discuss how to proceed. Mr. Nicholson said that Mr. Jensen lived in Texas and would not be able to attend, but he, Nicholson would meet with me at my motel. He said he would try to get Mr. Peterson to attend, but that Mr. Peterson was becoming increasingly difficult to contact.

Mr. Nicholson briefly described the situation as follows: Mr. Peterson claimed partial ownership of the Liahona based on work he did for Mrs. Jamison in the years leading up to her death in October of 2011. Mr. Jamison passed away in 2006. The agreed upon price was \$14,950.00 (see attachment 1). Mrs. Jamison signed over the Bill of Sale (see attachment 2) to Mr. Peterson but Peterson never registered the vessel in his name. Peterson did however take control of the Liahona and after Mrs. Jamison's death move it from leased moorage in Winchester Bay to its present location. Mr. Nicholson said that they disputed Mr. Peterson's claim on what he still owed on the Liahona and disputed his ownership. I told Mr. Nicholson that he would need to come to some agreement between his client (Jensen) and Mr. Peterson on ownership and what they intended to do by the following morning or I would handle the fuel leitering and the USCG would recover the costs. I explained that it would be more expensive if fuel had actually been released. Mr. Nicholson agreed to meet me at my motel at 0900 hrs.

Before departing I made arrangements with the Douglas County Sheriff's Office to use their boat to examine the Liahona in the morning. I also contacted the OR Dept. of Environmental Quality and Tribal representatives to alert them of the situation. I made arrangements to have a START contractor meet me on site as well as to make arrangement with a diving company if EPA needed to take the lead. I left Portland at 1530 hrs and arrived in Reedsport at approximately 2030 hrs on 1/15/2011.

At 0700 hrs on the morning of 2/16/2011 I was accompanied a START contractor to locate the Liahona. We viewed it from a levy at Champion County Park in Reedsport. Unlike the photos the boat was longer listing and appeared to be buoyant. We used binoculars and saw no sheening from the vessel. We returned to the motel lobby for our 0900 meeting with Mr. Nicholson. Later that morning my contractor would accompany the Sheriff's Patrol out to the vessel for a closer inspection. They would find the Liahona to be in good condition with no evidence of a fuel release.

At approximately 0830 a man came into the lobby and identified himself as Mr. Allen Peterson. He said he had a message on his phone to meet me at the motel. I explained the situations and that I had seen the Liahona from the levy and that while it was no longer listing I was concerned enough that it may still pose a threat. Mr. Peterson explain that a bad storm on 1/17/2012 had put the Liahona up on a submerged piling causing it to list and take on water. At day light on 1/18/2011 a friend called Mr. Peterson regarding the problem. By that afternoon Peterson had the Liahona off the piling and pumped off. He said there was no release of fuel. I asked him how much fuel was on board and he said about 300 gallons of diesel. He said that the motor still runs, and but for the storm he had been taking good care of her. He acknowledged the disputed amount owed on the vessel between he and the Estate. He said when and if an agreement is reached he planned to remove the vessel from the creek and put it in dry dock for repairs. He planned to fully repair it with his sons assistance and sell it, but he could not do that until he got ownership.

At 0900 Mr. Nicholson and two deputies with the Douglas County Sheriffs Office arrived. I sent my contractor to accompany the deputies and I met with Mr. Nicholson and Mr. Peterson. After introductions Mr. Nicholson told Mr. Peterson that he had spoken with Mr. Jensen by phone and confirmed that the Estate was relinquishing all ownership right to Mr. Peterson on the condition that he register the Liahona in his name and remove the boat from the creek for repair. Mr. Peterson agreed and said he would have the vessel in dry dock within thirty days.

I explained to Mr. Peterson and Nicholson that the arrangement seemed to address my concerns, but I would have to call EPA Regional Counsel to discuss the arrangement, as well as wait for my contractor to return to report out on the Liahona inspection. I contacted Clifford Villa, R10 ORC, to discuss the situation. I sent Mr. Villa the associated documentation as well as allowed Mr. Nicholson to speak to Mr. Villa. We reached an agreement that the plan was workable and got assurance that Mr. Peterson would remove the Liahona within 30 days. Mr. Nicholson assured me that he would be closely monitoring Mr. Peterson's progress in order to protect the Estates interest. My contractor returned and reported out that the vessel was in good shape. I concluded my meeting with Mr. Nicholson and Mr. Peterson at approximately 1030.

### **2.1.2 Response Actions to Date**

Other than the assessment work we conducted, there was no further response action.

### **2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)**

Mr. Thomas C. Nicholson (Attorney for the Estate)  
552 Laurel St.  
Florence, OR 97439

Off. 541 997-7151 Fax 541 997 7152 Email [tnicholson@nicholson.biz](mailto:tnicholson@nicholson.biz)

Allen R. Peterson  
P.O. Box 373  
Reedsport, OR  
97467

Cell: 541 999-9239

**2.1.4 Progress Metrics**

<i>Waste Stream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>
none					

**2.2 Planning Section**

**2.2.1 Anticipated Activities**

NA

**2.2.1.1 Planned Response Activities**

NA

**2.2.1.2 Next Steps**

NA

**2.2.2 Issues**

NA

**2.3 Logistics Section**

NA

**2.4 Finance Section**

No information available at this time.

**2.5 Other Command Staff**

No information available at this time.

**3. Participating Entities**

**3.1 Unified Command**

**3.2 Cooperating Agencies**

Douglas County Sheriffs Office Marine Patrol

**4. Personnel On Site**

One FOSC and one START Contractor

**5. Definition of Terms**

No information available at this time.

**6. Additional sources of information**

No information available at this time.

**7. Situational Reference Materials**

No information available at this time.