

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

9:30 a.m., Thursday, January 11, 1995

Port of Oakland Room, 530 Water Street, Oakland, CA

The public meeting was called to order by Chair, Arthur Thomas, at 9:30. The following committee members or alternates were in attendance: Dave Adams, Port of Oakland; James Faber, Port of Richmond; Alexander Krygsman, Port of Stockton; Margot Brown, National Boating Federation; Maurice Croce, Chevron Shipping; Mary McMillan, Westar Marine Services; Marci Glazer, Center for Marine Conservation; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Dwight Koops, SeaRiver Maritime; Michael Nirney, Inchcape Shipping Services; Bob Clinton (alternate for Ron Duckhorn), Crowley Maritime; federal government representatives from the U. S. Navy, Robert Mattson; and U. S. Coast Guard, Captain Donald Montoro (MSO) and Commander Dennis Sobeck (VTS). Also in attendance Bud Leland and Marian Ashe (OSPR) and Helen Carr, Fish and Game.

T. Hunter, Marine Exchange, confirmed that a quorum was present.

MINUTES OF PREVIOUS MEETING. MOTION by J. Lundstrom, seconded by M. Brown, to approve the minutes as written. Motion passed without objection.

In opening remarks, A. Thomas noted that representatives from NOAA and Military Sealift Command are in attendance to address the committee. NOAA has indicated that it is looking to San Francisco to be the test bed for NOAA's various projects. A. Thomas reported that he was invited to Washington, D. C., to meet with representatives from the Coastal Estuarine Branch of NOS and Dr. Stanley Wilson of NOAA to review and comment upon their various projects. The bar was closed, i.e., inbound and outbound traffic was stopped on San Francisco Bay, for four and a half hours on Saturday, 1-7-95, due to the harshness of the weather. It is extremely difficult to safely tether tugs in such weather.

COAST GUARD REPORT, D. Montoro. (1) The Coast Guard closed the bar on 1-7-95 at the request of the pilots and appreciates the cooperative working relationship that has developed. (2) A copy of a 12-28-94 news release announcing implementation on 1-1-95 of a new national oil spill "ticket" program that targets small spills, 100 gallons or less, and minor violations of pollution prevention regulations. To date one ticket has been issued. (3) There were 54 reported cases of spills investigated in December; 6 of which resulted in civil penalties. Significant cases included a potential HazMat spill from the PRESIDENT EISENHOWER. APL was responsive and no product entered the water. The written report "Pollution Statistics for Period 01Dec94-31Dec94" and "Significant Port Safety Events for Period 15Nov94 and 10 Jan95" are made a part of these minutes. (4) Beginning with this meeting, D. Montoro will submit a written report, which will become a part of the minutes, showing vessel boardings made in connection with the Sub-Standard Vessel Inspection Program. There were two incidents of SOLAS intervention during the month of December. (5) The CAPE BOVER arrived with a 10% list and a 5' gash in her hull and proceeded to Suisun with a MARAD strike team aboard. It will go from there to the shipyard for repairs. (6) The AMERICAN KESTRO, loaded with explosives, lost power in the bay enroute to Concord.

The transit was completed as a deadship tow. (7) The preliminary report with the results of the CasRisk study of the last four years is complete. The next report will include a chart plotting where casualties occur. (8) D. Sobeck distributed and reported on a Notice of Proposed Rule Making regarding the establishment of a Regulated Navigation Area in the San Francisco Bay Area. The VTS Sub-Committee will review and report to the full committee on the proposal.

CLEARINGHOUSE REPORT, A. Steinbrugge. There were no violations or abnormalities in November or December. The report, with statistics for the months of November and December and the year as a whole, was reviewed, distributed and is made a part of these minutes. The report included charts showing activity for all of 1994, broken down by category. Sealift vessels have been calling in for escorts since December. Bill Capasso asked if information is available by flag. A. Steinbrugge responded that the data is available, but has not ever been sorted that way.

OSPR REPORT, B. Leland. (1) Thanked D. Montoro for the CasRisk data which is recognized to be a unique and useful product. (2) The Coastal Protection Review is in process, with a meeting in Los Angeles today and one scheduled for San Francisco on 2-2-95 at 10:00 a.m. at the Port of San Francisco. Dates and locations for the other regions are available from B. Leland. (3) A definitive ruling has been made that MTBE is a petroleum product and now requires a tug escort in San Francisco Bay. OSPR began two to three years ago to compile a list of chemicals to be considered petroleum products and the list of new products continues to grow. (4) J. Lundstrom asked if the amended report on state pilotage has been completed. B. Leland responded that it should be out by the end of February. (5) J. Lundstrom asked about the status of OSPR's review of the Brown Act as it applies to the HSC, its sub-committees and the TAG. B. Leland responded that OSPR is still working on it and it is with the Administrator for development into a formal reply. The informal response is that the Brown Act does apply to the HSC and its sub-committees and advisory group(s). A. Thomas added that this HSC, its sub-committees and TAG will continue to operate under the constraints of the Brown Act, although this is not the most efficient way to get work done. (6) The Chair asked the status of OSPR's review of the issue of committee members' liability. B. Leland responded that OSPR is still working on it, looking to get specific legislation to address the issue. While there is no formal answer yet, informally, there should be no more liability for HSC members than for any other citizen, since HSC is an advisory body. A. Thomas stated that the committee would prefer a formal response rather than being the test case.

PORTS SUB-COMMITTEE. C. Bowler introduced representatives present from NOAA/HAZMAT: Dave Kennedy, Division Chief; Robert Pavia, Branch Chief; and Lcdr. Jim Morris, Scientific Support Coordinator. R. Pavia stated that the Oil and Hazardous Materials Branch of NOAA is tasked with providing real time oceanic information and planning for spill response. PORTS has provided improved information on tides and currents for Tampa Bay and New York. San Francisco Bay is the third port to get this technology. PORTS provides tide height, current and water level data. As the partnership between NOAA, NOS and San Francisco interests has developed two projects will be dovetailed. The gauge for the on-going NOS project will be moved from Carquinez to Benicia. In connection with the mini-PORTS project three to five real time current meters will be installed along with four tide gauges which will be placed at the Golden Gate, Oakland, Richmond and Benicia. Instruments to produce real time measurements of water level and wind will be placed in the same four places. The data gathered and updated every

six minutes can be accessed by the general public by phone and computer. C. Bowler noted that the location of the computers providing this access is being considered, with the Marine Exchange appearing to be the best choice. The computer equipment has been at CMA temporarily for use in the first weather project. T. Hunter stated that the MX is ready to receive the equipment. The mini-PORTS project officially starts this month, with work on combining the two projects taking place this week.

D. Adams asked about the placement of the instruments in Oakland and expressed concern that scheduled dredging be factored in when the location is determined. D. Kennedy responded that Port of Oakland will be consulted. D. Koops noted that he is glad to see the equipment moved from Carquinez to Benicia because of the tanker traffic to Benicia. D. Kennedy added that many parties will be involved in the consultations regarding locating gauges. D. Koops noted that SeaRiver will make personnel available. C. Bowler stated that the tide gauge currently in Alameda will be moved to Oakland or set to give data for Oakland and will be automated. This combination of the weather and PORTS projects is a partnership of two NOAA agencies, the Pilots, the Ports, the U. S. Geological Survey, the Coast Guard and OSPR who are all contributing effort and/or time and/or money.

D. Adams asked if the federal review panel established to look at NOAA will possibly effect the funding for the two year mini-PORTS project, since the funding is only in place for the first year. D. Kennedy responded that this project has absolute support at that level. J. Faber asked if there has been any change in prior policy that the individual ports will not be looked to for contributions. R. Pavia responded no. M. Glazer asked if the information would be free to all users for the first two years. D. Kennedy responded yes. She asked if there would be user fees after that time and D. Kennedy responded that how the project will be funded after the first two years is still being discussed. A. Thomas added that this committee will look to ways to continue support for PORTS and state and federal legislators will be looking for ways to fund the system as well. Ann Nothoff, Natural Resources Defense Council, addressed the fact that that Congress is looking at the Coast Guard's existence and recommended that the HSC keep close watch as proposals come to the table to abolish the Coast Guard and convey support when the time is right.

D. Kennedy reported that NOAA is already looking to the expansion of PORTS and investigating which products and services will be most useful to meet the resource management, navigational and commercial needs of San Francisco Bay. The three NOAA representatives here today will be meeting this afternoon with representatives of the Coast Guard and BCDC for input. C. Bowler stated that copies of the two proposals for the two projects under discussion will be available after this meeting. J. Lundstrom addressed the possibility of establishing an HSC steering committee to be a liaison to NOAA on these two projects to provide input and information. D. Kennedy responded that this is the first of many fact finding trips he will be making to the San Francisco area to get input. He requested that he be provided with the names of any groups who NOAA should confer with. A. Thomas stated that it is important to individually and collectively ensure that, in the rush to save tax payers' funds, important issues and projects don't get lost. He announced that he will be accepting volunteers for a steering committee after this meeting. D. Montoro and C. Bowler volunteered.

MILITARY SEALIFT COMMAND. R. Mattson introduced Dennis Kellerher of Sealift Command to address the HSC regarding operations and conditions of Sealift tankers. The fleet of seven Sealift tankers provide fuel for Department of Defense operations on the West Coast. These public vessels are on seven year bareboat charters, operated by civilians under Coast Guard rules and certified by the Coast Guard. There has never been an occasion where a Sealift vessel operated in defiance of the Coast Guard. Although the vessels meet USCG minimum regulations, they did not meet the standards of Vice Admiral Quast, Commander, Naval Sealift Command. As a result, manning has been increased, operating speed has been reduced from 15.4 kts. to 14.2 kts., and each vessel is inspected each time it enters a port. In addition the contracts have been modified to add three additional days of maintenance for each 40 days of service. D. Kellerher announced that MSC will take all their tankers out of service in March/April. They will then go out into the commercial market to time charter double hull tankers, which won't be public vessels and will be required to comply with OPA '90 and state regulations. He distributed two press releases on this subject. J. Faber asked if this means that MSC will not comply with state tug escort and speed regulations in the interim period before the tankers are taken out of service. D. Kellerher responded that it depends on where the request/regulations originate. MSC will comply with federal regulations but is not required to comply with state regulations, although they may do so. A. Thomas added that SFBP will have pilots on MSC vessels and they will not proceed in excess of the regulated speed. M. Croce asked if the time chartered tankers will be foreign flag. D. Kellerher responded that, by statute, they can't be.

TUG ESCORT SUB-COMMITTEE REPORT, J. Faber. The TES received the Glosten study and a presentation from the peer reviewer on 12-20-95. The sub-committee has received an update from D. Montoro on the status of the federal process and a report from Sause on their services. The TES will hold working meetings, followed by a public meeting to present recommended regulations, and then in April or May present final recommended regulations to the HSC. The last TES meeting, originally scheduled as a working meeting, wasn't because so many people attended. The first working meeting is scheduled for 1-18-95 and anyone who attends/participates should be prepared to take on assigned task(s). The San Francisco Bar Pilots have reviewed the Glosten study and other data to date and have developed and submitted proposed regulations. G. Waugh, SFBP, stated that after the last TES meeting a tug escort working group (TEWG) was formed, comprised of senior pilots and P. Moloney of the State Pilot Commission. The result of their work is a seven page report with recommendations that address safety and economics. That report was submitted to the TES this morning. The report does not recommend one type of tug or any particular company over another. It is based on the fact that the pilots need proper tools to do their job. D. Adams made copies of the report to distribute to HSC members and the public at today's meeting.

T. Hunter announced that the TES scheduled for 1-18-95 had to be moved to the SFBP facility instead of the Port of San Francisco because of a conflict. Time is still 2:00 p.m. M. McMillan reported that the Golden Gate Towboat Association met 1-9-95 and will have tug operators' input to the TES by next week regarding what a tug should look like, with recommendations for minimum equipment. The Chair stated that he is buoyed by the interest in proceeding forthwith with the regulatory process in order to assure the safety of San Francisco Bay. J. Lundstrom suggested that when this process reaches the stage for developing proposed regulations, people be encouraged to submit language in regulatory form so that OSPR can more expeditiously proceed.

M. Ashe, OSPR, has had comments and submitted language. Additionally, it would be advisable to look to language from other areas, state and federal, to achieve consistency.

UNFINISHED BUSINESS: (1) REPORTABLE EVENTS SUB-COMMITTEE. J.

Lundstrom reported that other HSCs have voted on a definition of "near miss" and want this sub-committee to move forward with a recommendation to the SF HSC. D. Montoro has requested input. M. Croce will be scheduling a sub-committee meeting for 1-20-95 and will advise the MX of the time and location. P. Moloney has submitted a draft form for reporting events and other groups are looking to San Francisco. D. Adams asked if the definition of terms was under the purview of the Office of Administrative Law. A. Thomas responded that it is the responsibility of the HSCs to provide the state with language and the state is mandated to accept it. (2) A. Thomas reported that A. Krygsman, Chair of the Pilotage Sub-Committee, has received The National Research Council's report "Minding the Helm" and will schedule a sub-committee meeting. (3) C. Bowler reported that the PORTS Sub-Committee will hold a meeting at the SFBP Pilot Station on 1-25-95 at 1:00 p.m. Dr. Wayne Wilmott, NOAA, wants this strategy meeting with partners in the joint project and other interested parties.

NEW BUSINESS: M. Glazer reported that there are proposals at the State Capitol regarding the abolishment of BCDC. The Governor has put out a memo recommending BCDC be merged with the California Coastal Commission. 1-1-96 is the deadline for a plan. She recommends that HSC monitor the situation and support BCDC's autonomy. D. Adams asked if BCDC has counterparts in other bays. J. Lundstrom responded no. The California Coastal Commission was created by citizen initiative and has jurisdiction over 1100 miles of California coastline, from the bay to the first hill area. BCDC was created by citizen initiative in 1969 to address, at the local level, the ongoing land fill of San Francisco Bay. In addition, at that time there was only four miles of bay front accessible for public use, and additional building and development was proposed.

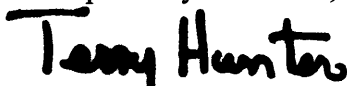
NEXT MEETING. The next meeting will be held p.m. 2-9-95 at 10:00 a.m. at the Port of San Francisco.

M. Croce announced that the Reportable Events Sub-Committee meeting will be held at Chevron Headquarters, 555 Market Street, San Francisco, on 1-20-95 at 9:00 a.m.

D. Adams announce that three hours of no-fee parking is now available in the multi-story brick building adjacent to the Port of Oakland offices.

MOTION to adjourn by M. Glazer, seconded by D. Koops. Meeting adjourned at 1115 without objection.

Respectfully submitted,



Terry Hunter
Executive Secretary