

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

10:00 a.m., Thursday, January 11, 2001

Port of Oakland, 530 Water Street, Oakland, CA

Scott Merritt, Foss Maritime Company, Vice-Chair, called the public meeting to order at 10:00 a.m. and welcomed those in attendance. The secretariat confirmed the presence of a quorum. The following committee members or alternates were in attendance: **Gary Hallin**, Port of Oakland; **Ronald Kennedy**, Port of Richmond; **John Davey**, Port of San Francisco; **Nancy Pagan**, Benicia Industries, Inc.; **Brian Dorsch**, Chevron Shipping Company; **Richard Smith**, Westar Marine Services; **Larry Teague**, San Francisco Bar Pilots; **Michael Beatie**, Golden Gate Ferries; **Margot Brown**, National Boating Federation; and **Joan Lundstrom**, Bay Conservation and Development Commission. U. S. Coast Guard representatives **Capt. Larry Hereth** (MSO) and **Cmdr. Dave Kranking** (VTS); NOAA representative, **Michael Gallagher**; U. S. Army Corps of Engineers representative **Arijs Rakstins** and OSPR representatives, **Scott Schaefer**, Acting Director, and **Al Storm**. Also in attendance, more than thirty-five representatives of the interested public.

The Secretariat confirmed the presence of a quorum.

The following corrections were made to the minutes of the 12-14-00 meeting. **S. Merritt**, partial line missing at the bottom of page 1; should read “. . . seconded by **J. Lundstrom** to approve the minutes of 12-14-00 as corrected.” **J. Lundstrom** suggested that the COE representative be included with attendees listed in the minutes. **A. Storm**, p. 3, regarding meeting at Port of Oakland should read, “This discussion is timely because there will be a meeting in about a month at the Port of Oakland to address some changes that the port would like to see made in the tug escort regulations and a requirement for a vessel to report successful tug usage could be added as well.” **A. Storm**, p. 8, the reference to SF being the first HSC in the country to have COE participation should be deleted. The COE has participated in LA/LB for a couple of years. **G. Hallin**, p. 7, date of today’s Tug Escort Work Group meeting should read 1-11-01. MOTION by **M. Brown**, seconded by **J. Lundstrom** “to approve the minutes of the 12-14-00 meeting as corrected.”

COAST GUARD COTP’S REPORT, L. Hereth. (1) **L. Hereth** congratulated and thanked **Capt. Russell Nyborg** for his service while Port Agent for the San Francisco Bar Pilots and for his efforts that resulted in improved safety around the port, particularly his skills in bringing groups together on sometimes contentious issues to arrive at solutions. **D. Kranking** and **S. Schaefer** joined **L. Hereth** in presenting **R. Nyborg** with a Coast Guard citation and public service commendation. **D. Kranking** presented **R. Nyborg** with a second plaque from the USCG VTS in appreciation of his cooperation and support of mutual efforts while serving in the pilots’ leadership position. **R. Nyborg** “humbly accepted” the awards and, in his remarks, thanked a number of pilots who had been instrumental in forwarding projects of cooperation and communication with the USCG and the SF maritime community. (2) **P. Gautier** submitted a written report of port operations statistics for pollution response and investigations and significant port safety events for the period 12-1-00 to 12-31-00,

which is made a part of these minutes. He noted that the 12-1-00 loss of propulsion and subsequent grounding of the KANATA SPIRIT in the Pinole Shoal Channel will be addressed in a report by CG Chief of Investigations **Lt. Cmdr. Kristin Williams** under Old Business. The NEPTUNE DORADO has left the bay. Criminal and civil fines totaling \$2.5 million were levied in the case and thirty-two vessels owned by the same owner are under a three-year probationary period with added inspections and scrutiny. Question: Was there any action taken against the classification society in the NEPTUNE DORADO case? **L. Hereth**: That is being looked at right now. There were problems with non-exclusive surveyors and there is a push to implement exclusive surveys, but there has been no determination yet. (3) **D. Kranking** provided a follow-up on the process of converting VTS radios and equipment from analog to digital, as originally reported in December. The conversion to the new radio control system has been completed and the possibility of problems with the VTS controller not being able to hear calls coming in from other vessels while on a call have not materialized. Other watchstanders are picking up that information. The chair thanked the Coast Guard for their report and noted that the HSC echoes the thoughts of the CG and OSPR regarding **R. Nyborg's** participation and work.

CLEARINGHOUSE REPORT, A. Steinbrugge. A written report with statistics for the month of December, 2000 and a report for all of 2000 are made a part of these minutes, including graphic representations of total escort movements and movements by zone. There were five calls to OSPR in 2000, versus 12 in 1999.

OSPR REPORT. (1) **A. Storm** has, as yet, been unable to meet with and swear in new HSC member **Don Waters**. (2) **S. Schaefer** announced that, on 11-29-00, **Capt. Harlan Henderson**, was appointed by the Governor to serve as Administrator of OSPR, effective May, 2001. **S. Schaefer** will serve as Deputy Administrator and **Bud Leland** will serve as Assistant Deputy Administrator. (3) **S. Schaefer** reported that there have been ten unannounced response drills called since October 1999, to test for containment, recovery and storage during the first six hours. The first drill led to the contention by Clean Pacific that OSPR had no authority to call such drills. Subsequent drills were called based on cost analysis of a fair expense for participants. ACTI lost No. California approval as a result of their response, but was able to regain approval six weeks later, after initiating a thorough training program for their crews. (4) **S. Schaefer** reported that the State Oil Spill Technical Advisory Committee will hold a public meeting on 1-25-01. Topics to be discussed include high-speed ferries and improvements to VTS. The meeting will be held in the Elihu Harris State Building, 1515 Clay Street, Oakland, Conference Room A, at 9:00. The committee is comprised of five gubernatorial appointees, two Senate appointees and two members appointed by the Speaker of the Assembly. (5) OSPR related legislation is aimed at giving OSPR more direct authority over oil spill response

organizations and at funding for OSPR. (6) When Crowley left the Clean Pacific Alliance and Clean Pacific dissolved, OSPR, on December 1st, sent a letter to tanker companies invalidating contingency plans that named Clean Pacific and advising those companies that they had to come up with another plan. That letter revoked approval for National Response Corporation, which has no license to do business in California, and resulted in revoked plans for 1,585 vessels. NRC's requests for a temporary restraining order and then a preliminary injunction were both denied by California courts. Since then, and before the deadline for the tanker companies to provide new contingency plans, NRC signed a temporary agreement with Foss Environmental that was valid through 1-5-01 to cover the 0-24 hour response level. Subsequently, NRC and Foss Environmental entered into a multi-year contract. **S. Schaefer** thanked the USCG for the federal cooperation throughout. Question: What is the status of the NRC/Foss joint venture? **S. Schaefer**: If a company has a contract with NRC, they are covered. Each company has ninety days from 12-1-00 to update their contingency plans to reflect the changes, deleting Clean Pacific Alliance and replacing them with Foss. There is a long way to go before NRC could ever be a stand-alone in California because they have neither sufficient personnel nor enough equipment in the state. (7) **A. Storm** announced that **Marc Bayer** has resigned as SF HSC alternate as a result of his move from Alaska Tanker Company to Ultramar. (8) **A. Storm** introduced **Joy Lavin Jones**, who replaced **Tracy Edwards** as regulations person. **J. Jones** reported that **T. Edwards**, although no longer in OSPR Regulations Department, will finish the process to take SF escort regulations changes to finalization. They should be in place by mid-March. (8) The Tug Escort Work Group will meet directly after this meeting to address the question of tug escort exemption for tugs with total redundancy towing double hull barges. **Michelle Garcia**, LA/LB HSC, will attend and provide language developed there.

NOAA REPORT, M. Gallagher. (1) The new edition of chart 18650 will be out 2-1-01. Any last minute changes should be given to **M. Gallagher** today. (2) The new edition of 18656, Suisun Bay, will be out in April. The new edition of 18651, South San Francisco Bay, will be out in August. Let **M. Gallagher** know anything that should be included.

COE REPORT, A. Rakstins. (1) Seven operational maintenance and dredging projects have been approved and funded for the SF Bay Area for 2001: the main ship channel, March/April; Richmond Outer Harbor and Southampton SF-11, March/April; Richmond Inner Harbor Channel, May/June; Oakland Inner and Outer Harbor Channels, mid-June; Suisun Bay, July; Larkspur Ferry Channel, mid-May; and San Leandro Marine Upland, rescheduled from January to July due to herring and tern environmental windows. (2) 72.5 tons of debris was collected and removed from SF Bay during December. The Corps' South Pacific Division Resource Management Board has approved budgeting, design and procurement of a new, faster debris vessel to replace the WWII era Grizzly at a cost of

approximately \$2 million. Budgeting, funding, design and construction will take five to six years. (3) The 50' Oakland Project continues to move forward. BCDC voted that the project was consistent with the Coastal Zone Management Act on 12-21-00. The COE is moving to sign a construction agreement with the port and construction in the Inner Harbor turning basin is scheduled to begin this summer. (3) The Rock Removal Feasibility Study has been funded and is underway, with completion projected for 9-02. Some surveys have been completed, with some remaining. Risk assessment methodology to support the benefit analysis associated with environmental risk is being developed and will be submitted to COE headquarters for approval. (4) Pinole Shoal Channel maintenance dredging is on a two-year cycle, last dredged in July, 1999. It didn't make the cut for the 2001 dredging budget and has been reprogrammed into the 2002 budget request. (5) Congress added \$250,000 to the 2001 budget to initiate a local cost-shared feasibility study to justify construction of the Avon Turning Basin as part of the J. F. Baldwin Ship Channel Project. A draft 50/50 agreement has been submitted to Contra Costa County for their consideration. (6) The emergency dredging of Suisun Channel (Bull's Head), just east of the Benicia-Martinez Bridge, where a tanker ran aground, has been completed. Some advanced maintenance dredging was done to ensure that shoaling would not create a problem before the channel is dredged again later this year. Post dredge survey shows a controlling depth of -36.5' MLLW, which is 1.5' below the authorized depth of -35' MLLW. **E. Dohm** reported that, on 1-8-01, CG and pilot representatives met with the Commander, COE, to discuss speeding up the notification process after surveys are completed and electronic data formatting. The post-survey notification after completion of the Bull's Head dredging was fast and demonstrates how much things have improved. He noted that oil companies should be aware that, although Bull's Head Channel was dredged to -36.5', there is still a 35' spot above there.

NAVIGATION WORK GROUP, L. Teague deferred to **E. Dohm**. (1) Most has already been reported by others earlier. **Lt. Cmdr. O'Rourke**, COE, has been very cooperative. The electric transmission of data is just a formatting issue and the pilots will invest in software and printing equipment. The main accomplishment has been the immediate notification of any shoaling. (2) Regarding the re-buoys in Southampton Shoal Channel, which is not reflected on the new chart, **M. Gallagher** will include the information in a *Local Notice to Mariners* and anyone with electronic charts will have it automatically added. **L. Teague** noted that **E. Dohm** took the lead on this and did a lot of work.

UNDERWATER ROCKS WORK GROUP, R. Smith. As noted in the COE report, the feasibility study is moving along. The work group will meet on 1-22-01 in COE offices to continue the review and address risk versus economic modeling.

HUMAN FACTORS WORK GROUP, S. Merritt. No report.

PREVENTION THROUGH PEOPLE WORK GROUP, M. Brown. No report.

TUG ESCORT WORK GROUP, G. Hallin. (1) As OSPR reported, there will be a work group meeting directly after this HSC meeting to address whether tugs with totally redundant systems towing double-hulled barges should be exempt from Bay Area escorting requirements. (2) Bollard pull testing is going well. Thanks to **Alan Steinbrugge** for putting it together. (3) **G. Hallin's** term expires in April, 2001. He will be replaced as Port of Oakland representative by **Len Cardoza**, Manager of Dredging, Port of Oakland, and a former COE employee.

S. Merritt announced that the first meeting of the work group established to look at the BCDC Plan is scheduled for Thursday, 2-1-01, hopefully at the Harbor Masters Office, Port of Richmond. Anyone wanting to be on the list for this group should contact **S. Merritt** or **A. Steinbrugge**.

PORTS WORK GROUP. No report. **A. Steinbrugge** reported that the Benicia monitor is being pulled Monday and another unit will be deployed later in the week with new cable. New deployment methods are still in R&D.

OLD BUSINESS. (1) **L. Hereth** introduced USCG Senior Investigating Officer **Kristin Williams**, to present information on the investigation process. *Interrupted until projection screen available.*

NEW BUSINESS. (1) **L. Hereth** addressed the seeming rise in propulsion and steering casualties and introduced **John Caplis**, Project Manager for the USCG's *Proposal for the Vessel "Safe Transit" Program*. **J. Caplis** reviewed a hand-out with a graphic representation of steering and propulsion casualties since 1996, indicating an overall increase. He indicated that most casualties can be attributed to improper maintenance of shipboard systems and that it appears that the required precautionary testing of the propulsion and steering systems prior to entry into port may not always be occurring. The USCG has developed a preliminary proposal for reducing the risk of propulsion and steering casualties. The program would consist of a voluntary standard of care and increased oversight by various agencies. The standard of care draws from existing safety management programs, regulatory requirements and locally generated measures to establish good marine practice for vessels entering SF Bay. Proposed oversight would consist of expanded material inspections and examinations of associated safety management systems during scheduled port state control boardings and post-incident casualty investigations. The USCG requests that the HSC assign a sub-committee to review the proposal and provide comments back to the committee. The intent would be to develop the best set of

expectations for this port in sub-committee, drawing from a broad base of expertise and knowledge.

Question: Is this a local or national proposal? **J. Caplis**: At this point local, but it has the potential for national. **L. Hereth**: There have been various initiatives to address this, coming from ports, commercial interests and oversight agencies. The goal is to develop a collection of the best, by opening up discussion and input to everyone with expertise and get everything on the table to reach a broad consensus on good marine practices and lessons learned. Suggestions for sources for input include the former president of TK Lines and the Western Safety Petroleum Association. The chair suggested that information be gathered and formal assignment to committee will be agendaed for the next HSC meeting. **L. Hereth** indicated that the USCG will commit **J. Calis**' time. The draft *Proposal for the Vessel "Safe Transit" Program* was submitted for inclusion in the minutes.

OLD BUSINESS, cont. (1) **K. Williams** provided a slide presentation of the USCG investigative process, who investigates and how investigations are handled for the three types of investigations: marine casualties, civil penalty proceedings and suspension and revocation of license proceedings. In a casualty the USCG looks for the causes of the casualty, what failed, and then looks to a trend, related casualties such as a certain type of vessel, etc. Human factors are examined to determine if changes should be made in routine practices, such as the scheduling of filter changes, etc. **B. Dorsch**: How are the lessons learned from these investigations publicized? **K. Williams**: There are usually 180 or so active cases at any given time and it would be impossible to distribute information on all of them. Trends are published through safety alerts, on the internet site and in quarterly newsletters. **B. Dorsch**: I was looking for something more proactive. **L. Hereth** responded that, on a national level the CG does not have a good system for wide distribution of information. Locally, the CG is very sensitive to that need and will bring information to the HSC.

(2) The chair introduced **Capt. Wally Slough**, pilot of the KANATA SPIRIT when she lost steering and grounded in Pinole Shoal Channel. **W. Slough** stated that the lesson learned from this incident is that the existing tug escort regulations are inadequate. The vessel grounded in a no escort zone. Had there not been a tug tethered to the vessel when steering was lost, the incident could have been much more serious. He stated that he recommends reducing speed for escorted tankers to 8 kts., tethering tugs and expanding escort areas to include San Pablo Bay. In addition, he stated that the tugs in the SF Bay Area are not adequate to meet the needs. **R. Nyborg** stated that the SFBP Policy Committee met yesterday, discussed the issues and agrees with **W. Slough**. **S. Merritt** noted that, back when the tug escort regulations were first developed, Zone 6 was left out on the belief that the channel is so narrow that there wasn't room/time for recovery anyway and that the bottom is soft. The recent incident may have demonstrated the need to include Zone 6. **J. Lundstrom** stated that she would like reporting tug escort successes to be included in what the Tug Escort Work Group looks at. **M. Beatie** suggested

that perhaps the tethering of escort tugs and adding Zone 6 to escorting regulations should be addressed in emergency regulations. **B. Dorsch** responded that all pilots may not agree that tethering is the best way to maximize maneuverability in every situation. The chair noted that the issues of reporting tug successes and the adequacy of existing regulations will be agendaed. **L. Korwatch** added that the CH looked at reporting policies and there is not mechanism in place to track tug escort successes versus the readiness with which the information on a failure would get out. She reported meeting with representatives of the pilots and they were supportive. The CH believes that the pilots would be the best resource for tracking successes. **B. Dorsch** reported that the oil companies' International Marine Forum is looking at guidelines for assists. The issues are contentious and the document should be out sometime this year.

The next HSC meeting is scheduled for Thursday, 2-8-01 at 10:00 at the Port of San Francisco in the Ferry Building Commissioners Room.

MOTION to adjourn by **J. Lundstrom**, seconded by **B. Dorsch**. Motion passed unanimously. Meeting adjourned at 1130.

Respectfully submitted,

Captain Lynn Korwatch
Executive Secretary