

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

9:30 a.m., Thursday, April 14, 1994

Port of Oakland, 530 Water Street, Oakland, CA

1. The public meeting was called to order by Chair Arthur Thomas, San Francisco Bar Pilots, at 9:45. The following committee members or alternates were in attendance: David Adams, Port of Oakland; James Faber, Port of Richmond; Roger Peters, Port of San Francisco; Margot Brown, National Boating Federation; Morris Croce, Chevron Shipping; Richard Smith (alternate for Dwight Koops), SeaRiver Maritime; Lynn Korwatch (alternate for John Gosling), Matson Navigation Company; James Mes, Transmarine Navigation Corp.; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Tom Crowley, Jr., Crowley Maritime; Gail Skarich (alternate for Mary McMillan), Sanders Towboat Service ; Marci Glazer (alternate for Ann Notthoff), Center for Marine Conservation; and federal government representatives from the U. S. Coast Guard, J. M. MacDonald, Mike Dobravec and Steve Attaway. Also in attendance Bud Leland and Marian Ashe, OSPR.
2. T. Hunter, Marine Exchange, confirmed that a quorum was present.
3. **MINUTES OF PREVIOUS MEETING.** MOTION by J. Lundstrom, seconded by M. Brown to adopt the minutes as written. Motion passed without objection.
4. **COAST GUARD REPORT.** M. Dobravec, Chief of Port Operations, reviewed written reports on "Pollution Statistics" and "Significant Port Safety Events" which are made a part of these minutes. J. MacDonald reported that the substandard vessel identification program is in full swing, targeting any conditions involving safety, health or substandard equipment. A meeting with off-shore waterways operators is scheduled for 4-15-94 to look at Bay Area bridges. Input from the pilots and tug and barge operators is being sought. J. MacDonald reviewed the current Coast Guard system for reporting hazardous conditions and marine casualties. He reported on a 4-7-94 meeting with J. Lundstrom in an on-going effort to update the planned CasRisk survey. The Coast Guard has set up a local database that can sort VTS casualties by location, type of vessel, tonnage. To get more information than is available from this database requires filing a Freedom of Information Act request. A study of bridges is underway, for information or to provide input call Wayne Til at 415-437-3516. The JEREMIAH O'BRIEN will not sail on schedule today due to the need to complete work which will take several days.
5. **CLEARINGHOUSE REPORT,** A. Steinbrugge. Nothing irregular or extraordinary to report for the month of March. The Clearinghouse Report was distributed to committee members. A current list of HSC members was distributed.
6. **OSPR REPORT,** B. Leland. (1) The Administrator hopes to distribute the draft Pilotage Evaluation to members of the HSC and others who have requested a copy by the beginning of next week. OSPR proposes to hold a public workshop on the draft evaluation in conjunction with the next meeting of the HSC, 5-12-94. (2) The issue of liability and entitlement is being looked at by OSPR's legal staff. Liability appears to be minimal in that the harbor safety committees' role is advisory, in the form of recommendations, guidelines and plans, rather than regulations. Even minimal exposure could be eliminated with statutory immunity. Hopefully, there will be a response to the question by next HSC meeting. (3) Amendments to the Brown Act (open meeting regulations) which go into effect on 5-1-94 impose more stringent requirements. OSPR's legal staff is looking at the issue and will work with the Marine Exchange to make sure that the HSC has clear guidance on the open meeting requirements. (4) Richard Smith replaces Mike Goebel as alternate member for tank vessel operators. His application has been received and the oath will be administered. (5) The enforcement unit was unable to send a representative to report today because they are working a spill at Wickland. No tank vessel escort investigations have been opened since last report. (6) OSPR has approached the Governor's office in Washington, D. C. to request support in the effort to establish PORTS in the San Francisco Bar Area. J. Lundstrom asked if OSPR will provide a written response addressing the issue of liability. B. Leland responded that a legal brief will be prepared which may recommend specific immunity legislation in the future.

Harbor Safety Committee of the San Francisco Bay Region
9:30 a.m., Thursday, April 14, 1994

7. **TUG ESCORT SUB-COMMITTEE**, R. Peters. The sub-committee held a public hearing at which TAG reported on the status of the Glostien study and provided considerable visual information. M. Croce's outline sheet is available. The peer reviewer report is also available from the Marine Exchange. M. Croce has promised a lay version. R. Peters stated that his main concern is that policy issues get addressed. The TES is satisfied with the qualifications of the participants in the study but has determined that there is one apparent policy issue to be resolved - designing an acceptable level of design risk safety criteria. In technical terms the question involves reach/transfer versus transfer only. The next meeting of the TES is 4-26-94 at 0930 for the second public briefing by the TAG. The TES will release an interim document outlining the status of the study, the issues of concern, including public comment and background documents with comments in response to the Administrator's letter. The Nautical Institute is sponsoring a panel discussion at the Fort Mason Officer's Club at 6:00 p.m. on 5-3-94 to address tug escort issues.

8. **PLAN SUB-COMMITTEE**, J. Lundstrom. A memo has been sent to the chairs of all HSC sub-committees asking them to look at sections of the plan for which they are responsible and submit to the Plan Sub-Committee written comments, particularly recommendations. They are also asked to follow-up on recommendations which have been in the plan and comment on the status of implementation. Any feedback from any member is welcome concerning any section. The question has come up - should the HSC make recommendations on substandard vessel inspections? J. Lundstrom noted that the CasRisk data is a direct follow-up of a recommendation in the plan, to be used as indicators of where there are/are not problems. This information will serve to educate the public and industry as well. It is also possible to transfer data from CasRisk to a map from any of three fields: collisions, allisions or loss of control of a vessel. J. Lundstrom noted a problem in that the annual review was submitted 9-93. The Plan Sub-Committee wants to respond to comments from OSPR on last year's review as part of the 1994 review, but has not received anything from OSPR to date. The Chair asked B. Leland if a verbal request from the HSC to OSPR through its representatives at today's meeting in adequate to convey this request. B. Leland responded yes and added that a response should be expected in the next couple of weeks. J. Lundstrom stated that there may be a delay in the 1994 submission in order to respond to OSPR's response to the 1993 review. M. Croce suggested that HSC members submit comments/recommendations through the chair of the responsible sub-committee.

9. **UNFINISHED BUSINESS:** (A) J. Lundstrom reported that she has contacted the Chief Engineer for the Golden Gate Bridge District regarding racons. She was advised that the 1993-1994 budget includes racons. It now goes to a sub-committee of the bridge board in May or June, then to the full board for action. The Chief anticipates no problems and hopes for installation this fall. Carl Bowler, San Francisco Bar Pilots, asked if that timetable could be speeded up since the foggy season is here. (B) Patrick Moloney, State Pilot Commission, reported that he has talked to the Port Captain, MSC, regarding voluntary tug escort guidelines compliance by Sealift Command. Official policy is that public vessels don't have to comply. Patrick Buttner, San Francisco Bar Pilots, reported that he has talked to the Admiral's Chief of Staff who advises that the Navy is studying this. While they stress the redundancy of equipment and personnel on Navy vessels, they are sensitive to environmental concerns. B. Clinton noted that Crowley has rescued more Navy than private tankers. J. MacDonald stated that there has been a change in the determination of public vessel status since the Yost memo. The Navy and MARAD went to the Secretary of Transportation for the current policy. J. Mes stated that he has seen documents and the vessels are not owned by the U. S. government. J. MacDonald responded that, for all intents and purposes, the vessels in question are public vessels used in the commerce of government transport. The Chair added that this is unfortunate given the record of the ships. J. MacDonald stated that these vessels are not exempt from sub-

Harbor Safety Committee of the San Francisco Bay Region
9:30 a.m., Thursday, April 14, 1994

standard vessel inspections. (C) A. Thomas reported on a pilot survey to be conducted July 6 - 10, looking at the safety of embarking and disembarking conditions, as well as any other conditions on the vessel which may seriously compromise the safety of the navigation of the vessel. He suggested that this could be combined with the Coast Guard program. J. MacDonald stated that he could assist in defining where the responsibility for reporting unsafe conditions belongs - with the master.

10. (D) C. Bowler reported that, in the last month, the San Francisco Bar Pilots sent a letter to the Army Corps of Engineers regarding areas of shoaling in two upriver channels, recommending that the transit draft of vessels be reduced. The COE will attempt to get the channels dredged. This dredging project involves a small amount of material, but it is critical. Col. Cordoza of the COE has requested help in retaining two COE dredges being deactivated or limited in their availability for work. A. Krygsman is in Washington, D. C. now, getting information on where the direction to eliminate or reduce the COE dredge activity is coming from and what the HSC can do. J. Lundstrom stated that BCDC Long Term Management Study indicates that the projects may be turned over to public contract rather than the COE. C. Bowler stated that Col. Cordoza believes that it will be impossible to respond to emergency requests for dredging using a cumbersome public bid system. He stresses that having equipment available and ready for assignment is the best option. A. Thomas concurred, stating that routing maintenance dredging is not the question, but rather removing shoaling in vital channels on an emergency basis. C. Bowler added that the public contracting process is time consuming and increases expenses because of start-up and shut-down costs. M. Brown advised that a meeting to address the Long Term Management Study is scheduled for 4-28-94 in the Nimitz Building from 1:30 to 3:30 and suggested that a presence and well placed questions might go a long way at that time. Bill Capasso, Westar Marine, stated that a bid process for private contracting of emergency dredging could be conducted such that a contract for emergency dredging is established for a period of time rather than on an incident-by-incident basis. The Chair referred the matter to J. Mes, Dredging Sub-Committee, and asked for a report at the next HSC meeting.

11. **NEW BUSINESS:** The Chair asked Marci Glazer for a report on the proposal from her organization as included in "Safe Passage - Preventing Oil Spills in Our Marine Sanctuaries". She responded that the study was sent to all HSC members and additional copies are available on request from her. She stated that the intent is to keep tanker traffic off-shore and not in the bay. A meeting was held with pilot representatives last week regarding the proposal to change the traffic lane approaches which is included in the study and has been put out to the public. The authors of the study are looking for input. They are responding to the Coast Guard study of Monterey Bay, addressing port access routes and tanker free areas. She noted that the Coast Guard is still accepting input although the comment period is closed. J. MacDonald stated that the Coast Guard is not making recommendations for this area until the end of 1994 when they will be submitted to Congress. MSC wants to report to the public on the information available to date. J. Mes asked where the off-shore tug recommended in the Safe Passage study would be located. M. Glazer responded that they are looking at the capability of tugs to respond at sea and have no particular recommendations on that yet. There are performance standards available for vessels in the bay. J. MacDonald stated that MSC proposes to widen the band and balance the distance tankers transit off-shore and boundaries of the tanker free zone. Washington has set up a task force of representatives of industry and environmental groups to look at specifics. J. MacDonald added that studies of tanker free zones and port access routes are taking place nationwide. California is moving faster and is far ahead of other areas in this regard, giving California the opportunity to feed information to Washington.

Harbor Safety Committee of the San Francisco Bay Region
9:30 a.m., Thursday, April 14, 1994

12. J. Mes asked if the Coast Guard takes issues to IMO for attention, noting that stringent requirements in California alone will cause California to lose business. J. MacDonald responded yes. Anything affecting areas outside our navigational waters can only be voluntary until it reaches the IMO venue - there can be no enforcement until then. M. Croce asked if it was appropriate for the HSC to have a coordinated response to the "Safe Passages" report. The Chair responded that, if the HSC has concerns with safety in the bay and approaches, he recommends members work with M. Glazer. M. Croce stated he is looking for how to input, as an individual, as a sub-committee or as the full HSC. M. Glazer repeated her concern that recommendations come out of Washington without input to the process. The Chair asked members to come to the next meeting with an indication of their interest and recommendations. M. Glazer stated her willingness to entertain questions from anyone.

13. M. Brown stated that she felt it is an excellent time to express confidence in the past, present and future leadership of the Chair, Captain Arthur Thomas. She put this in the form of a motion "that the full membership of the Harbor Safety Committee expresses confidence in the past, present and future leadership of the Chair." The motion was seconded by R. Peters. Motion passed unanimously. J. Faber stated that it would be appropriate, for the record, to register this vote by a show of hands to demonstrate the unanimous support. A unanimous show of hands was followed by applause from the public in attendance. The Chair expressed his appreciation for the support of the membership and for their continued hard work.

14. M. Brown announced that Opening Day on San Francisco Bay, 4-25-94, will be a major event with a parade of recreational and commercial vessels. She asked to meet with those participating after adjournment of the HSC meeting. J. Lundstrom expressed concern about a new jet ski rental operation opening in Sausalito. After a short video on how the jet ski works, the renters are taken out into deep water and left, so that the noise from the jet skis won't bother nearby residents. In response to a question as to whether the small boat organizations could send the business owners some information on safety, M. Brown responded that the State of California has more opportunities for free education available than any other state. California has 823,000 registered boats and 285,000 people attending classes. She suggested school boards be contacted to provide instruction on boating safety and the rules of the road. J. Lundstrom stated that she is concerned with this particular local business and access to traffic lanes, noting that renters can be from anywhere, having no knowledge of traffic patterns on the bay. She suggests the owner be approached. M. Brown responded that the Pacific Inter-Club Yacht Association meets next week. The Safety Chair will be there and she will pass the responsibility to him. T. Hunter announced that the annual Marine Exchange open house will be held 5-5-94 beginning at 4:00.

15. The next meeting will be held 5-12-94 at 10:00 at the Port of San Francisco.

16. MOTION by M. Croce, seconded by J. Faber to adjourn. Meeting adjourned at 11:30.

Respectfully submitted,

Terry Hunter