MINUTES
ARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION
:30 a.m., Thursday, May 12,1993
Port of San Francisco, Ferry Building, Room 3100, San Francisco

1. The meeting was called to order by Vice-Chair A. Notthoff at 9:40. The following committee members or alternates were in attendance: David Adams, Port of Oakland; James Faber, Port of Richmond; Alexander Krygsman, Port of Stockton; Roger Peters, Port of San Francisco; Margot Brown, National Boating Federation; Morris Croce, Chevron Shipping; Bob Clinton, Harbor Tug and Barge Company; Mary McMillan, Westar Marine Services; Ann Notthoff, Natural Resources Defense Council; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Carl Bowler (alternate for A. Thomas), San Francisco Bar Pilots; and federal government representatives, Captain J. M. MacDonald, CMDR. Thomas Dolan, and Chief Attaway, U. S. Coast Guard. Also in attendance from OSPR, Bud Leland and M. Ashe and from State Lands, Scott Shaeffer; and a number of attendees from the general public.

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

3. MINUTES OF PREVIOUS MEETING. J. MacDonald noted that the vessel referred to in #11 was the PRESIDENT JACKSON and that the appropriate spelling of other entries are "JEB STUART" and "POMPANITO". M. Croce added that the new VTS protocol document was distributed to the committee for review at the last meeting, but no discussion was scheduled for this meeting. MOTION by M. Brown, seconded by J. Lundstrom to adopt the minutes as corrected.

4. OSPR REPORT. B. Leland reported that OSPR is still working on the list of regulated cargoes and a procedure whereby the Clearing House can call OSPR Operations for information. Regarding MTBE, a one time exemption is being allowed for vessels without a certificate of financial responsibility or interim contingency plan. The Coast Guard has pened the comment period in connection with proposed rule making for escort requirements for vessels in the navigable ers of the U. S. The comment period close 6-24-93. Questions being addressed include (1) Should "escorts" include assists as well? (2) How do assists relate to the escort mission? Also under consideration are escort design and performance criteria. The draft of the administrator's pilotage evaluation report looking at pilotage as it exists in California today is ready for distribution. OSPR would like to schedule a date in June or into mid-July for a workshop on the report so that date can be included in the material distributed with the draft report. M. Croce suggested that the draft be distributed to committee members now, with a workshop scheduled to coincide with the full Harbor Safety Committee meeting scheduled for June 10, 1993. A. Krygsman agreed, noting that the report does not make any recommendations. T. Hunter pointed out that the OSPR letter that was distributed announcing the implementation of interim tug escort guidelines stated an effective date of May 6, 1992, and should be corrected to reflect an effective date of May 6, 1993.

5. CLEARINGHOUSE REPORT. J. McCarthy of the Marine Exchange reported 329 total tanker transits, with an estimated 106 vessels in ballast, resulting in 223 regulated transits for April, 1993. Of these, 50.2% were in compliance with voluntary escort requirements and 49.8% were not.

6. CAPTAIN OF THE PORT'S REPORT. J. MacDonald reported that, on the federal side, the tug escort rules comment period has been re-opened and the document is being distributed at this meeting. This group would be a good one to answer some of the questions raised. He discussed the need for tailored regulations, with different requirements for different ports; regulations shouldn't be nationwide without flexibility. There is some test data available, but more is needed. The current federal budget is $7 billion over the ceiling Congress set in 1990. $3.6 billion of that is in DOT for Bridge repairs, etc. The Coast Guard is $35 million over in VTS and two buoy tenders, but J. MacDonald understands that the VTS expansion for San Francisco won't be effected, however the new system for Long Beach may be.

7. There were 49 cases of reported spills since the last meeting. Ten were not oil; one involved a deep draft vessel with a spill of 10 - 15 gallons; one a transfer operation where rain water caused overflow; two involved Navy vessels; and two involved Coast Guard operations, both of approximately 30 gallons resulting from overfills. A. Notthoff asked if there has n an increase in reports. J. MacDonald responded that interest on the bay is high. He added that APL's PCB case has lly been finished up with $1 million being spent on clean-up efforts.

8. The Coast Guard is in the final stages of negotiating a comprehensive oil pollution prevention and response memorandum of agreement with the State of California which is scheduled to be signed in Sacramento on 6-2-93. The MOA

is intended to document the cooperation that is evolving between the Coast Guard and the state and to ensure that the two ·tities work together to maintain the best achievable protection from pollution incidents and to make the best use of limited ɔources. The aim is to avoid unnecessary duplication and conflict. J. Lundstrom asked if this MOA addressed the earlier concerns of tanker operators regarding the number of inspectors boarding vessels. J. MacDonald responded yes, adding that the MOA is generic and does not detail how this duplication of effort will be avoided. A. Notthoff asked if this MOA would apply to all state agencies. J. MacDonald responded that it was primarily with OSPR and State Lands.

9. PLAN SUB-COMMITTEE. J. Lundstrom noted that the statutory date for review of the plan falls on July 1, 1993 but the committee may need extra time since the response from OSPR is not available and law requires section by section review. She asked B. Leland if a ninety day extension would be in order. He responded yes. MOTION by J. Lundstrom, seconded by J. Faber that the Harbor Safety Committee request a ninety day extension for the first annual review of the plan, putting the date back to October 1, 1993. There was no discussion and no comments and the motion passed unanimously.

10. TUG ESCORT SUB-COMMITTEE. R. Peters, Sub-Committee Chair, yielded to J. Lundstrom who attended the public hearing on Tuesday of this week, chaired by OSPR to address interim tug escort guidelines. She reported that a number of substantive issues were discussed. (1) Should there be performance standards? (2) A clearer definition of enforcement is needed. (3) The question was raised by shipping companies as to whether there should be redlining, i.e., traffic lanes in the bay for escorted vessels. J. Lundstrom stated that she would like the committee to ask OSPR to respond in writing as to how these issues will be addressed, with public hearing testimony provided. She also suggested the committee ask OSPR where we are in the process of permanent tug escort guidelines; they have not yet been accepted by OSPR in writing. When will a workshop be scheduled and when is the committee expected to meet. She recommended the committee ask OSPR for a written timetable and a definition of the role the committee is to plan in the process. M. Ashe responded that OSPR will complete comment on the interim guidelines shortly. It will take two weeks to get a transcript of last Tuesday's hearing and then it will be distributed. OSPR will need to respond in writing to each comment raised in the hearing. She added that the process will move forward more easily if the permanent guidelines are treated as a separate package. The interim guidelines can be formalized in a couple of months. R. Peters asked for a clarification of time frames, stating that it ɔeared that interim guidelines would be in effect for 120 days and it will take approximately one and a half years for nanent guidelines to be in place. What happens during the gap? M. Ashe responded that the interim regulations don't ..op at the end of 120 days; they will/can continue for a full two years. J. Lundstrom asked if there is any way to shorten the one and a half year process for implementation of permanent tug escort regulations. M. Ashe responded that it is impossible because of requirements for public comment, review and the incorporation of public comment. M. Croce asked if it is possible that national guidelines will come ahead of state ones. J. MacDonald responded perhaps, adding that national regulations are coming in two stages. B. Leland noted that the Coast Guard has reacted to comments from the state and the Harbor Safety Committee. He feels that the state may be ahead. J. MacDonald added that he doesn't want to see the state process lose momentum because these regulations are tailored to this port.

11. J. Lundstrom addressed an earlier suggestion that the committee meet every two months rather that every month, noting that the committee needs to know what it is expected to do. B. Leland responded that OSPR is bound to follow the committee. OSPR's response to the plan will invite input from the committee. M. Croce asked B. Leland if OSPR endorsement of the plan will include the interim tug escort guidelines or the latest version. B. Leland responded, interim. MOTION by R. Peters that a sub-committee chaired by J. Lundstrom, prepare a letter clarifying the concerns of this committee and submit it to the chair to send to OSPR requesting a timely response. W. Capasso stated that language is important. The escorting of tankers has come a long way. Capital investment decisions will be addressed as timelines become clear, including whether tractor tugs are identified as "best achievable." M. Croce asked for a clarification of R. Peters' motion, i.e., will this committee see a draft of the subject letter before it is sent? R. Peters responded that this is not what he proposed but he could amend his motion if that is the will of the committee, adding that it is necessary to keep action timely. M. Brown suggested the draft letter be faxed to committee members for timely comment. R. Peters so amended his motion such that a draft of the subject letter be faxed by the Marine Exchange to all committee members for prompt comment. M. Croce seconded the motion as amended. There was no additional comment and no objections; the motion passed unanimously.

12. A. Notthoff stated that the Plan Sub-Committee would look at current sub-committee structure with an eye to ·hether it is sufficient to do plan review.

ɔ. UNFINISHED BUSINESS. M. Croce asked if this committee has comment on the Coast Guard proposal which was distributed at the last meeting. He added that the VTS Sub-Committee, or at least he personally, believes that the document is

good. A. Notthoff asked how the document in question diverges from the Harbor Safety Plan. M. Croce responded, very little, adding that it was an attempt to codify what exists practically today. It will give VTS a better tool to counsel vessels moving in the bay. A. Notthoff asked if action by this committee is needed now. P. Dolan responded that he Coast Guard is anxious to put the document out and wants input before it is distributed widely. Federal VTS rules will be generic operating rules. As regards local rules, the main change is in the traffic routing scheme. M. Croce stated that, from a user standpoint, he endorses the document. J. Lundstrom asked if this document would be incorporated into the Harbor Safety Plan and M. Croce responded yes. MOTION by M. Croce that the Harbor Safety Committee endorse the San Francisco Bay Region Regulated Navigation Area 3-15-93 draft as proposed by the U. S. Coast Guard, VTS, the San Francisco Bar Pilots and the Harbor Safety Committee VTS Sub-Committee. J. Lundstrom seconded the motion and it passed unanimously.

14. D. Adams asked about the status of the lowering of Harding, Shag, Arch and Blossom Rocks. J. Lundstrom responded that the Chief of Construction for the Army Corps of Engineers has the money for a feasibility study which will look at different methods and cost alternatives and outline the various issues.

15. NEW BUSINESS. None.

16. The next full committee meeting will be held at the Port of Richmond Marina Bay Boathouse on 6-10-93, at 9:30, with A. Thomas, chair.

17. A. Notthoff suggested that the possibility of meetings being held in alternate months be considered on a month-to-month basis. M. Croce concurred that it be entertained as an agenda item for the next meeting.

18. Meeting adjourned at 10:50.

Respectfully submitted,

Terry Hunter
Executive Secretary