

**Minutes  
HARBOR SAFETY COMMITTEE  
of the San Francisco Bay Region**

*June*  
9:30 a.m., Thursday 18, 1992

Marina Bay Boathouse, 2580 Spinnaker Way, CA

1. The meeting was called to order by Chairman, A. Thomas, at 0940. The following committee members or their alternates were in attendance: Dave Adams, Port of Oakland; Eugene Serex (alternate for James Faber), Port of Richmond; Roger Peters, Port of San Francisco; Joseph Gadsick, Port of Benicia; Margo Brown, National Boating Federation; Morris Croce, Chevron Shipping Company; Dwight Kooops, Exxon Shipping; John Gosling, Matson Navigation Company; Gunnar Lundeberg, Sailors Union of the Pacific; James Macaulay, Harbor Tug and Barge Company; Mary McMillan, Westar; Ann Nothoff, Natural Resources Defense Council; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Captain Thomas Rose, U. S. Navy Pilots; Max Blodgett, U. S. Army Corps of Engineers and federal government members Captain J. M. Macdonald and CMDR Thomas P. Dolan, U. S. Coast Guard. Also in attendance, Bud Leland, OSPR. There were also many attendees from the general public.
2. The Chair welcomed committee members and those attending from the interested public. A. Steinbrugge noted that a quorum was present.
3. The minutes of the previous meeting were corrected as follows: Para. 40, pg. 6, l. 4, adding "Fish and Game and State Lands personnel" to the list of agencies sending inspectors aboard vessels; Para. 27, pg. 4, should read "J. Lundstrom". It was moved by R. Peters, seconded by J. Lundstrom, and passed unanimously to approve the minutes as corrected.
4. The Chair stated that he would like the record to reflect the philosophy by which the meetings of this committee have been run. There has been an open forum where interested members of the community have been allowed to speak during committee discussion. In meetings held by the Los Angeles/Long Beach Harbor Safety Committee, comments from the floor are reserved until the committee has covered its agenda. It has been felt by this committee that the feedback is of greater quality when it is received while the topic is at hand. This committee can truthfully say it has considered the comments of any and all who have been in attendance or who have written.
5. The Chair thanked the Port of Richmond for the use of the facility and noted that it is important to recognize that the Ports of Oakland, Richmond and San Francisco offer their facilities for the use of the committee at no cost to the tax payers. It is because of the degree of interest shown by the public and the work done by the committee members that so much has been accomplished.
6. PLAN SUB-COMMITTEE. A. Nothoff distributed the second working draft of the plan to each committee member and made available to the public copies of the draft. The sub-committee held a public meeting after the first draft was distributed and the comments and suggestions from that meeting have been incorporated in this second draft. The Coastal Commission cartographer has made some changes in the three maps of geographical limits, terminals and escort zones. The section on VTS coverage is not finished yet; it will be included with the mailing of the next set of minutes. The first draft of the enforcement section is being developed.
7. A. Nothoff stated that she would like to review the schedule and procedure for review and adoption of the plan. The plan will be under review until the next full committee meeting, giving better than three weeks for the receipt of input. The Plan Sub-Committee will meet prior to the next full committee meeting to finalize the plan for submission to the committee for approval, with the intent to submit the plan to OSPR in August. She noted that

**Harbor Safety Committee of the San Francisco Bay Region**  
**June 18, 1992**

she would like to submit the current working draft to OSPR now for pre-submittal feedback. The sub-committee has enforcement language, which is made a part of these minutes. Still needed is language for the competitive and funding sections. Language from the state in connection with the Administrator's pilotage study is expected.

8.The Plan Sub-Committee will meet in the Port of Oakland Board Room on Wednesday, July 8, 1992, at 10:00. The next full committee is tentatively scheduled for Wednesday, July 16, 1992, at 9:30, also in the Board Room of the Port of Oakland. The Marine Exchange will send out a review schedule and a confirmation of the date for the full committee meeting when it is cleared with the port. If you need a copy of the draft plan call the Marine Exchange.

9.J. Dubar, ARCO, commented that ARCO does not want its ship, ARCO JUNEAU named in the plan and suggests that the ship would be better identified by size. A. Nothoff stated that the plan needs background, so perhaps more names should be added rather than deleting any. J. Lundstrom noted that she has already revised the draft plan, pg. 30, deleting names and replacing them with descriptions of the vessels. J. Mes noted that the tanker in question is a 120,000 ton vessel (deadweight), not 57,000 tons. J. Lundstrom replied that the information was supplied by CalTrans. The Chair expressed the opinion that it is appropriate not to specify names in the body of the text, but rather cite specifics in an addendum. M. Goebel asked the purpose of naming vessels and companies. A. Nothoff responded that the public recognizes names, not sizes. R. Peters stated that the numbers better convey size. J. Mes suggested saying "big".

10.J. Dubar asked how the committee will address regulation and interpretation of the plan, since no plan can cover everything that may come up or every possible question or interpretation. B. Leland, OSPR, responded that the state regulatory review process will begin and part of that procedure will include drafting a guidance document at OSPR.

11.J. Lundstrom stated that the draft included recommendations without substantive discussion. The committee should look at each recommendation in the plan, reviewing each for clarity in an effort to eliminate any ambiguities. To have a stronger plan there needs to be detailed review before the recommendations are translated into regulations. She asked if there will be time at the next committee meeting to fully review all 22 recommendations. A. Nothoff noted that the committee has received the sub-committee reports but not voted on each recommendation. The Chair responded that the committee would review the plan chapter by chapter at the July meeting. A. Nothoff thanked all sub-committee members for their hard work and the meeting of deadlines.

12.The Chair remarked that there appear to be no issues of contention concerning the draft plan and asked that should there be any they should be raised now.

13.ENFORCEMENT SUB-COMMITTEE, J. Mes. There is a question as to "enforcement of what?" It is difficult to write an article on enforcement when the plan contains recommendations rather than regulations. The issue of tug escorts is the single biggest item and it includes few parties (pilot, captain, tug, and shipping company/agent). There is as yet no defined penalty for not having a tug, but with so few people involved it is envisioned that a ship would simply not move without the required escort. He sees the state enforcing the eventual regulations, not the Coast Guard, since state law will be the governing vehicle.

14.A second issue involves the fact that there are already too many people boarding vessels for a variety of inspections. This creates a safety problem with several different inspectors roaming about and distracting vessel personnel. It would be prudent for Fish and Game, State Lands, Air Quality Control and the Coast Guard to get together and consolidate and coordinate these various inspection procedures.

**Harbor Safety Committee of the San Francisco Bay Region**  
**June 18, 1992**

15.A. Nothoff stated the opinion that the committee can move ahead with the issue of enforcement on the assumption that the recommendations will be adopted. J. Mes responded that most of the plan elements are things that will simply be done, not enforced. A. Nothoff asked about things like vehicle management, the installation of lights, etc., which won't just happen. J. Mes answered that each of those types of things takes too long to come about and cannot be handled as a day-to-day operation. D. Koops added that enforcement should be a checking on the progress of these projects, which is a subtle form of enforcement.

16.J. Mes addressed the issue of small boat operations. The state could decide to license all small boat operators. D. Koops responded that this seems extreme; enforcement can include an umbrella of subtle enforcement with pro-active education. J. Lundstrom noted that the issue of small vessels has been addressed at previous meetings. She asked if herring fisherman actually jeopardize safety. The response was that in studies of near misses they are certainly a factor.

17.J. Mes again asked, "What are we enforcing?" D. Arnett, Chevron, stated that there are two different elements, day-to-day enforcement operations and tracking of implementation. There doesn't seem to be a mechanism for tracking. A. Nothoff expressed the opinion that it is the responsibility of this committee to deal with the implementation of the plan. J. Mes responded that by July 1 of each year the plan must be reviewed. That is the time to deal with these issues. As each is dealt with, others will come up. Plan review is the mechanism for tracking. The Chair stated that when the plan is adopted SB 2040 provides for state enforcement. For example, if a foreign agent were to encourage the movement of a ship without a tug escort, the Clearing House would notify OSPR. That sort of enforcement is not the duty of this committee.

18.Regarding the issue of education, J. Mes asked how you can enforce more education. A. Nothoff suggested that the issue might be "implementation" not "enforcement" of the plan. The committee can use the plan as a road map and gather information on how to implement each recommendation. As noted on pg. 68 of the draft plan, SB 2040 mandates that "Each plan shall include suggested mechanisms that will ensure that the provisions of the plan are fully, uniformly and regularly enforced." D. Adams stated that there must be documentation to fulfill the requirement for reports to be included in future updates of the plan. J. Mes stated that plan review is the mechanism for generating the documentation. D. Koops added that someone needs to coordinate with the Coast Guard; somebody must dog each issue.

19.The Chair stated the belief that the intention of SB 2040 was not to just have an annual meeting, but for the committee and its various sub-committees to continue to meet and address the issues they were tasked with, i.e., whoever put the "Rules of the Road" into plan is responsible for tracking the implementation of same. The full committee will need to continue to meet monthly so that the plan doesn't sit. D. Koops stated that the burden of tracking implementation of each recommendation should not be on J. Mes' sub-committee.

20.Cmdr. Gilmour, U. S. Coast Guard, noted that previous minutes show that P. Bontadelli, OSPR, indicated that Fish and Game will work with the Coast Guard regarding the issue of tug escorts. There are likely to be federal regulations as well as state regulations governing this issue. He envisions a coordinated effort. Rule 9 has already gone out to the public.

21.D. Adams again addressed the issue of documentation. What will be the specific mechanisms? J. Mes responded that that is what we have to develop now. It is stated in the plan that the review process will track implementation/enforcement. D. Adams asked upon whom falls the burden of documentation, this committee or the clearing house. For instance, if someone gets away without an escort, who records/documents that? J. Mes responded that the clearing house would. The Chair added that tug escorts involves a vital issue of safety. He would assume that both the pilot and the clearing house would notify OSPR. J. Mes added that if a pilot refuses to sail, the ship will not move. J. Lundstrom stated that the problems are semantic, not all facets of the issue involve police type enforcement. There is also education, tracking progress and analyzing the big picture. Our charge is

## Harbor Safety Committee of the San Francisco Bay Region

June 18, 1992

to analyze the situation and say if the plan is working or not, and if it isn't, to make recommendations so that it will work. It is not this committee's duty to perform day-to-day tracking. Maybe the Enforcement Sub-Committee should be renamed Enforcement/Implementation; the purpose of the sub-committee is not to give tickets. J. Mes discussed the problem with herring fishermen. Their boats block the channel and their nets get hung up on other vessels. There are two issues; first to get an immediate reaction and solve the problem and second to somehow penalize the offender. To take licenses away is not the solution. That would only result in a new entity being formed to get a new license. The Chair responded that the function of penalties is the purview of the Coast Guard and OSPR. A. Nothoff referred to pg. 39 of the draft plan, the section on Public Education and Outreach. The Plan Sub-Committee feels this needs more work. It is another area where there is not, as yet, adequate language.

22.J. Mes asked for the Coast Guard's position on the licensing of small boats - there will be political controversy. M. Brown addressed the issue of mandatory education vs. voluntary education. Maryland has had a mandatory education program longer than any other state. Presently they don't have the money to continue the program, nor does the state of Connecticut. The program has involved 6,400 participants however, there has been not noticeable decrease in accidents. On the other hand, California, with voluntary educational programs has reached 300,000 persons. Licensing drivers doesn't decrease the number of accidents. You can't cure stupidity, carelessness or a lack of attention with licensing.

23.B. Beherensen, Marin Tug and Barge, stated the opinion that there is too much traffic on the bay to put the issue aside. You see sail boats going between ships and docks. M. Brown responded that you need money for the Coast Guard so they can conduct inspections and enforce existing regulations. The rules are already there and the Coast Guard is empowered to fine violators and revoke vessel registration. M. Goebel asked if it sounds like the Harbor Safety Committee is going to get into the enforcement business. The Chair responded "No". J. Mes added that he doesn't see the sub-committee's job as day-to-day enforcement but, rather envisions addressing implementation of the plan. D. Koops stated that by not stating a strong point of view on a perceived problem, we say by silence that it is not a problem.

24.A. Nothoff referred to pgs. 32-35 of the draft plan where traffic patterns are discussed. D. Koops noted that the sub-committee wrestled with the issue of small boat traffic and the plan deals with regattas and the development of schedules, etc. The Chair would not like to see a single issue like small boat traffic impede the progress of the plan going to OSPR. There is already good language on the issue in the plan and it can be expanded upon with the input of D. Koops and M. Brown. M. Glazer, Center for Marine Conservation, suggested that the plan might include background information on what currently exists in educational resources in the area. It was suggested from the floor that an active way to solve the problem may be to have fireboats preceding a ship and spraying water or a tug escort clearing the way. M. McMillan said you can overhear pilots using radio communication in the Carquinez Straits to ask tugs to help clear the way. The Chair recommends not putting these suggestions in the plan as recommendations but rather leaving it to the pilot and master to determine the best way to handle each situation.

23.TUG ESCORT SUB-COMMITTEE, R. Peters. The sub-committee met on May 29, 1992, and responded to a letter concerning better regulations for zone 1; reviewed a specific response to P. Bontadelli's letter to A. Thomas and reviewed the maps regarding zones. The major task of the sub-committee was to recommend a naval architect to be charged with establishing a formula relating bollard pull to types of equipment on tugs. The sub-committee members talked to the two companies most suited to the task and unanimously decided to choose Robert Allen, Ltd. R. Allen is in attendance at this meeting. He is in the area on field studies and it is expected he will produce a report by the end of June. The sub-committee will meet in early July to review the report and consider how to use the data.

24.A. Nothoff referred to pgs. 13 and 63 of the draft plan where there are references to a naval architect having been retained. The Plan Sub-Committee would like the language in the plan to be current as of August when the final draft is prepared. R. Peters responded that we will have a formula by then. The Tug Escort Sub-Committee

**Harbor Safety Committee of the San Francisco Bay Region**  
**June 18, 1992**

will review the results and formula and entertain public comment. They will then bring the results to the full committee in July. It is possible that the full committee will be ready to adopt the formula at the July meeting. The Chair asked the Tug Escort Sub-Committee to submit proposed language changes with any additional public comment at the July 16, 1992, full committee meeting. This would allow time to address the issue and not let this element hold up the plan. R. Peters agrees to the time frame, with a product to be ready by the end of June. The sub-committee expects considerable public attendance at its meeting in early July and will address the issue of recommendations with the full committee.

25.M. Goebel asked what action had been taken in response to the letter from OSPR which raised four or five questions concerning the recently submitted Tug Escort Guidelines. R. Peters has completed a response and it was signed by A. Thomas today. A. Nothoff asked if the two pages of language in the plan regarding rationale should be sent with the letter to get feedback on whether this is adequate.

26.B. Leland, OSPR, reported that the state has been divided into areas. He is working with the Coast Guard to coordinate with the area plan as mandated by OP 90. He has been designated the liaison between OSPR and this committee and will now be attending in place of R. Dunstan. A timeline needs to be developed for progress of the plan in connection with certain due dates. Tug escort recommendations can be run separately because SB 2040 spells out that option. He will meet with R. Peters today and has already with representatives of the Coast Guard. The Chair noted that the committee may be able to include the bollard study in the plan or if it will expedite the process, interim tug escort guidelines can be submitted separately. B. Leland has prior Coast Guard experience. It is the Chair's intention that requirements on a state and multi-state level be routed to the Coast Guard so they can use the same language; he is looking to B. Leland to facilitate this.

27.A. Nothoff asked B. Leland about the progress of OSPR's pilotage study. He responded that the first draft will go to the Administrator for review at the end of September. It will be an evaluation (snapshot) of what exists now and will not include any recommendations. A. Nothoff noted that, in the absence of a sub-committee report on pilotage, the draft plan refers to the state process and she would appreciate some language input for the plan.

28.J. Dubar, ARCO, asked if there is a target date for implementation of the interim tug escort guidelines. The Chair responded that the committee has passed them on to OSPR. B. Leland doesn't foresee them having a status other than guidelines until state regulations are in place. OSPR has 45 days from receipt to review the guidelines, then there will be 45 days for response and public hearings. When that 45 day period will actually begin will be discussed by R. Peters and B. Leland at their meeting today so that it coincides with the plan submission and review. Since the final recommendations may be included in the plan, interim guidelines may not be necessary. The regulations will be packaged and will then go to the Department of Administrative Law; the guidelines are not being treated as an emergency. The Chair noted that the interim guidelines could go to P. Bontadelli as recommended guidelines and Bontadelli could skip review process and draft regulations as exempt from the process to go out in September as urgency regulations.

29.M. Sechitanno, Inland Boatmen's Union, recalls a specific urgency in SB 2040 concerning tug escorts. The Chair read from the legislation that the Harbor Safety Committee's highest priority is the immediate adoption of tug escort guidelines and that they would be fast tracked through the regulatory process. M. Sechitanno asked if public review is required. The Chair responded that public review of interim guidelines is mandated only if the Administrator disagrees with them. J. Lundstrom noted that the committee had read into the record that any regulations should come back to the full committee for full public hearing.

30.Cmdr. Tom Gilmour, U. S. Coast Guard, Marine Safety Office, gave the report for the Captain of the Port. He introduced Lt. Cmdr.M. Steinbillber of the Port Area Committee in San Francisco. All marine safety offices on the west coast are coordinating manning requirements on tow boats. There have been four spills since the last meeting. Three were minor, the fourth involved 800 gallons. Samples were taken from three boats in the area and

**Harbor Safety Committee of the San Francisco Bay Region  
June 18, 1992**

the responsible party will be billed for the cost to the Navy of the clean-up effort. There was a drill involving a large spill, 2100 gallons in the Pinole Shoal area, involving Coast Guard and ARCO personnel. The lesson continues to be that prevention is the key and is vitally important. The Coast Guard is working better with OSPR in each drill. The state and Coast Guard are becoming better able to anticipate each other's actions. A. Nothoff asked if committees have been established. T. Gilmour responded that the Coast Guard has identified people they would like on the area committees. No formal notice is ready and it is not official yet. There will be an OSPR representative on each committee. A. Nothoff noted concern for overlap and asked that representatives of environmentalist groups be included.

31.M. Glazer asked about the status of federal VTS regulations. It is not anticipated that there will be rapid movement on federal regulations in the next few months. The timeframe for regulations has not been completed.

32.NEW BUSINESS: J. Lundstrom introduced Steve Goldbeck, BCDC, he is the key person involved in the effort to solve the problems of dredge disposal in connection with the LTMS. There is a bill pending before Congress to fund a study to determine where sedimentation will go and why shoaling occurs and where and how often. J. Lundstrom recommends that this committee support the funding legislation for the study. She presented a resolution to this end. M. Sechitanno asked who sponsors this legislation. S. Goldbeck noted that there is a pool of studies and a national contest for who gets the appropriation for their program/study. M. Sechitanno asked how the study the committee is being asked to support will impact Corps of Engineers studies and the future of proposed dredging and will it delay scheduled dredging. S. Goldbeck responded that the charts are being studied and data is being collected on how the bay is changing to get a better idea of how sediment is recirculated within the bay. The study would not delay dredging or delay the LTMS but continue as a second stage involving five year programs at a cost of \$1-\$2 million per year after an initial first year cost of \$400,000. The Chair added that the intent is not to dilute the PORTS project or impede dredging but to tie them all together under the umbrella of vessel safety and environmental protection. It was moved by A. Nothoff and seconded to adopt the resolution with the added language concerning the fact that the study not impede dredging efforts currently in the works. R. Peters asked about the effect of this study on interim dredging studies and its impact on projects proposed for the interim period before the LTMS is completed. S. Goldbeck responded that it would not harm either. M. Brown requested that the word "support" be changed to "encourage" as support may connote financial support. A. Nothoff and J. Lundstrom agreed to the change. The Chair added that it is important that projects currently in progress or permitted not be impeded. A. Nothoff and J. Lundstrom agreed to amend the resolution to include this language and tie the study to the LTMS. J. Lundstrom called for the question and the resolution was unanimously adopted as amended. It will be transmitted to Sacramento.

33.J. Lundberg reported that, in connection with the LTMS study, S. Goldbeck will meet with representatives of the San Francisco Bar Pilots so he can become more aware of the safety hazards in the bay and of the requirements for safe navigation. He is interested in becoming more knowledgeable about elements of channel dredging that impact safety on the bay.

34.J. Wilson asked D. Koops how much money could be saved by industry if the channel from San Francisco to Benicia were dredged to 45'. M. Goebel responded that he isn't sure that even with a 45' channel there would be any savings since the issue would be can the terminals be dug out to allow ships with a 45' draft. M. Goebel added that CalTrans has abandoned the option for a west side bridge and is going with an east side bridge.

35.The next full committee meeting is scheduled for 0900 at the Port of Oakland on July 16, 1992.

36.The Chair reported that efforts to fund establishment of PORTS are going forward and a convincing case must now be made to the Administrator for ongoing maintenance funding.

**Harbor Safety Committee of the San Francisco Bay Region**  
**June 18, 1992**

48. It was moved by D. Koops and seconded by J. Lundstrom to adjourn the meeting. Meeting adjourned at 11:50 a.m.

Respectfully submitted,

Terry Hunter

Terry Hunter  
Executive Secretary

