

Harbor Safety Committee

of the San Francisco Bay Region

*Mandated by the California Oil Spill
Prevention and Response Act of 1990*

HARBOR SAFETY COMMITTEE OF THE SF BAY REGION

Thursday, June 10, 2004

Port of Oakland, 530 Water Street, Oakland, CA

Captain Grant Stewart, American Ship Management, Committee Chair, called the public meeting to order at 10:08 and welcomed those in attendance. The following members or alternates were in attendance: **Len Cardoza**, Port of Oakland; **Thomas Wilson**, Port of Richmond; **John M. Davey**, Port of San Francisco; **Nancy Pagan**, Port of Benicia; **Margot Brown**, National Boating Federation; **Captain Douglas Lathrop**, Chevron Texaco; Foss Maritime Company; **Captain Gary Fleeger**, Matson Navigation; **Michael L. Beatie**, Golden Gate Bridge, Highway & Transportation District-Ferry Division; **Captain Robert Pinder**, San Francisco Bar Pilots; **Joan Lundstrom**, Bay Conservation and Development Commission; and **Marina V. Secchitano**, Inlandboatmen's Union. Also present were U.S. Coast Guard representatives, **Captain Gerald Swanson** (MSO) and **Cmdr. Pauline Cook** (VTS); U.S. Army Corps of Engineers representative, **David Dwinell**; OSPR representatives **Bud Leland** and **Al Storm**; State Lands Commission representative **Ken Leverich**; **Captain Lynn Korwatch**, Marine Exchange and more than fifteen people from the interested public.

The Secretariat confirmed the presence of a quorum.

The meeting briefly deterred to the official swearing in of (8) eight members of the HSC were sworn in at the meeting: **L. Cardoza**, Port of Oakland; **R. Pinder**, pilots; **N. Pagan**, Port of Benicia; **G. Stewart**, dry cargo; **M. Brown**, recreational boaters; **F. Henning**, tug operators; **M. Secchitano**, labor; and **R. Smith**, barge operators.

The re-appointment of Grant Stewart as the Chair of the Harbor Safety Committee was announced.

All new and current members were asked to participate in one of the four existing work groups. Please email your two work group choices to the Committee Chair or the Secretariat at hsc@sfmtx.org. This information should be received no later than Tuesday, June 15th.

Corrections to minutes of previous meeting: Page 5, correction second line page 5 – “in the work group, through the agency reaffirms Based upon extensive work through... correct wording is on the letter. Page 3, last word on page, “...be sworn it”, should read, “...sworn in”. The Committee Chair asked for a motion to approve the minutes of the May 6, 2004 meeting; it was seconded and passed unanimously by the committee.

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SF HSC PLAN REVIEW, Captain G. Stewart announced that working group members should review sections of the plan that pertain to their group, emphasizing glaring errors, activities that are completed, new/old recommendations and or things that require editing. He emphasized the need for a comprehensive plan review for next year. The timeline is July, no later than August meeting to accomplish plan review. Next year's final review will be no later than July 2005.

USCG REPORT, Captain G. Swanson. (1) Friday, June 11th, the MSO and Coast Guard will be on a reduced schedule. (2) On July 1st, International and Domestic regulations come into compliance. Northern California looks great and security plans have been approved. All facilities have submitted plans and all except twenty of those plans have been approved. The final twenty plans are in the review process. All vessel security plans have been submitted, reviewed and in final audit process. The next several weeks will be very busy but we do not anticipate any delays. Foreign vessels that have not complied with their foreign flags will not be turned back. (3) There will be a special meeting of the Area Maritime Security Committee next Wednesday, June 16th at 10:00 a.m. A Closed session will commence for 30 minutes and at 10:30 a.m. the meeting will reopen. (4) Vice Admiral Cross has been reassigned to Washington, D.C June 29th. Vice Admiral Harvey Johnson, Jr. of Miami will be replacing him. (5) Captain Swanson will be issuing the *Pride of Aloha* new COI certificates in a reflagging ceremony. There are many positive economic impacts, 800 new merchant mariner union jobs on the vessel at SF Dry Dock. The ship will be back in port next Friday, June 19th; its normal route will be to the Hawaiian Islands.

Cmdr Phillips Two information bulletins when out last month. (1) The Transportation Security Administration has opened a fourth round of grants for security, with \$50 million available. Deadline for submissions is July 9, 2004. (2) Based on terrorist national threats, everyone has been ordered to begin their MSSP plans earlier than scheduled. (3) The pipeline rupture in Suisun Bay had minor environmental impacts. The pipeline is back in service but there were a number of issues with oil responses. (4) The Harbor Master from Fuller Point reported 20 gallons of gasoline spilled into the bay that night. Weather ties and evacuation of people living on their vessels and some businesses in the area were mandated. The spill was cleaned up that night. (5) One vessel was investigated for a report of oily water spilling down the side of the ship. (6) Two fishing vessels collided. One commercial vehicle ran over a smaller fishing vessel and that vessel sank. The fishing vessel sunk off of Ocean Beach with 29 people on Board. There was one fatality resulting from a possible heart attack, all other passengers were rescued. (7) A terrorist drill with table and field exercises was held off Humboldt Bay

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with good implementation. Teams are in the process of final verification. (8) A NCAMSC working group has been assembled to deal primarily with yacht and commercial vessels. They are looking for more volunteers to join.

Cmdr Pauline Cook: Summary Report of VTS monitored transits in the SF Bay for May 2004. Transits to/from Sea: 51 public vessels, 225 tankers, 848 cargo vessels, 123 tugs with tow, 6 ferries and 165 miscellaneous vessels. Intra VTS Transits: 247 public vessels, 128 tankers, 238 cargo vessels, 2,571 tugs with tow, 7,981 ferries, 71 miscellaneous vessels. Total transits facilitated by VTS in May; 12,667: 298 public vessels, 353 tankers, 1,086 cargo vessels, 2,694 tugs with tow, 7,987 ferries, 234 miscellaneous transits. (1) VTS's ability to receive AIS signals. The system is in the early stages with a single antenna to receive cable. Working through issues to share information with Marine Exchange and other organizations, it is expected to be operational by September. Transview was the precursor to AIS and many organizations have this software. At the end of September, this software will no longer be supported. Coast Guard will report back with more clarification. (2) Work in Middle Harbor last month has reduced water depths. (3) USCG received a copy of a letter from the Office of Spill Prevention and Response (OSPR) in response to a letter from the Waterkeepers Northern California. The Waterkeepers are concerned with vessel data that shows vessels are exceeding the speed limit of 15 knots while transiting the bay. The Committee recommends that the Navigation working group look into these reports and follow up on these complaints. **Q.** Does the VTS have the capability to track the speed levels and legitimize the concerns? **A.** VTS can match its data with the information provided with the letter and check legitimacy. The committee has a history of working with the CG and VTS. Navigation working group will give a status report at the next meeting.

Captain Gerald Swanson reported that the EPA is completing the follow-up on the Kinder Morgan pipeline spill.

CLEARINGHOUSE REPORT, A. Steinbrugge. (1) A written report with statistics for the month of May 2004 is made a part of these minutes. There was one call to OSPR involving a tug-and-barge for possible escort violation. A call from a vessel regarding a pilot was received. This year to date, there have been twelve calls to OSPR regarding possible escort violations.

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OSPR REPORT, A. STORM. (1) A status report of the disposition of the tank and escort violations will be provided. (2) There are a number of people who have put in a lot of time and participation with the committee. The Committee will be issuing certificates of recognition to all those members who have worked on the committee. Two members in particular, Capt. Larry Teague (absent) and Scott Merrit were honored with Certificates of Merit for their hard work. The work done by everyone involved is greatly appreciated. (3) There are two ongoing issues with pipelines. Last week, the levy that separates the Jones track collapsed in Stockton. Further investigation showed a valuable pipeline that brings fuel and diesel to Sacramento. Kinder-Morgan shut the pipeline down and filled it with water. Instruments are being sent down through the pipeline to make sure the condition is still good and no damage. Both sides of the tracks are flooded and the pipeline is under water. The instrumentation being used now will hopefully allow the pipeline to resume work tomorrow afternoon. Product is still being recovered in the Suisun Marsh; 1,500 barrels have been recovered to date. Remediation for this incident will continue throughout the summer. Delay of notification was about 8 hours. (4) Legislative Issues: Assemblyman Wolk is forwarding a bill through Committee to require all pipelines throughout the State be investigated by 2006. Public Safety SP1742 McPherson Bill has not changed. The Committee will ask the Administration to establish adhoc positions, to allow committees to adjust to related changes. A bill introduced by Lowenthal in Los Angeles would place an ILWU, local 68 pilot on the committee in Los Angeles. The bill appears to be moving forward. SB 1480 permissively allows committees to make require a tug escort for vessels carrying hazardous cargoes. Operators of escort vessels escorted vessels carrying hazardous cargoes would fund the bill. The definition of hazardous materials is too broadly written, affecting almost every ship in the bay. The fee is on the operator of the escort vessels, i.e. tugs. OSPR is working with the Administrator and Government offices to develop a position.

Comment. The Committee is without a tanker representative. A. The Committee is looking at a shortage of tanker operators and in the research process of finding justification to determine if there can be a tanker appointment.

NOAA REPORT, CMDR S. THOMPSON. (1) There are no new chart additions for SF Bay report. (2) There was a meeting in New Orleans last month regarding the navigation teams being disseminated throughout the country. SF Bay will have a team by this fall and they are looking for input. We want to keep them busy. We are looking to put more pictures in to the coast pilot. High resolution and digitally imagery are requested. They can be forwarded to the Committee or my attention. (3) On June 30th,

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we will be celebrating the 150 years of tide recordings. A series of events and celebrations, invitations have been forwarded to everyone. (4) The weather service says we are in our summer regime. Some indication that we are in a no nino event.

US ARMY CORPS OF ENGINEERS REPORT, D. Dwinell (1) Dredging: The 2004 Dredging Program is starting. The main ship channel has been performed and completed. The completed dredge report survey will be available at a later time. Port of Richmond's inter harbor contract has been awarded to Great Lakes Dredging. Testing of materials and checking for waste continues. Oakland outer and inner harbor will use the same contractor and commencement is slated for August 1st. Materials will go the Pacific Ocean. Suisun Bay negotiated with a contractor and their materials going to SF16 vs. inner bay. Dredging to commence shortly. Non-sufficient material Pinole Shoals and that material will go to SF10. (2) Fifty-One tons of debris was removed in May and one operator remains out sick. There is only one boat operating at this time. The 50'-foot Dredging project's, Storm Water Treatment project, will be completed in July. The goal is to award two additional contracts this year to dredge inner harbor and inner harbor basin to 46'-foot, looking for Port of Oakland to fund this part of the project. Advance maintenance will be continued. The SF Bay to Stockton Ship Channels is going to be deepened. The cost this year is \$550,000. One issue is that no discharge for any dredge disposal sites according to Corps of Engineers, has awarded contracts on that site. Sacramento deep water strengthening will be awarding contracts. The award for mapping is deferred until next year due to the condition of vegetation at this time of year.

STATE LANDS COMMISSION REPORT, K. LEVERICH. (1) There were no terminal spills at marine oil terminals in May. (2) The State Lands office has moved. Anyone looking for a job, State Lands Commission is taking applications for inspectors, and a variety of positions. You can find more information on the State Lands website with an inclusive link to all applications. (3) A Symposium will be held in September 14 and 15, 2004. Invitations will be forwarded at the end of this month.

WORK GROUP REPORTS

TUG ESCORT WORK GROUP, J. Lundstrom. Reported on the status of SB 1480, a bill pending before the state legislature that would allow tug escorts for vessels carrying hazardous materials. The HSC opposed the bill because it was too broadly written and there was no criteria for the Administrator of OSPR to define in what quantity hazardous materials should be tug escorted. It was also noted the Tug Escort Work Group did not have the expertise to advise the legislature on the definition of 'hazardous materials'.

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The bill was amended on 5-24-04 to specifically target only San Francisco Bay, omitting the other four harbors in the state. This bill would still give the SF HSC the option to advise the Administrator whether tug escorts should be required for this category of ship. The question now is: does the HSC want to continue opposing the bill or does it want to change its position? The bill is currently moving through the legislature and should be to the Appropriations Committee and the Assembly by the end of August. The legislation is going to be moving faster than HSC meetings are held. The bill still doesn't break down the quantities and definition of hazardous materials. OSPR does not see the amendment making any significant changes. The Committee Chair feels that we have done our due diligence and the rest should be left up to the Administrator. M. Secchitano recommends that the HSC not re-address its position because it remains the same. Another alternative would be to give the opinion to OSPR and let the maritime community know what the implications are as well as HSC's opposition. No formal vote was taken, but it was recommended that the Chair write a formal letter to OSPR stating that the HSC has not changed its position of opposition. The Chair will forward a brief letter to OSPR within the next few days.

Navigation Work Group, Captain R. Pinder. A reply in response to the letter sent from the Waterkeepers of Northern California to the Harbor Safety Committee was forwarded. It was recommended that the Committee invite the Waterkeepers Organization to participate in the process of tracking the information. It would be educational and helpful for them to learn how we conduct our process and calculate the knots, etc. The working group will keep the Committee informed.

Ferry Operations Work Group, N. Pagan. Follow up on Coast Guard inspection of April 29th.remains a work in progress. **Lt Tony Guile** says there will be a follow up meeting but they are extremely busy with security regulation implementation.

Prevention through People Work Group, M. Brown. The group has been working on the brochure for Navigation Rules 9/5. We have received approval from at least 30 yacht clubs to distribute the brochure upon completion. We have received to date all the work that Scott Merritt has completed. Our next meeting is July 13th at 1300 hours.

Ports Funding Work Group, S. Merritt. The Prevention Through People Work Group will be taking over the funding for the pamphlet product. **Lynn Korwatch** received a grant for \$35,000 and negotiated a reduction in our rent for a rented container. The group continues to try to obtain funding from the federal government. The group appreciates **Mike Beatie's** assistance in obtaining some of the funding.

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PORTS REPORT, A. STEINBRUGGE. Benicia's' current sensor is on a schedule to have a platform mounted on the Tesoro dock by August. The design should be completed by July and expected deployment in August and September.

PUBLIC COMMENT. None

OLD BUSINESS. None

NEW BUSINESS. (1) **J. Lundstrom** reported on a presentation made at the last BCDC meeting by the Bay Area Water Trail Association (BAWTA), which represents hand-powered beachable watercraft interests (i.e., kayakers, canoeists, surfers, rowers and outriggers). The Association presented a map of some 90 bay launching sites, most existing, but some proposed. **J. Lundstrom** noted concerns about not showing shipping lanes, security zones, etc., on the map. This group is making a large push to bring more people onto the bay. It was suggested that representatives of BAWTA be invited to meet with the HSC for information on rules, regulations and concerns.

Al Storm suggested that we distribute the Committee's brochure to the various rental places throughout the Bay Area. **M. Brown** will research areas of distribution.

M. Beatie suggested that the Coast Guard Auxiliary would also assist in distribution. Vessel traffic cannot detect these types of watercrafts. There is also a matter of the color of the kayaks and clothing worn; observers cannot see that something is out there. **M. Brown** will take this up with the National Federation and or include the manufacturers to produce highly visible crafts for safety issues. Also let the manufacturers know that they could be responsible for some of the liability.

J. Lundstrom has recommended that their be a separate working group to deal with these issues. She will obtain copies of the Bay Area Water Trail Association's map, Bay Area Access, to distribute among the Committee. In addition, invitations and flyers will be issued to small marine watercrafts, i.e. kayak groups, wind surfers, etc., to attend next Harbor Safety meeting.

The next meeting of the HSC will be held on Thursday, July 8, 2004, at 10:00 a.m. at the Port of Richmond.

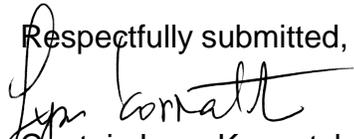
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G. Stewart asked for a motion to adjourn, motion was made by **R. Pinder** seconded by **John Davey**, to “adjourn the meeting.” Motion was passed without objection. Meeting adjourned at 12:13 p.m.

Respectfully submitted,



Captain Lynn Korwatch
Executive Secretary

USCG Marine Safety Office San Francisco Bay

Port Operations Statistics

May 2004

PORT SAFETY:	TOTAL
• Total Number of SOLAS Detentions:	01
• Total Number of COTP Orders:	11
• Marine Casualty: Allision/Collision (1) Grounding/Sinking (3) Fire (2)	06
• Marine Casualty (Mechanical): Propulsion (3) Steering (0)	03
• Cargo (anhydrous ammonia)	03
• LOU-ANOA Violation	02
• Letters of Deviation: Radar (1) Steering (0) Gyro (0) Echosounder (0)	01
• Personnel (Crew) Casualty (1)	01
• Crew/Immigration Issues	01
• SIV (Russian)	02
• Waterways Issues: Hazard to Navigation	01
• Established Limited Access Areas (Safety Zones-2), Security Zones-2)	04
• Deadship Tows	00
• Anchorage Waivers	02
• MSIB's	04
04-06: TSA OPENS APPLICATION PERIOD FOR ROUND 4 OF GRANTS	
04-07: HOTWORK PERMISSION REVISION	
04-08: TSA HAS ISSUED NEW RULES PROTECTING SENSITIVE SECURITY INFORMATION	
04-09: IMPLEMENTATION OF MTSA SECURITY PLANS IN LIGHT OF POTENTIAL TERROR THREATS	
• Bridge Failure/Casualty	00
• Facility Issues	00
• Port Drills/Exercises (Humboldt Bay terrorism exercise)	01
• General PS Cases (not covered above)	03
Total Port Safety cases open for period:	20
Long Term Projects Opened this month:	00
CONTAINER INSPECTIONS	
CONTAINER INSPECTIONS	TOTAL
Total Container Inspections for the month (goal = 168/mo)	888
Total Number of Container Violations	07
Total Number of Violations	07
• Number of Shipments put on hold	01
• Number of Containers taken out of service	06
MASFOs (Multi Agency Strike Force Ops). Agencies included: CHP, Customs.	01
MOTCO Operations involving EHS/break-bulk explosives	02* (1 cont. from Apr)
EHS (Class 1.1/1.2 Explosive Handling Supervision Ops)	04
FACILITIES DEPARTMENT	
FACILITIES DEPARTMENT	TOTAL
Total number of daily Harbor Patrols:	119
Total number of critical Infrastructure visited:	60
Total number of 105 Facility Spot-checks:	38
MTSA outreach efforts completed (Total MTSA regulated facilities 64/vessels 111):	85

POLLUTION RESPONSE: **MSO**

Total oil pollution incidents within San Francisco Bay for the month: 15

▪ Source Identification; Discharges and Potential Discharges from:	
Deep Draft Vessels	01
Facilities (includes all non-vessel)	04
Military/Public Vessels	00
Commercial Fishing vessels	01
Other Commercial Vessels	01
Non-Commercial Vessels (e.g. pleasure craft)	00
Unknown Source (as of the end of the month)	08
▪ Spill Information and Volume:	
Unconfirmed	06
No Spill, Potential Needing Action	01
Cases Requiring Clean-up	01
Federally Funded Cleanup Cases (OSLTF/CERCLA)	01
Hazardous Material Releases	00
1. Spills < 10 gallons	05
2. Spills 10 to 100 gallons	00
3. Spills 100 to 1000 gallons	01
4. Spills > 1000 gallons	01
▪ Penalty Action: Civil Penalty Action	00
Marine Violations:	01
Notice of Violation (TK):	01
Letter of Warning:	03
No Penalty Action:	10

Significant MER Cases:

1. 28Apr04 Suisun Bay pipeline rupture: Diesel fuel leaked into environmentally sensitive areas. Cause of rupture remains under investigation and amount released at this time estimated at 126 K gallons by the Coast Guard and 84 K gallons by the RP, of which 62 K gallons of oily liquids have been recovered. MSO MER, Pacific Strike Team, and DFG have assisted. As of June 7, 2004: USCG passed control to EPA- Pacific Strike Team still assisting.
2. 25May04: Pillar Point Fuel Spill. Pillar Point Harbor Fuel Dock tank leak. Estimated 1021 gallons of gasoline discharged into the harbor. Gasoline allowed to dissipate. Clean-up monitoring conducted by Pillar Point Harbor Master and San Mateo Fire Dept.

Significant PSS Cases:

1. FOREIGN VESSEL: 06May04. Port State Control Boarding discovered possible civil and criminal violations with SOLAS and MARPOL. Oily water was found on the discharge side of the separator. The vessel was detained and a surety bond and LOU were required prior to departure. Case remains under investigation.
2. COMMERCIAL FISHING VESSEL: 06May04. Vessel sunk 10 nm. West of Pigeon Point. Vessel was believed to be run over by another fishing vessel that was asleep at the wheel. Vessel sinking remains under investigation.
3. FISHING VESSEL: 15May04. Vessel carrying passengers for hire for chartered fishing sunk off of Ocean Beach. Unknown cause of the sinking. 29 people were in the water, with 1 casualty. Case remains under investigation.

Significant PSS Exercises:

1. 19-20May04: Joint terrorism exercise held at Humboldt Bay. Group Humboldt Bay and MSD Humboldt Bay, as well as other Federal, State, and local agencies. Terrorism subject exercise was high jacking of a cruise ship and related terrorist activity.

San Francisco Bay Clearinghouse Report For May 2004

San Francisco Bay Region Totals

			<u>2003</u>
Tanker arrivals to San Francisco Bay	68		69
Tank ship movements & escorted barge movements	328		331
Tank ship movements	203	61.89%	207
Escorted tank ship movements	96	29.27%	93
Unescorted tank ship movements	107	32.62%	114
Tank barge movements	125	38.11%	124
Escorted tank barge movements	57	17.38%	66
Unescorted tank barge movements	68	20.73%	58
Percentages above are percent of total tank ship movements & escorted barge movements for each item.			
Escorts reported to OSPR	1		0

<u>Movements by Zone</u>	<u>Zone 1</u>	<u>%</u>	<u>Zone 2</u>	<u>%</u>	<u>Zone 4</u>	<u>%</u>	<u>Zone 6</u>	<u>%</u>	<u>Total</u>	<u>%</u>
Total movements	221		312		0		158		691	
Unescorted movements	110	49.77%	168	53.85%	0	0.00%	82	51.90%	360	52.10%
Tank ships	73	33.03%	107	34.29%	0	0.00%	46	29.11%	226	32.71%
Tank barges	37	16.74%	61	19.55%	0	0.00%	36	22.78%	134	19.39%
Escorted movements	111	50.23%	144	46.15%	0	0.00%	76	48.10%	331	47.90%
Tank ships	69	31.22%	89	28.53%	0	0.00%	41	25.95%	199	28.80%
Tank barges	42	19.00%	55	17.63%	0	0.00%	35	22.15%	132	19.10%

Notes:

1. Information is only noted for zones where escorts are required.
2. All percentages are percent of total movements for the zone.
3. Every movement is counted in each zone transited during the movement.
4. Total movements is the total of all unescorted movements and all escorted movements.

San Francisco Bay Clearinghouse Report For 2004

San Francisco Bay Region Totals

			<u>2003</u>
Tanker arrivals to San Francisco Bay	332		686
Tank ship movements & escorted barge movements	1,471		3,481
Tank ship movements	826	56.15%	2,077
Escorted tank ship movements	405	27.53%	1,026
Unescorted tank ship movements	421	28.62%	1,051
Tank barge movements	645	43.85%	1,404
Escorted tank barge movements	336	22.84%	757
Unescorted tank barge movements	309	21.01%	647
Percentages above are percent of total tank ship movements & escorted barge movements for each item.			
Escorts reported to OSPR	12		2

<u>Movements by Zone</u>	<u>Zone 1</u>	<u>%</u>	<u>Zone 2</u>	<u>%</u>	<u>Zone 4</u>	<u>%</u>	<u>Zone 6</u>	<u>%</u>	<u>Total</u>	<u>%</u>
Total movements	970		1,431		0		733		3,134	
Unescorted movements	454	46.80%	735	51.36%	0	0.00%	341	46.52%	1,530	48.82%
Tank ships	280	28.87%	417	29.14%	0	0.00%	172	23.47%	869	27.73%
Tank barges	174	17.94%	318	22.22%	0	0.00%	169	23.06%	661	21.09%
Escorted movements	516	53.20%	696	48.64%	0	0.00%	392	53.48%	1,604	51.18%
Tank ships	278	28.66%	385	26.90%	0	0.00%	181	24.69%	844	26.93%
Tank barges	238	24.54%	311	21.73%	0	0.00%	211	28.79%	760	24.25%

Notes:

1. Information is only noted for zones where escorts are required.
2. All percentages are percent of total movements for the zone.
3. Every movement is counted in each zone transited during the movement.
4. Total movements is the total of all unescorted movements and all escorted movements.

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**Report of the
U.S. Army Corps of Engineers, San Francisco District**

June 10, 2004

1. CORPS 2004 O&M DREDGING PROGRAM

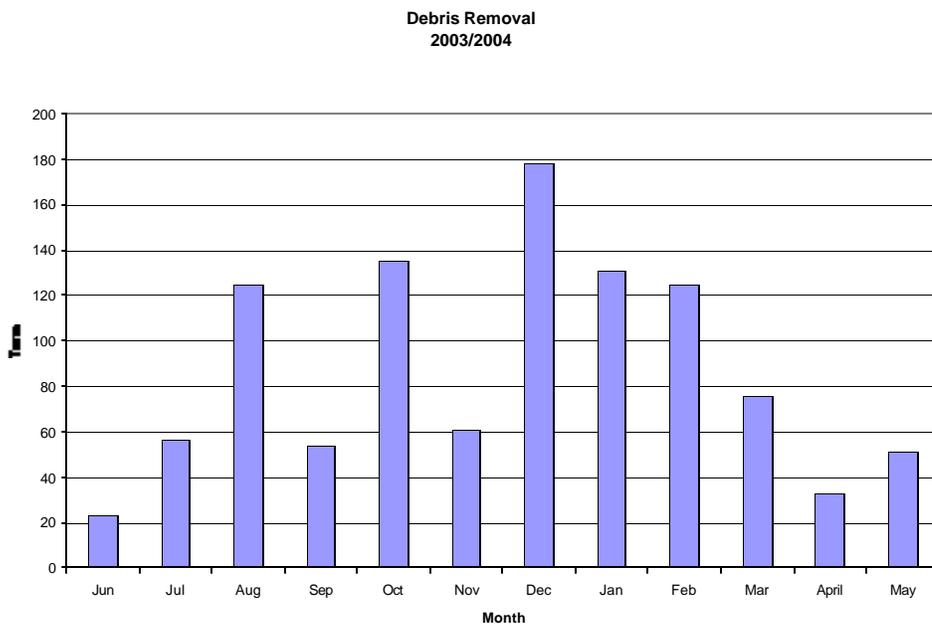
The Corps has the 2004 funds. We starting to execute this years dredging projects .

- a. **Main Ship Channel** – Dredging is complete. Waiting results of post dredge survey. Post dredge survey has not been completed because of weather conditions. Work was performed by the Government Dredge *Essayons* and the material went to SF-8.
- b. **Richmond Outer Harbor and Southampton Shoal** – Dredging is underway. Government dredge *Essayons* is performing the dredging. Material is going in-bay to the Alcatraz Disposal Site (SF-11).
- c. **Richmond Inner Harbor** – The contract is in place with Great Lakes Dredging. Material is scheduled to go to the Deep Ocean Disposal Site (SF-DODS). The testing of the material is complete and the material is suitable for ocean disposal. The Corps issued the notice to proceed on April 15, 2004. The contactor is in the process of mobilizing the equipment and dredging should start by the end of June.
- d. **Oakland Outer and Inner Harbor** – The contract is in place with Great Lakes Dredging and dredging should start 1 August. Material is scheduled to go to SF-DODS. We are performing. confirmatory chemistry testing this year.
- e. **Suisun Bay Channel** – Expect to start dredging in mid June. Material is scheduled to SF-16 because of the high cost of disposal at Winter Island and the tight Corps budget this year. Have just completed the pre-dredge survey and are in the process of analyzing it.
- f. **Petaluma Across the Flats** – Congressional addition to the budget. This project has been deleted from this year dredging program because the condition survey determined that there was not sufficient material to justify dredging this year. The survey only showed minimal shoaling along the toes and that the channel is considered adequate for navigation.
- g. **Pinole Shoals** – Dredging is complete. The Government Dredge “*Essayons*” performed the dredging the high spots and the material went to SF-10. Are working on performing the post dredge survey.

- h. **Redwood City** – Congressional addition to the budget. Only enough funding to start planning for FY 05. Project is in the FY 05 Divisional capability budget briefing. Will dredge high spots in the approach channel with the Government dredge “*Essayons*”. Project is scheduled to start soon and will be dredged on high tide only. It will be coordinated with the Richmond Outer and South Hampton Shoal. This will help to keep the channel open until we can get the full funding for the full project.
- i. **Islais Creek** – Performing a condition survey. The survey is complete. The data has been worked up and is waiting to be QA/QC.

2. DEBRIS REMOVAL

The total tonnage of debris collected on the San Francisco Bay for May 2004 was 51 tons. This is up from the 33 tons collected in the month of April. The debris mission continues to be hampered by the illness of one of the operators resulting in a reduction of overall collection time on the bay.



3. UNDERWAY OR UPCOMING HARBOR IMPROVEMENTS

a. **Oakland 50-ft** –

Construction is continuing on the storm water treatment unit in Middle Harbor and the contain area in Middle Harbor. The Storm Water Treatment unit is scheduled to be completed by the end of July. Dredging with the disposal of material at Montezuma Wetlands Restoration site has started. The project goals are to get the Outer Harbor down to 46 feet first, then to get the Inner Harbor down to 46 feet. After the 46 depth is achieved, then we will take the project

down to the 50-foot depth. By phasing the project in this way the project sponsor will get a greater utilization until the 50-foot depth is achieved. The Corps plans to award 2 new contracts in the next several months. There will be one dredging contract. It will combine the dredging of the Outer Harbor to an interim depth of 46 feet and the Inner Harbor to an interim depth of 46 feet. The second contract will be a marine construction contract for the last phase on the Inner Harbor Turning Basin. One issue with these contracts is that the Corps does not have Federal funds to support them. Therefore, we are consulting with Corps Headquarters if this is appropriate. The Port of Oakland, the project sponsor, would fund these contracts. The FY 2004 budget contains 20 million for the Oakland 50 foot project less saving and slippage. Saving and slippage for this year is 25 %. This is higher than in the past years. We continue to make good progress with the funds we have and estimate that we have dredged between 400,000 and 500,000 cubic yards of sediment.

b. S.F. Rock Removal Feasibility Study

Status Unchanged – the final audit of the funding is continuing.

The Final Report is complete and the Corps met with the Under Water Rocks Group on December 4, 2003 to furnish them with the Report. The Corps considers this project complete except for the final audit of the funding.

4. EMERGENCY (URGENT & COMPELLING) DREDGING

There has not been any emergency dredging in FY 2004 and the Corps is working hard in its dredging program to try to eliminate the need for emergency dredging. For example, we have been performing advanced maintenance in the Suisun Channel at Bull's Head Reach.

5. OTHER WORK

San Francisco Bay to Stockton

Project continues to move forward

The San Francisco District is looking at a General Re-evaluation Report (GRR) to deepen the John F. Baldwin Ship and Stockton Deep Water Ship Channels. This would be only 1 or 2 feet. Division has given ok to proceed with study. The Corps has finalized the scope for the full General Re-evaluation Report (GRR) and we have completed the Project Management Plan. The Project Management Plan and the Design Agreement were approved by the Port of Stockton's Board on April 5, 2004. Contra Costa County has existing agreement in place with the Port of Stockton that they can utilize for this project. We have approximately \$550,000 less saving and slippage for FY 2004. Funding is tight this year and no additional funds are expected for this project. The goal is to complete the GRR by 2007. The San Francisco District has brought in the Corps Engineer Research and Development Center (**ERDC**) to address the issue of no return water from a dredge material disposal site that is being required by the Central Valley Regional

Water Quality Control Board. Corps has awarded contracts for a hydrographic survey and a salinity study.

Sacramento River Deep Water Ship Channel Deepening

Status unchanged – Project work is continuing.

The San Francisco District has taken over the Sacramento River Deep Water Ship Channel Deepening Project from the Sacramento District. This project is looking to continue the authorized deepening project of the channel from 30 feet to 35 feet. The Corps developed a Project Management Plan (PMP) and the Port concurred to initiate the study in July 2002. We are doing a Limited Re-evaluation Report (LRR) that focuses on economics and updating the environmental documentation. The studies should take approximately 24 months. We are continuing to work on this project. We have awarded the contract for the salinity model. We are waiting for funding for sediment testing and for evaluating the disposal sites. The initial estimate is we will need capacity to dispose of approximately 6.5 million cubic yards of material. Funding has been reprogrammed and is \$500,000 for this project for FY 2004. In reviewing the project we have had to reestablish the channel location and the review shows that some portions of the channel were never built to the required specifications. The San Francisco District has brought in the Corps Engineer Research and Development Center (**ERDC**) to address the issue of no return water from a dredge material disposal site that is being required by the Central Valley Regional Water Quality Control Board. We are evaluating how to best expend the funds for this project. We have developed a sampling and analysis plan (SAP) for sediment testing and are in the process of submitting it to the Central Valley Regional Water Quality Control Board. We are preparing to do mapping of this project next year.

AMENDED IN SENATE MAY 11, 2004

SENATE BILL

No. 1480

Introduced by Senator Sher

February 19, 2004

An act to amend ~~Section 8670.17.2~~ *Sections 8670.17.2 and 8670.70* of the Government Code, relating to harbors and navigation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as amended, Sher. Harbors and navigation: tugboat escorts.

The existing Lempert-Keene-Seastrand Oil Spill Prevention and Response Act requires the administrator for oil spill response to adopt regulations governing tugboat escorts for tank ships and tank barges entering, leaving, or navigating in the harbors of the state, to ensure the best achievable protection of the public health and safety and the environment. A knowing violation of a regulation adopted under the act is a crime. The act requires the administrator to establish harbor safety committees for specified harbors of the state.

The act creates the Environmental Enhancement Fund in the State Treasury. The act requires specified penalties related to oil spill prevention and response to be deposited in the fund. The act requires moneys in the fund, upon appropriation, to be used only for environmental enhancement projects.

This bill would authorize the administrator, in consultation with those harbor safety committees, to adopt regulations governing tugboat escorts for other vessels, as defined, ~~carrying specified hazardous materials~~, that are entering, leaving, or navigating in the ~~harbors of the state~~ *Bays of San Francisco, San Pablo, and Suisun, and carrying hazardous material, as defined, in a sufficient quantity that a release of*

the hazardous material into the waters of the state or the atmosphere, as specified, would pose a risk to public health and safety or to the environment. The bill would authorize the administrator to exempt a vessel with a double hull, as defined, if the vessel meets other specified requirements, and to exempt a vessel already subject to specified tugboat escort requirements. Because a knowing violation of the regulations would be a crime, the bill would impose a state-mandated local program.

The bill would provide that the specified penalties related to oil spill prevention and response are not required to be deposited in the Environmental Enhancement Fund if otherwise required pursuant to a settlement or a court order. The bill would authorize moneys in the fund, upon appropriation, to also be used by the administrator to adopt and implement regulations governing tugboat escorts for those other vessels that are in the Bays of San Francisco, San Pablo, and Suisun, and carrying hazardous material, as specified.

The bill would make legislative findings and declarations as to the necessity of a special statute.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8670.17.2 of the Government Code is
 2 amended to read:
 3 8670.17.2. (a) The administrator shall adopt regulations
 4 governing tugboat escorts for tank ships and tank barges entering,
 5 leaving, or navigating in the harbors of the state. The regulations
 6 shall be adopted, and thereafter periodically revised, to ensure the
 7 best achievable protection of the public health and safety and the
 8 environment.
 9 (b) (1) The administrator, in consultation with the harbor
 10 safety committees established pursuant to Section 8670.23, may
 11 adopt regulations governing tugboat escorts for other vessels



1 ~~carrying hazardous materials listed in Part 172 (commencing with~~
2 ~~Section 172.1) of Title 49 of the Code of Federal Regulations, that~~
3 ~~are entering, leaving, or navigating in the harbors of the state. that~~
4 *are entering, leaving, or navigating in the Bays of San Francisco,*
5 *San Pablo, and Suisun, and are carrying hazardous material in a*
6 *sufficient quantity that a release of the hazardous material into the*
7 *waters of the state or the atmosphere, as a result of a vessel*
8 *collision, a vessel running aground, or a terrorist or other criminal*
9 *act, would pose a risk to public health and safety, or to the*
10 *environment.*

11 (2) *The administrator may exempt both of the following from*
12 *the regulations adopted pursuant to paragraph (1):*

13 (A) *A vessel with a double hull, that has fully redundant*
14 *steering and propulsion systems and an integrated navigation*
15 *system.*

16 (B) *A vessel already subject to tugboat escort requirements*
17 *pursuant to existing United States Coast Guard regulations and*
18 *requirements.*

19 (3) *As used in this subdivision, the following terms have the*
20 *following meanings:*

21 (A) *“Double hull” has the meaning set forth in Section 157.03*
22 *of Title 33 of the Code of Federal Regulations.*

23 (B) *“Hazardous material” includes, but is not limited to, those*
24 *explosive materials, poisonous materials, and poisonous gases,*
25 *listed in Section 66261.111 of the Title 22 of the California Code*
26 *of Regulations, anhydrous ammonia, and ammonium nitrate.*

27 (c) *The regulations adopted pursuant to subdivision (a) shall*
28 *include, but not be limited to, a determination of the circumstances*
29 *under which tank ships and tank barges are required to be*
30 *accompanied by a tugboat or tugboats of sufficient size,*
31 *horsepower, and pull capability while entering, leaving, or*
32 *navigating in the harbors of the state. In making that*
33 *determination, the administrator shall be guided by the*
34 *recommendations of the harbor safety committees established*
35 *pursuant to Section 8670.23.*

36 (d) *The administrator may adopt regulations pursuant to*
37 *subdivision (a) that differ from the recommendations of the harbor*
38 *safety committees only after a public hearing. If the administrator*
39 *proposes to adopt regulations that require the use of tugboat*
40 *escorts in fewer instances in the harbors of San Francisco, San*



1 Pablo, and Suisun Bays than that which is recommended by the
2 Harbor Safety Committee for San Francisco, San Pablo, and
3 Suisun Bays, the administrator shall, in a public hearing, adopt
4 findings, based on substantial evidence, that the proposed
5 regulations provide adequate protection and are consistent with
6 the purposes of this chapter.

7 (e) A public hearing held in accordance with Section 11346.8
8 ~~shall satisfy~~ *satisfies* the public hearing requirement of subdivision
9 (d).

10 (f) The Legislature hereby finds and declares that the
11 appropriate use of tugboat escorts can improve vessel safety,
12 particularly in the harbors of San Francisco, San Pablo, and Suisun
13 Bays, and that the regulations concerning tugboat escorts in those
14 harbors shall be adopted as quickly as practicable and may be
15 adopted before the adoption of all other regulations required by
16 this section.

17 SEC. 2. *Section 8670.70 of the Government Code is amended*
18 *to read:*

19 8670.70. (a) The Environmental Enhancement Fund is
20 hereby created in the State Treasury. All penalties collected under
21 Article 9 (commencing with Section 8670.57) shall be deposited
22 into the Environmental Enhancement Fund, except as ~~specified in~~
23 ~~Section 8670.64. The money~~ *otherwise required pursuant to*
24 *Section 8670.68.5, a settlement, or a court order. Except as*
25 *provided in subdivision (b), the moneys in the fund shall only be*
26 *used for environmental enhancement projects. The moneys shall*
27 *not be used for the cleanup of an oil spill or the restoration required*
28 *after an oil spill. The ~~money is~~ moneys are available for*
29 *appropriation by the Legislature to the administrator for the*
30 *purposes stated in this ~~section~~ article.*

31 (b) *Upon appropriation by the Legislature, moneys in the fund*
32 *may be expended by the administrator to adopt and implement the*
33 *regulations authorized pursuant to subdivision (b) of Section*
34 *8670.17.2.*

35 SEC. 3. *The Legislature finds and declares that a special law*
36 *is necessary and that a general law cannot be made applicable*
37 *within the meaning of Section 16 of Article IV of the California*
38 *Constitution because of the unique attributes of the Bays of San*
39 *Francisco, San Pablo, and Suisun.*



1 *SEC. 4.* No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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TITLE 14, CALIFORNIA CODE OF REGULATIONS
SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
CHAPTER 4. VESSEL REQUIREMENTS
SUBCHAPTER 1. TANK VESSEL ESCORT REGULATIONS
FOR THE SAN FRANCISCO BAY REGION
SECTIONS 851.1 through 851.10.1
Approved May 10, 2004
Effective June 9, 2004

"851.6 Clearing House Responsibilities."

Subsection(a)(1) through (a)(6) continue.

- (7) maintain copies of blank Checklists for distribution upon request to tank vessel owner/operators, masters and/or pilots. ~~Pilots shall have blank Checklists available when boarding the tank vessel;~~
- (8) receive notification of the completion of an Escort Plan, or the completion and adequacy of a Checklist, and report to the Administrator when a pilot makes a determination that a Checklist is not adequate;
- (9) maintain copies of the completed Checklists submitted by the tank vessel owner/operators or masters. Copies must be kept for a period of 3 years from the date of the transit covered by the Checklist. A copy of any Checklist shall be made available to the Administrator upon request;
- ~~(10) maintain the list of training programs approved by the Administrator and provide a copy of that list upon request to any interested party;~~
- ~~(11)~~ receive reports from tug owners, operators or agents of any tug casualty that occurs during an escorted transit, and develop and maintain a database of all such casualty reports;
- ~~(12)~~ monitor compliance with the requirements of this subchapter and report all violations to both the Office of Spill Prevention and Response and the Harbor Safety Committee for the San Francisco Bay Region.

Subsection (b) continue.

Note: Authority: Sections 8670.17.1, 8670.17.2(a) and 8670.23.1(d), Government Code.
Reference: Section 8670.17.1 and 8670.23.1(e)(1), Government Code.

Harbor Safety Committee

of the San Francisco Bay Region

*Mandated by the California Oil Spill
Prevention and Response Act of 1990*

May 7, 2004

Mr. Carlton Moore
Administrator
Office of Spill Prevention and Response (OSPR)
Department of Fish and Game
P.O. Box 944209
1700 K Street
Sacramento, CA 95814

Re: SB 1480 and AB 2777

Dear Mr. Moore,

As Chairman of the Harbor Safety Committee of the San Francisco Bay Region I am writing to advise you that at it's May 6, 2004 meeting the committee voted unanimously to oppose California Senate Bill SB1480 with Amendment One and California Assembly Bill AB 2777. These two bills propose legislation to allow regulations governing tug escort for vessels carrying hazardous materials.

The Tug Escort workgroup of the committee has met four times regarding the proposed legislation with a broad representation from the public participating. The work group recommended to the full Harbor Safety Committee that the proposed legislation in its current form should be opposed.

I have included with this letter a copy of the final Tug Escort Work Group recommendation, with its findings.

Yours truly,



Captain J. Grant Stewart
Chairman

CC: The Honorable Byron Sher
CC: All SF HSC Members
CC: Al Storm, OSPR SF HSC representative

Recommendation and Minutes
Tug Escort Work Group Meeting
May 5, 2004

Subject: SB 1480 and AB 2777: Proposed legislation to allow regulations governing tugboat escorts for vessels carrying hazardous materials.

Recommendation to San Francisco Harbor Safety Committee

The Tug Escort Work Group held four meetings on the proposed legislation, well attended by a broad representation of the tanker, tug, pilots, terminal operators, U.S. Coast Guard, State Lands Committee, BCDC and OSPR.

The Tug Escort Work Group recommends that the Harbor Safety Committee oppose SB 1480 with Amendment 1 and AB 2777 because:

1. The definition of "hazardous materials" is too broadly written to be meaningful in pinpointing the most dangerous chemicals and quantities hazardous to the public and the environment. As written the legislation would affect almost every ship in the Bay, from cargo ships to tankers, and would not enhance safety.
2. The Work Group is concerned that, because the definition of hazardous materials is so broadly written, permanent, broad powers would be granted to the OSPR Administrator with no criteria or analysis upon which to base his/her decision. Within the past five years, OSPR has had five Administrators.
3. San Francisco Bay has the most stringent and comprehensive tug escort regulations for oil tankers and barges in the United States, based upon extensive public hearings and discussion by the Harbor Safety Committee. The Work Group, through the Harbor Safety Committee, reaffirms its desire to work with state legislators to craft workable legislation on this topic relevant to San Francisco Bay and its rivers.

Findings:

1. The Tug Escort Work Group has continued to struggle over the past two plus years to define what chemicals and what quantities are considered most dangerous to the public and the environment. It is beyond the expertise of this advisory committee to define the most hazardous materials for the purpose of establishing legislation.
2. The Tug Escort Work Group was concerned about the reported number of marine casualties that implied a higher incidence of steering, propulsion and groundings and a major increase in the number of Chemical Tankers now entering the Bay. The Work Group carefully reviewed the 9 year record of Coast Guard Casualty reports for Chemical Tankers, the 7 year record of Coast Guard Captain of the Port (COTP) orders to require

Chemical Tankers to be tug escorted, and Chemical Tanker arrivals in the Bay for 2003. Of 23 reported Casualties for the past nine years, only 4 were for loss of steering or power, 4 were for the same ship and 7 Chemical Tankers carried oil. The other Casualties were minor in nature because of the broad definition of a reportable Marine Casualty. Similarly of the COTP orders for 7 Chemical Tankers, 5 carried oil and the other 2 probably carried oil. Based upon the case data reviewed, the Work Group could not conclude there were excessive major problems for Chemical Tankers carrying chemicals.

There was a marked increase in the number of Chemical Tankers entering the Bay in 2003. The Work Group reviewed the list of ships, berths and whether the ships were escorted by tugs and therefore carrying oil. Of 145 Chemical Tankers entering the Bay, 89 ships carried oil and the balance carried chemicals which included tallow, palm oil, and a very broad list of materials. The major increase in the number of Chemical Tankers was due to the change in definition of tankers by Lloyds of London.

3. The Tug Escort Work Group also noted that prevention of accidents may occur through a number of means: ship design, training of crew and pilots, use of anchors and the use of tug escorts. Most chemical tankers are double-hulled ships subject to strict standards and close vetting review. The Work Group previously analyzed the 2001 list of chemical tankers for international classification type. The majority of chemical tankers calling in the Bay in 2001 were Type 2, double hull, affording a higher level of ship safety than most oil tankers in the Bay.

Joan Lundstrom, Chair
Tug Escort Work Group
San Francisco Harbor Safety Committee