

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; August 14, 2003

Port of San Francisco, Pier One Bayside Conference Room, San Francisco, CA

Grant Stewart, American Ship Management, Chair, called the public meeting to order at 10:00 and welcomed those in attendance. The following committee members or alternates were in attendance: **Dave Adams** (alternate for **Len Cardoza**), Port of Oakland; **John Davey**, Port of San Francisco; **Norman Chu** (alternate for **Tom Wilson**), Port of Richmond; **Nancy Pagan**, Port of Benicia; **Capt. Doug Lathrop**, ChevronTexaco; **Scott Merritt**, Foss Maritime Company; **Capt. Margaret Reasoner**, Crowley Maritime Services; **Don Watters**, CSX Lines; **Michael Beatie**, Golden Gate Bridge Highway and Transportation District, Ferry Division; **Capt. Larry Teague**, San Francisco Bar Pilots; **Joan Lundstrom**, Bay Conservation and Development Commission; and **Margot Brown**, National Boating Federation. Also present were U. S. Coast Guard representatives, **Cmdr. Greg Phillips** (MSO) and **Cmdr. Pauline Cook** (VTS); U. S. Army Corps of Engineers' representative, **David Dwinell**; **Al Storm**, OSPR; **Ken Leverich**, State Lands Commission; and **Capt. Lynn Korwatch**, Marine Exchange.

The Secretariat confirmed the presence of a quorum.

The following correction was made to the draft minutes of the July 10, 2003 meeting. **A. Storm**: Page 3, OSPR Report (1); add "**A. Storm** thanked **Fred Henning** and **Scott Merritt** for their help with tug escort pictures." Motion by **L. Teague**, seconded by **M. Beatie** to "accept the minutes as amended." Motion passed without objection. **J. Lundstrom** abstained.

USCG REPORT, G. Phillips. (1) **G. Phillips** reported on port operations statistics for pollution response and investigations and significant port safety events for the period July 1, 2003 through July 31, 2003. (2) **Cmdr. J. Seine**, USCG Port Intel Coordinator, reported on recent security-related events. (3) The MX is seeking a security grant to enhance communications. (4) Oakland fire station #2 and the fireboat Sea Wolf are out of operation. (4) **P. Cook** reported that brainstorming meetings with ferry operators to address strategies for meeting reporting requirements under MARSEC 2 or 3 are in the works. Current reporting requirements aren't being met and VTS is looking at ways to track and fix this. Question: How are they not being met? **P. Cook**: Ferries are getting underway without checking in. A letter went to ferry companies during **D. Kranking's** command seeking to develop a system with the captains of ferries. **M. Beatie**: Ferries only have a five-minute turnaround at terminals and the captain must be on the wing the whole time. That makes a pre-call before leaving the terminal difficult. Ferry captains do make a pre-call at the beginning of the day. In addition, the radio channels are logged up with construction and ferry communications, so sometimes a captain can't get through to VTS until 1/3 of the way through the route. **P. Cook**: A meeting will be held at the end of

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August to see how to meet the spirit of the regulation and still operate efficiently. Agreement has been reached with two ferry companies for the captain to call in first thing in the morning, with no further calls required if there are no deviations in standard schedule and routes the rest of the day. In the event of elevated security levels, VTS will be looking at any change in a ferry's schedule or route as a possible security concern. The Chair suggested that the HSC Ferry Operations Work Group get involved in getting everyone together to address these concerns.

CLEARINGHOUSE REPORT, L. Korwatch. A written report with statistics for the month of July 2003 is made a part of these minutes. There were no calls to OSPR during the month of July for a possible escort violation or from pilots to report a vessel arriving at the pilot station without escort paperwork. Year-to-date, there have been three calls to OSPR regarding escort violations. There were two calls regarding escort violations in 2002; six calls in 2001 and five calls in 2000.

OSPR REPORT, A. Storm. To date, two applications have been received in response to the first call for the Ferry Operators seat on the committee, from **M. Beatie** and **Paul Bishop**. By notice at this meeting the second call is announced for one tanker operators' seat and first call for the dry cargo representative's seat.

NOAA REPORT. No report.

COE REPORT, D. Dwinell. The text of the COE Report is made a part of these minutes by attachment. **Eric Dohm:** The *Yaquina* only dredged the high spots in Suisun Bay. It was the pilots' understanding that the plan was for further dredging to address the areas not yet completed. **D. Dwinell:** No additional dredging is in the contract for Suisun Bay. He will contact the Project Manager.

STATE LANDS COMMISSION REPORT, K. Leverich. There have been no spills from terminals year-to-date.

NAVIGATION WORK GROUP REPORT, L. Teague. No report. The Chair acknowledged receipt yesterday of a letter from **Marc Bayer** regarding measures the companies are taking in connection with the Avon Turning Basin issue. The letter will be distributed to HSC members.

UNDERWATER ROCKS WORK GROUP REPORT, D. Adams. The report of the Underwater Rocks Work Group is made a part of these minutes by attachment.

FERRY OPERATORS WORK GROUP REPORT, N. Pagan. No report.



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HUMAN FACTORS WORK GROUP REPORT, D. Watters. No report.

PREVENTION THROUGH PEOPLE WORK GROUP, M. Brown. (1) The group's meeting scheduled for August 26, 2003 will be rescheduled for August 19, 2003 or the first week of September. (2) The voice-over for the video is being professionally done. The project is being completed with a zero budget. (3) The brochure *Where the Heck is Collinsville?* is an incredible success story. Similar brochures, based on the SF model, are being developed for Hawaii and Prince William Sound. Thanks for **Sean Kelly** for his work on this project.

HSC MEMBERSHIP REVIEW AND BY-LAWS WORK GROUP REPORT, G. Stewart. The vote agendaed for this meeting must be canceled because OSPR has pointed out some conflicts between the proposed by-laws and statute. The work group will meet on August 26, 2003 at 13:00 at the office of State Lands to resolve these issues, none of which are major. Anyone interested in the by-laws is encouraged to attend. The vote will be rescheduled for the HSC September meeting. Question: Is there a list of the issues raised by OSPR? **A. Storm:** (a) Membership; the new positions included in the by-laws are not in code. OSPR is looking at changing statute. (b) The by-laws look to change the name of the HSC to include Sacramento and Stockton. (c) The appointment of alternates by the Administrator is not in code. (d) The Administrator of OSPR doesn't have statutory authority to appoint the HSC Vice-Chair. **J. Lundstrom:** These issues are simply a matter of process. It is suggested that the HSC approve interim by-laws and sign off on the proposed language to be included when statute has been changed. **A. Storm** agreed that the issues are a matter of process and added that OSPR is delighted with the proposed by-laws, which exceed expectations. The Chair added that the HSC will have the product that so much hard work has gone into, but it will take time. **A. Storm:** The revised statutes can be in effect January 1, 2005.

PLAN UPDATE WORK GROUP, S. Merritt. Previously, the decision was made to delay a vote on the plan update so that the by-laws could be included. Should the vote take place today without the by-laws? Chair: Yes. **S. Merritt** thanked the MX and **A. Steinbrugge** for preparing the marked-up copy of the by-laws, which makes identifying changes easier; and **Lt. Ebbers** and his group at the CG for the thorough review they conducted to clean up language. He also thanked HSC committee members for submitting reports needed to complete the update. **S. Merritt** suggested that, rather than go through the plan page-by-page, the committee review the changes and any other issues as requested. **S. Merritt:** Section VIII, page 3; the table of VHF channel assignments should include Foss Maritime on channel 10. Any changes or corrections to committee members' addresses or e-mail should be supplied to the MX. **M. Bayer:** Sanders, Tweed and Sacramento Towing no longer exist. A new tug company on the bay is Starlight on channel 18A. The Secretariat will confirm and make any necessary changes

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to the plan document. **Sean Kelly:** Section VI, page 2; the last line of paragraph 3, under ‘Status’; language should be changed to indicate that the contractor/bridge owner is responsible for communication with VTS. This will be forwarded to the MX. Section VI, page 4, under ‘General-Safety at Bridge Construction Sites’; language should read “commercial vessels may be asked to provide VTS . . .” **J. Lundstrom:** Section XII, page 3, paragraph 2; language should be added to indicate that, in 2001-2002, the Tug Escort Work Group reviewed the tug/tanker matching matrix and found that it remains valid and does not need to be modified. **M. Bayer:** Section VII, page 1, paragraph 3; SeaRiver no longer lighters as often as the language implies. The next sentence should be re-written to indicate that there are companies other than Clean Bay to provide stand-by services. It was the consensus of the committee to delete the last two sentences of that paragraph. **D. Lathrop:** Section VII, page 4, recommendation 7.1; language should be changed to reflect the change on page xii. All language on page VII-1 (Ship Traffic) should be reviewed and updated during the next plan review. MOTION by **S. Merritt**, seconded by **J. Lundstrom**, to “accept the plan as amended.” Motion passed unanimously.

PORTS REPORT, L. Korwatch. The new side-looking meter for the Benicia Bridge is scheduled for installation in the next couple of months. New wireless modems are in place for communications. The data systems hardware has been re-located from CMA to the MX, which facilitates maintenance because the MX is staffed 24 hours a day.

PUBLIC COMMENT. Jim Hausner, CMANC: A meeting is scheduled for September 29-October 1 in Monterey. Keynote speaker will be **Jeffrey Shane**, Undersecretary for Policy, U. S. Department of transportation. CMANC will be making recommendations for FY 2005 Energy & Water Appropriations, which includes navigational channels. Please submit any input by the end of September.

OLD BUSINESS. J. Lundstrom: The Tug Escort Work Group will reconvene to address the issue raised by **L. Teague** at the last HSC meeting regarding the existing regulatory requirement that the pilot have escort forms with them. All interested in attending should contact **J. Lundstrom**; those who attended work group meetings in the past will be notified of this meeting when date set.

NEW BUSINESS. M. Brown reported on the NAVSAC meeting held in Maryland earlier this week. **Dave McFarland** retired from NOAA last Friday and is now employed by NOAA as a civilian employee in charge of PORTS. Pending budget approval, NOAA is seeking to have \$3.3 million set aside for the operation and maintenance of twelve existing PORTS systems across the country. NAVSAC Resolution 03-07 supports efforts to make this an annual federal funding item. Other resolutions passed include: (1) Support for establishing a merchant marine reserve and federally funding license renewal fees and required classes to provide for stable

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staffing in an emergency. (2) The original proposal that all recreational vessels maintain 300 yd. distance from all commercial vessels was amended to state that the 47 COTPs be requested to encourage education of recreational boaters, especially on Rule 9. COTPs to be given the authority to establish cautionary zones around commercial vessels as required. No problems were noted for the SF Bay Area.

The next meeting of the HSC will be held on September 11, 2003 at 10:00 at the Port of Oakland.

MOTION by **L. Teague**, seconded by **M. Beatie**, to “adjourn the meeting.” Motion was passed without objection. Meeting adjourned at 1100.

Respectfully submitted,



Captain Lynn Korwatch
Executive Secretary

USCG Marine Safety Office San Francisco Bay

Port Operations Statistics

July 2003

PORT SAFETY:	TOTAL
• SOLAS Interventions/COTP Orders:	04
• Marine Casualty: Allision/Collision (0) Grounding/Sinking (1) Fire (0)	01
• Marine Casualty (Mechanical): Propulsion (0) Steering (0)	00

POLLUTION RESPONSE:	MSO
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Total oil pollution incidents within San Francisco Bay for the month:	06
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▪ Source Identification; Discharges and Potential Discharges from:	
Deep Draft Vessels	00
Facilities (includes all non-vessel)	01
Military/Public Vessels	00
Commercial Fishing Vessels	01
Other Commercial Vessels	00
Non-Commercial Vessels (e.g. pleasure craft)	00
Unknown Source (as of the end of the month)	04
▪ Spill Volume:	
Unconfirmed	05
No Spill, Potential Needing Action	00
Spills < 10 gallons	00
Spills 10 to 100 gallons	00
Spills 100 to 1000 gallons	01
Spills > 1000 gallons	00

Significant Cases:

29 JUL – M/V NYK LYNK arrived in port with a Chinese stowaway on board. INS reported that the vessel was en route from LA/LB with one Chinese stowaway on board who had tried to jump ship twice in LA. COTP Order issued directing vessel to provide security while in port.

24 JUL – F/V DORIS grounded in Duxbury Reef near Bolinas Bay. No injuries or pollution reported. Owner took salvage responsibilities.

13 JUL – IMTT - Richmond Terminal had an oil leak from a ruptured gasket in a pipeline inside their secondary containment. The oil found its way from the ground where the oil leaked to the waterway approximately 35 feet away. Foss Environmental was hired by IMTT to do the clean up. So far the spill is estimated at around 500 gallons. (G-M Goals 1, 2, & 3)

San Francisco Bay Clearinghouse Report For July 2003

San Francisco Bay Region Totals

			2002
Tanker arrivals to San Francisco Bay	68		72
Tank ship movements & escorted barge movements	351		322
Tank ship movements	217	61.82%	230
Escorted tank ship movements	110	31.34%	103
Unescorted tank ship movements	107	30.48%	127
Tank barge movements	134	38.18%	92
Escorted tank barge movements	67	19.09%	46
Unescorted tank barge movements	67	19.09%	46
Percentages above are percent of total tank ship movements & escorted barge movements for each item.			
Escorts reported to OSPR	0		2

Movements by Zone	Zone 1	%	Zone 2	%	Zone 4	%	Zone 6	%	Total	%
Total movements	223		342		0		186		751	
Unescorted movements	106	47.53%	168	49.12%	0	0.00%	86	46.24%	360	47.94%
Tank ships	74	33.18%	104	30.41%	0	0.00%	56	30.11%	234	31.16%
Tank barges	32	14.35%	64	18.71%	0	0.00%	30	16.13%	126	16.78%
Escorted movements	117	52.47%	174	50.88%	0	0.00%	100	53.76%	391	52.06%
Tank ships	71	31.84%	109	31.87%	0	0.00%	57	30.65%	237	31.56%
Tank barges	46	20.63%	65	19.01%	0	0.00%	43	23.12%	154	20.51%

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 2003

San Francisco Bay Region Totals

			<u>2002</u>
Tanker arrivals to San Francisco Bay	482		709
Tank ship movements & escorted barge movements	2,426		3,015
Tank ship movements	1,484	61.17%	1,981
Escorted tank ship movements	744	30.67%	996
Unescorted tank ship movements	740	30.50%	985
Tank barge movements	942	38.83%	1,034
Escorted tank barge movements	495	20.40%	564
Unescorted tank barge movements	447	18.43%	470
Percentages above are percent of total tank ship movements & escorted barge movements for each item.			
Escorts reported to OSPR	2		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	1,497		2,276		1		1,255		5,029	
Unescorted movements	699	46.69%	1,121	49.25%	1	100.00%	583	46.45%	2,404	47.80%
Tank ships	481	32.13%	719	31.59%	0	0.00%	343	27.33%	1,543	30.68%
Tank barges	218	14.56%	402	17.66%	1	100.00%	240	19.12%	861	17.12%
Escorted movements	798	53.31%	1,155	50.75%	0	0.00%	672	53.55%	2,625	52.20%
Tank ships	492	32.87%	708	31.11%	0	0.00%	359	28.61%	1,559	31.00%
Tank barges	306	20.44%	447	19.64%	0	0.00%	313	24.94%	1,066	21.20%

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.



August 1, 2003

To: Parties Interested in Serving on the San Francisco Bay Region Harbor Safety Committee

Subject: Harbor Safety Committee Vacancy

The Office of Spill Prevention and Response (OSPR) announces an opening on the Harbor Safety Committee for a representative of **tank ship operators**. The term of the incumbent, Mr. Stuart McRobbie of SeaRiver Maritime, expires on October 15, 2003.

Qualified persons representing tank ship operators located in the San Francisco Bay Area are encouraged to apply. Internet site <http://www.dfg.ca.gov/ospr/forms/miscforms/appform.pdf> contains a printable Harbor Safety Committee application. Applicants must complete this form and attach a current resume which indicates their qualifications. Also, provide a copy of your U.S. Coast Guard Merchant Marine Deck Officer's License, if using such a license to qualify. Mail application materials to:

Mr. Al Storm
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

The vacancy will be announced at the August 14 and September 11, 2003, Harbor Safety Committee meetings. Information packets for both of these meetings will include a copy of this announcement.

Applications must be post marked no later than **September 19, 2003**. OSPR intends to appoint the new member at the October 9, 2003, Harbor Safety Committee meeting in Richmond.

Questions regarding the position, requirements or the application process may be directed to Mr. Al Storm at: the above mailing address, e-mail address astorm@ospr.dfg.ca.gov, or telephone number (916) 324-6259. We look forward to hearing from qualified applicants.



August 1, 2003

To: Parties Interested in Serving on the San Francisco Bay Region Harbor Safety Committee

Subject: Harbor Safety Committee Vacancy

The Office of Spill Prevention and Response (OSPR) announces an opening on the Harbor Safety Committee for a representative of **ferry operators**. The term of the incumbent, Mr. Michael Beatie of the Golden Gate Bridge, Highway and Transportation District, expires on September 13, 2003.

Qualified individuals representing ferry operators located in the San Francisco Bay Area are encouraged to apply. Internet site <http://www.dfg.ca.gov/ospr/forms/miscforms/appform.pdf> contains a printable Harbor Safety Committee application. Applicants must complete this form and attach a current resume which indicates their qualifications. Also, provide a copy of your U.S. Coast Guard Merchant Marine Deck Officer=s License, if using such a license to qualify. Mail application materials to:

Mr. Al Storm
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

The vacancy will be announced at the August 14, 2003, Harbor Safety Committee meeting and a copy of this announcement will be included in the meeting's information packet. Also, in order to reach the widest possible audience of potentially interested applicants, this notice will be mailed directly to known ferry operators located in the San Francisco Bay Area.

Applications must be post marked no later than **August 15, 2003**. OSPR intends to appoint the new member at the September 11, 2003, Harbor Safety Committee meeting in Oakland.

Questions regarding the position, requirements or the application process may be directed to Mr. Al Storm at: the above mailing address, e-mail address astorm@ospr.dfg.ca.gov, or telephone number (916) 324-6259. We look forward to hearing from qualified applicants.

**Harbor Safety Committee
Of the San Francisco Bay Region**

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

August 14,2003

1. CORPS 2003 O&M DREDGING PROGRAM

- a. *Main Ship Channel* – Compete – Awaiting Post Dredge Survey
- b. *Richmond Outer and Southampton Shoal*– Complete.
- c. *Richmond Inner* – This project is approximately 90% complete and is scheduled to finish in the next couple of weeks. Material is going to the Ocean.
- d. *Oakland (Inner & Outer)* – Corps is coordinating O & M dredging with the deepening project time line. Material is scheduled to go to the ocean. The contractor as been given the notice to proceed and the pre dredge survey is complete. Dredging should begin within the next two weeks. The Corps performed emergency dredging on some portions of the Oakland channel.
- e. *Suisun Bay Channel* – The contractor has been given notice to proceed and the pre dredge survey is complete. Dredging is expected to start within the next two weeks. The material will not go to Sherman Island as planned because the material when tested did not meet the requirements for Sherman Island. However, the Corps will try to take some of the material to Winter Island. The remainder of the material will go in bay. The government dredge “Yaquina” has finished dredging Bullshead Reach and the high spots of Point Edith and these areas are complete. This material was not scheduled to go to Sherman Island because it was not include in the Central Valley Regional Water Quality Control Board’s Waste Discharge.
- f. *Redwood City* – Complete and the post dredge survey is posted. This project was not scheduled for dredging this year, but Corps worked with Port and Pilots to address problem areas of channel. The Corps used the government dredge “Essayons” to take out the high spot that is causing the major problem.
- g. *San Rafael* – This project is complete.
- h. *Petaluma* – Contractor has completed mobilization and is ready to start work. Dredging stopped February 5, 2003 due to the Endangered Species Act. Contractor has demobilized for the site. There is approximately 30,000 cubic yards of material remaining on this project.

3. UNDERWAY OR UPCOMING HARBOR IMPROVEMENTS

a. Oakland 50-ft –

Construction has been continuing. We plan to award two contracts next week. The first one will be for the Montezuma Wetland tipping fee and the second one will be for the dredging where the material will be taken to Montezuma. We will let contract for the storm water treatment unit in the Middle Harbor area and for purchase of sheet piling the last week of August or the first week of September. The contract for the demolishing of a building should be let in mid September.

b. S.F. Rock Removal Feasibility Study

As previously reported, based on the present information, the decision has been made to put out a final report so the work that has been accomplished can be of use in the future and then to stop work. Corps is presently working on the final report providing a summary of the work accomplished to date. Final Report should be out in a week or two.

c. Avon Turning Basin

The Corps has stopped work on this project and plans no further actions based on the lack of funding required from the sponsor. The sponsor has not been able to secure the funding required because of liability issues.

4. EMERGENCY DREDGING

Oakland Inner Harbor – The emergency dredging of Oakland is complete and the post dredge survey is complete.

5. CORPS' BUDGET

Corps has received the FY 2003 budget for O & M Dredging. It appears that we will have sufficient funds for our O & M projects this year by being able to use the government dredges for some of the projects.

6. OTHER WORK

San Francisco Bay to Stockton.

Status unchanged.

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 signed the Pre-construction Engineering Design agreement with the Port of Stockton on July 11, 2002. This started Phase 1 of the GRR on salinity and economics. This study is expected to take approximately 10 months

and complete this July. The Department of Water Resources is performing model studies in support of the GRR. We are starting the peer review of the salinity model and finishing up the economic analysis. So far the studies indicate that the salinity issue may not be a problem for this project.

Sacramento River Deep Water Ship Channel Deepening

Status unchanged.

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 will be doing a Limited Re-evaluation Report (LRR) that focuses on economics and updating the environmental documentation. The studies should take approximately 24 months (July 2004). We are continuing to work on this project. We are focusing on the economics to make sure that the deepening to 35 feet is justified.

Memorandum

Date: August 13, 2003

To: Harbor Safety Committee, San Francisco Bay Region

From: Len Cardoza

Subject: Underwater Rocks Work Group Report

The Underwater Rocks Work Group did not meet during the last month.

As previously reported, the Corps of Engineers (CoE) is in the process of preparing a Reference Report reflecting the status of the Corps of Engineers (CoE) Feasibility Study (FS) for the project. The Reference report will summarize all work accomplished to date on the project. The CoE now anticipates the draft report to be completed by the end of August, reflecting a one-month schedule slip. An Underwater Rocks Work Group meeting will be scheduled to review the report.

As previously reported, The Project Team, led by the CoE, arrived at following conclusions:

1. The risk assessment model for the study resulted in a cost benefit analysis significantly below the 1:1 ratio required to proceed with CoE projects under the concept of National Economic Benefit (NED). Therefore, it is extremely unlikely that the Chief of Engineers will provide a positive recommendation for the proposed project.
2. It is also unlikely that the Corps of Engineers will pursue the project's structural alternative (rock removal) under the Federal objective for National Ecosystem Restoration (NER). The FS documented that an oil spill in the San Francisco Bay will have devastating environmental impacts. However, characterizing the prevention of these impacts as environmental restoration is problematic, from the perspective of the CoE. Although prevention of these impacts is a potential project output, CoE Principles and Guidelines for project formulation might not consider these outputs as environmental restoration. The outputs result from preventing an accident rather than restoring the environment.
3. The project proponents should consider expanding the scope of the study to consider means to prevent oil spills as a result of all causes (not limited to grounding on the submerged rocks to the northwest and southeast of Alcatraz Island).
4. The study will likely conclude that other, non-structural measures (such as employing additional tractor tugs) should be pursued. It is unlikely that the Federal Government will fund these non-structural measures as a CoE civil works project.

The Work Group agreed on the following measures with respect to completing the Feasibility Study:

Terminate the Study. Complete work nearing completion to a logical (useful) point. Prepare Feasibility Study document (Reference Report) stating conclusions noted above. Recommend that the CoE Commander/Division Engineer issue a Public Notice stating that the Feasibility Study is complete with the recommendation that there is no Federal interest due to the low benefit to cost ratio.

**HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION
INCLUDING THE PORTS OF SACRAMENTO AND STOCKTON**

BYLAWS

Article I: Name

Section 1. The Harbor Safety Committee of the San Francisco, San Pablo and Suisun Bays, including the Ports of Sacramento and Stockton (hereinafter referred to as the Committee).

Article II: Purpose

Section 1. The Committee is established pursuant to Section 8670.23 of the Government Code and Title 14, California Code of Regulations, Sections 800-802; and is responsible for planning for the safe navigation and operation of tank ships, tank barges, and other vessels within the harbor, and making recommendations to the Administrator of the Office of Spill Prevention and Response (OSPR), hereinafter referred to as the Administrator.

Article III: Membership

Section 1. Membership Categories

- a. Members shall be selected from local representatives of organizations or companies in the San Francisco Bay Area region (including the Ports of Sacramento and Stockton) whenever possible.
- b. The Committee shall consist of members appointed by the Administrator as follows:
 1. Four designees representing Port authorities: One representative shall be selected from the Port of San Francisco and one from the Port of Oakland. The other two representatives shall be selected from any two of the remaining ports: Richmond, Redwood City, Benicia, Stockton or Sacramento;
 2. One representative of tank ship operators, and one representative of either a tank ship operator or a marine oil terminal operator;
 3. One designee of the San Francisco Bar Pilots Association;
 4. Two representatives of dry cargo vessel operators;
 5. One representative of commercial fishing;
 6. One representative of pleasure boat operators;
 7. One representative of a recognized nonprofit environmental organization that has as a purpose the protection of marine resources;
 8. One designee of the San Francisco Bay Conservation and Development Commission;
 9. One representative from a recognized labor organization involved with waterborne operations of vessels;

10. One representative of tug operators and one representative of tank barge operators, neither of whom shall also be engaged in the business of operating either tank ships or dry cargo vessels.

11. One designee from each of the following: Captain of the Port from the U.S. Coast Guard; U.S. Army Corps of Engineers, U.S. National Oceanic and Atmospheric Administration (NOAA), and the U.S. Navy, to the extent that each consents to participate on the Committee as a non appointed member.

- c. Appointees filling membership categories identified in items b1 through b10, above, are specified as appointed members.

Section 2. Membership Qualifications

The members appointed from the categories listed in Section 1b (2), (3), (4), and (10) above shall have navigational expertise. An individual is considered to have navigational expertise if the individual meets any of the following conditions:

- a. Has held or is presently holding a Coast Guard Merchant Marine Deck Officer's license;
- b. Has held or is presently holding a position on a commercial vessel that includes navigational responsibility;
- c. Has held or is presently holding a shore side position with direct operational control of vessels;
- d. Has held or is currently holding a position having responsibilities relating to the safe navigation of vessels.

Section 3. At-Large Members

The Harbor Safety Committee may petition the Administrator to request up to five at-large membership categories that are needed to conduct the Harbor Safety Committee's business and which reflect the make-up of the local maritime community. One at-large member shall represent ferry operators who shall have navigational expertise as defined in Section 2, above, and who is specified to be an appointed member consistent with Section 1c, above. The Committee may also petition the Administrator for the removal of any at-large membership category. The approval of such petitions shall be at the sole discretion of the Administrator.

Section 4. Term of Membership for Appointed Members and their Alternates

- a. A member shall be appointed for a three-year term.
- b. A member's appointment shall be terminated as a result of any of the following circumstances:
 - 1. The member retires from, or otherwise leaves employment under which he was appointed. Members who leave their employer may, if qualified under their new employment, apply for the seat they vacated or, if qualified, apply for another Committee seat that becomes vacant.
 - 2. The member undergoes a change in work responsibilities, which alters the constituency that he represents, or alters his qualifications for the position.

3. The member voluntarily resigns for any reason.
 4. A member is removed by the Administrator for any reason under Section 7, below.
- c. A member impacted by any of the conditions identified in items 1-4 above is expected to submit his resignation to the Chair (with a copy to the Administrator) within five working days.
 - d. Any incumbent completing his three-year term may re-apply.
 - e. Except as noted in Section 5c, below, an alternate's term expires when the primary member leaves service for any reason.

Section 5. Alternates for Appointed Members

- a. The alternate representative shall be appointed and sworn by the Administrator in a manner similar to the primary member. Only one alternate shall be appointed for each primary member, and only the appointed alternate is accorded proxy powers. The alternate shall be selected from the same membership category as the primary member, and shall meet the same qualifications. The appointed alternate may vote, participate in, or take any other action on behalf of the primary member consistent with the Committee's bylaws and any applicable statutory or regulatory provisions.
- b. An alternate may vote only in the absence of the primary member.
- c. When a primary member resigns or is removed, his alternate may continue to serve until such time as the new primary member is appointed and sworn in.
- d. The Committee offers the Administrator the following guidelines for appointing alternates:
 1. When possible, the primary member should be allowed to recommend his alternate;
 2. If there is more than one applicant for a position, the primary member and Administrator should consider the other applicants when selecting alternates. The Committee requests the Administrator consider diversity of organizations within each membership category when selecting alternates.

Section 6. Attendance of Appointed Members

- a. Attendance of scheduled Committee meetings is expected. The standard of attendance is determined as follows:
 1. For each appointed membership category team consisting of a primary member and alternate, meeting either condition (a) or (b) is considered to be not meeting the standard of attendance:
 - (a) The primary member of the team missing four consecutive meetings, or a total of six meetings in a calendar year.
 - (b) The team missing three consecutive meetings, or a total of four meetings in a calendar year.

2. For a primary member with no alternate, meeting condition (a) is considered to be not meeting the standard of attendance:
 - (a) Missing four consecutive meetings, or a total of six meetings in a calendar year.
 - b. The Committee Chair shall review the meeting attendance records on a regular basis and shall inquire about members and teams with excessive absences.
 - c. The Chair may make an exception to the attendance standards for a member experiencing extenuating circumstances.

Section 7. Appointed Member Removal

- a. Circumstances may arise which require that a Committee member voluntarily resign or be removed from their position. Such events include:
 1. Failing to meet the attendance standards, as set in Section 6,
 2. Falsifying application materials,
 3. The member's term ending prematurely due to meeting one of the conditions described in Article III, Section 4, items b1 and b2.
- b. A member who demonstrates any of the three criteria listed above is expected to voluntarily tender his written resignation to the Chair (with a copy to the Administrator) within five working days of being informed of this condition. If the expected resignation is not forthcoming, the Chair shall privately contact the member, explain which bylaw(s) has been violated, and seek the member's written resignation. If the request is not honored within ten working days, the Chair shall write to the member (with a copy to the Administrator), explaining which bylaw(s) has been violated and, again, request a written resignation. If the resignation is not offered within 15 working days the Chair shall notify the Administrator in writing (with a copy to the member) of the situation, identify which bylaw(s) has been violated, and seek the Administrator's assistance in removing the recalcitrant member.
- c. The Chair shall announce at the next full meeting the resignation or removal or any member.

Article IV: Officers

Section 1. The Administrator shall appoint a Chairperson for the Committee from the membership specified in Article III.

Section 2. The Administrator shall appoint a Vice-chairperson for the Committee from the membership specified in Article III, from a membership category other than that of the Chairperson.

Section 3. An Executive Secretary (Secretariat) for the Committee shall be contracted by the Administrator. The Secretariat shall serve as the Administrative staff to the Committee.

Article V: Subcommittees and Work Groups

Section 1. The Committee may establish Subcommittees and Work Groups, as it deems necessary. Meetings shall be duly noticed and open to the public in accordance with Article VII to receive maximum participation.

Section 2. The Chair of the Harbor Safety Committee shall appoint the chairperson of Subcommittees and Work Groups. The Chair may appoint Subcommittee members.

Section 3. Subcommittees should be composed of an uneven number of voting Committee members with no fewer than three people on a subcommittee. Vote by the majority of the subcommittee members present shall be necessary to pass a recommendation of the subcommittee. If a majority of Committee members are voting at a subcommittee meeting, that meeting should be noticed as a meeting of the full Harbor Safety Committee.

Section 4. Work Groups may be composed of any number of participants. Work Groups should operate by consensus of those present, including interested members of the public.

Section 5. Subcommittees and Work Groups may make recommendations to the full Committee, which will vote on the recommendations as detailed in Article VIII. Recommendations should be made in writing and provided to the Committee prior to any vote on the matter.

Article VI: Recommendations from Committee

Section 1. The Committee shall make recommendations or requests to the Administrator on rules, regulations, guidelines and policies on Harbor Safety. The Committee may make recommendations or requests to other federal, state or local agencies.

Section 2. The Committee shall prepare and submit a Harbor Safety Plan and annual updates to the Administrator by July 1 of each year or as directed otherwise by the Administrator.

Article VII: Meetings

Section 1. Governing rules for meetings shall be the Ralph M. Brown Act (Open Meetings for Local Legislative Bodies), the San Francisco Bay Region HSC bylaws, and Robert's Rules of Order.

Section 2. Each Committee member and alternate shall be provided a copy of the San Francisco Bay Region HSC bylaws and the Harbor Safety Plan. Upon request, Committee members and alternates, as well as interested parties, shall be provided a copy of the Brown Act.

Section 3. The Committee normally meets at 10:00 a.m. on the second Thursday of each month and rotates meeting locations to include the Ports of Oakland, Richmond and San Francisco or other relevant locations within the San Francisco Bay Region.

Section 4. Quorum

In order for a meeting to take place, a quorum of appointed members or their alternates consisting of nine (9) individuals shall be present. Should a quorum not be present, the Committee can proceed as a committee of the whole, take public testimony, receive input on any agenda item duly noticed, but cannot take action on any item.

Section 5. Agenda for Meetings:

- a. An agenda drafted by the Secretariat in consultation with the Committee Chair shall be prepared for each meeting of the Committee. The agenda shall be distributed to members, alternates, and interested parties no fewer than seven (7) days prior to the scheduled meeting and shall comply with all provisions of the Brown Act.
- b. In accordance with the Brown Act, agendas for full Committee meetings, and the schedule of upcoming workgroup and subcommittee meetings shall be posted 72 hours in advance at the Secretariat Offices. Postings shall be visible from the outside of building.
- c. Agendas shall include a brief general description of each item to be discussed, including whether a voting action is to be taken on an item.
- d. Each agenda item that requires Committee action shall include time for public comment.
- e. The Committee may take action on an item not appearing on the agenda by determining that an immediate need exists and it came to the attention of the Committee after the agenda was distributed. This determination must be approved by a two-thirds ($2/3^{\text{rd}}$) vote of all appointed Committee members or, if less than two-thirds ($2/3^{\text{rd}}$) of all appointed members are in attendance, by a unanimous vote of those appointed members present.
- f. A Committee member or member of the public may discuss an item not on the agenda under New Business/Public Comments. However, no action by the Committee can be taken until such time as the item is duly noticed at a regular or special meeting, and time has been allotted to receive public input prior to Committee action.

Article VIII: Voting

Section 1. Voting

- a. The San Francisco Bay Region Harbor Safety Plan annual review shall be approved by two-thirds ($2/3^{\text{rds}}$) of the appointed Committee members or their alternates.
- b. With the exception of items specified in Section 1a of this Article, Article VII, Section 5 e, and Article IX, passage of any item subject to a vote by Committee members shall require a simple majority of appointed members, or their alternates, present at a meeting. No action shall be taken on any item that is not on the agenda provided pursuant to Article VII, Section 5, except as allowed by Article VII, Section 5e.
- c. Due to the advisory nature of the Committee and its selected representatives, members shall not be excused from voting in case of potential conflict of interest.

Article IX: Bylaws Review, Acceptance and Amendments

Section 1. Enactment or Amendment of Bylaws

To enact or amend the bylaws, the proposed bylaws must be:

- a. Included as an agenda item at a regular meeting.
- b. Noticed to the public in accordance with provisions of Article VII, Section 5, of these bylaws.
- c. Be approved by two-thirds (2/3rds) of the appointed Committee members or their alternates.

Section 2. Bylaws Status

- a. The bylaws shall become effective after Committee approval and shall continue in force until amended or repealed.

Article X: Certification

I certify that these bylaws were approved by the Harbor Safety Committee of the San Francisco, San Pablo and Suisun Bays, including the Ports of Sacramento and Stockton, on _____, 2003, at _____, California, by a vote of _____ yea to _____ nay. This document is true and correct, and constitutes the official bylaws governing the Committee. These bylaws shall remain in force until amended or repealed in accordance with Article IX.

J. Grant Stewart
Chairman
_____, 2003

• **8670.23. Harbor safety committees; members; qualifications; chairperson; expenses**

(a) The administrator shall establish Harbor Safety Committees for the Harbors of San Diego; Los Angeles/Long Beach; Port Hueneme; San Francisco, San Pablo, and Suisun Bays, including the Ports of Sacramento and Stockton; and Humboldt Bay.

(b) The administrator shall appoint to each harbor safety committee, for a term of three years, all of the following members and their alternates:

(1) A designee of each of the port authorities within the harbor, except that the Harbor Safety Committee for the Harbor of San Francisco, San Pablo, and Suisun Bays, including the Ports of Sacramento and Stockton, shall have four designees.

(2) A representative of tank ship operators, except that the Harbor Safety Committee for the Harbors of San Francisco, San Pablo, and Suisun Bays, including the Ports of Sacramento and Stockton, shall have ~~two~~ one representatives of tank ship operators, and one representative of either tank ship or marine oil terminal operators.

(3) A representative of the pilot organizations within the harbor.

(4) A representative of dry cargo vessel operators, except that the Harbor Safety Committee for the Harbors of San Francisco, San Pablo, and Suisun Bays, including the Ports of Sacramento and Stockton, shall have two representatives.

(5) A ~~R~~representatives of commercial fishing ~~or~~ and pleasure boat operators.

(6) A representative of a recognized nonprofit environmental organization that has as a purpose the protection of marine resources.

(7) A ~~representative~~ designee of the California Coastal Commission, except that for the Harbor Safety Committee for San Francisco, San Pablo, and Suisun Bays, including the Ports of Sacramento and Stockton, the administrator shall appoint a ~~representative~~ designee of the San Francisco Bay Conservation and Development Commission.

(8) A representative from a recognized labor organization involved with waterborne operations of vessels.

(9) A ~~representative~~ designee of the Captain of the Port from the U.S. Coast Guard, the U.S. Army Corps of Engineers, the U.S. National Oceanographic and Atmospheric Association (NOAA), and the U.S. Navy to the extent that each consents to participate on the committee.

(10) A representative of tug or tank barge operators, who is not also engaged in the business of operating either tank ships or dry cargo vessels, except that the Harbor Safety Committee for San Francisco, San Pablo, and Suisun Bays, including the Ports of Sacramento and Stockton, shall have one representative of tug operators and one representative of tank barge operators, neither of whom shall also be engaged in the business of operating either tank ships or dry cargo vessels.

(11) A harbor safety committee may petition the administrator with a request for the ~~additional appointment~~ creation of up to five at large membership categories ~~who~~ which are needed to conduct the harbor safety committee business and ~~who~~ which reflect the makeup of the local maritime community. Committees may also petition the administrator for the removal of at large membership categories. The approval of ~~this~~ such petitions shall be at the sole discretion of the administrator.

(c) The members appointed from the categories listed in paragraphs ~~(1)~~, (2), (3), (4), ~~(8)~~, and (10) of subdivision (b) shall have navigational expertise. An individual is considered to have navigational expertise if the individual meets any of the following conditions:

(1) Has held or is presently holding a Coast Guard Merchant Marine Deck Officer's license.

(2) Has held or is presently holding a position on a commercial vessel that includes navigational responsibilities.

(3) Has held or is presently holding a shoreside position with direct operational control of vessels.

(4) Has held or is currently holding a position having responsibilities ~~for permitting or approving the docking of vessels in and around harbor facilities~~ relating to the safe navigation of vessels.

(d) The administrator shall appoint a chairperson and vice-chairperson for each harbor safety committee from the membership specified in subdivision (b). The administrator may retract these appointments as deemed appropriate. Each member of a harbor safety committee shall be reimbursed for actual and necessary expenses incurred in the performance of committee duties.

(e) Upon request of the committee chairperson, the administrator may remove a member for due cause as identified in the committee's bylaws or in any applicable statute or regulations.

(f) Each member of a harbor safety committee shall be reimbursed for actual and necessary expenses incurred in the performance of committee duties.

(Added by Stats.1990, c. 1248 (S.B.2040), ' 17, eff. Sept. 24, 1990. Amended by Stats.1994, c. 1298 (A.B.3425), ' 3; Stats.1995, c. 337 (A.B.1742), ' 5; Stats. 2001, c. 748 (A.B. 715), ' 13.)

• **8670.23.1. Harbor safety committee; harbor safety plan; regulations; implementation; revision**

(a) Each harbor safety committee established pursuant to Section 8670.23 shall be responsible for planning for the safe navigation and operation of tank ships, tank barges, and other vessels within each harbor. Each committee shall prepare a harbor safety plan, encompassing all vessel traffic within the harbor.

(b) The administrator shall adopt regulations for harbor safety plans in consultation with the committees of those harbors listed in Section 8670.23, and other affected parties. The regulations shall require that the plan contain a discussion of the competitive aspects of the recommendations of the harbor safety committee.

(c) In adopting regulations for harbor safety plans, the administrator shall give highest priority to the development of regulations concerning tugboat escorts as specified in Section 8670.17.2 and shall expeditiously adopt that portion of the regulations so that the Harbor Safety Committee for San Francisco, San Pablo, and Suisun Bays, including the Ports of Sacramento and Stockton, will be able to expeditiously comply with subdivision (b).

(d) The regulations shall ensure that each harbor safety plan includes all of the following elements:

(1) A recommendation determining when tank vessels are required to be accompanied by a tugboat or tugboats, of sufficient size, horsepower, and pull capability while entering, leaving, or navigating in the harbor. The Harbor Safety Committee for San Francisco, San Pablo, and Suisun Bays, including the Ports of Sacramento and Stockton, shall give its highest priority to the adoption of tugboat escort recommendations and shall immediately adopt interim recommendations prior to the completion of the entire harbor safety plan. The administrator shall be guided by the recommendations of the Harbor Safety Committee when adopting regulations pursuant to Section 8670.17.2.

(2) A review and evaluation of the adequacy of, and any changes needed in, all of the following:

- (A) Anchorage designations and sounding checks.
- (B) Communications systems.
- (C) Small vessel congestion in shipping channels.
- (D) Placement and effectiveness of navigational aids, channel design plans, and the traffic and routings from port construction and dredging projects.
- (3) Procedures for routing vessels during emergencies that impact navigation.
- (4) Bridge management requirements.
- (5) Suggested mechanisms to ensure that the provisions of the plan are fully and regularly enforced.

(6) A recommendation as to whether establishing or expanding VTS systems within the harbors is desirable.

(7) A recommendation for funding VTS systems and other projects.

(e) Each harbor safety plan shall be submitted to the administrator by December 31, 1991. The administrator shall review the plan for consistency with the regulations and shall approve the plans or give reasons for their disapproval.

(f) Upon approving the harbor safety plans, the administrator shall, in consultation with the harbor safety committees listed in Section 8670.23, implement the plans. The administrator shall adopt regulations necessary to implement the plans. When federal authority or action is required to implement a plan, the administrator shall petition the appropriate federal agency or the United States Congress, as may be necessary.

(g) On or before July 1 of each year, each harbor safety committee shall revise its respective harbor safety plan and report its findings and recommendations to the administrator concerning the safety of its harbor or harbors and any recommendations for improving vessel safety in the harbor or harbors by amending the provisions of the harbor safety plan, or through other means.

(Added by Stats.1995, c. 337 (A.B.1742), ' 6. Amended by Stats. 2001, c. 748 (A.B.715), ' 14.)

• **8670.23.2. Harbor Safety Committee members; immunity from liability**

(a) The Legislature hereby finds and declares that because the administrator must rely on the expertise provided by volunteer members of the harbor safety committees and be guided by their recommendations in making decisions that relate to the public safety, members of the harbor safety committees should be entitled to the same immunity from liability provided other public employees.

(b) Members of the harbor safety committees appointed pursuant to Section 8670.23, while performing duties required by this article or by the administrator, shall be entitled to the same rights and immunities granted public employees by Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1. Those rights and immunities are deemed to have attached, and shall attach, as of the date of appointment of the member to the harbor safety committee.

(Added by Stats.1995, c. 337 (A.B.1742), ' 7.)