

**Minutes
HARBOR SAFETY COMMITTEE
Of the San Francisco Bay Region
9:35 a.m., Thursday, September 10, 1992
Board Room, Port of San Francisco, CA**

1. The meeting was called to order by Vice-Chair, A. Nothoff, at 9:35. The following committee members or alternates were in attendance: Dave Adams, Port of Oakland; James Faber, Port of Richmond; Roger Peters, Port of San Francisco; Alexander Krygsmann, Port of Stockton; Morris Croce, Chevron Shipping; Dwight Koops, Exxon Shipping; James Macaulay, Harbor Tug and Barge Company; Mary McMillan, Westar Marine Services; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Margo Brown, National Boating Federation; Tom Rose, U. S. Navy Pilots; and federal government representatives, Captain J. MacDonald and CMDR Thomas P. Dolan, U. S. Coast Guard. Also in attendance from OSPR, R. Dunstan, C. Rysbrook, and B. Leland. There were also many attendees from the general public.

2. T. Hunter noted that a quorum was present. The Chair noted that a lot of progress has been made by the committee. She introduced Joy Skalbeck from the office of Senator Milton Marks.

3. J. Lundstrom noted a correction to the minutes of August 13, 1992. Pg. 8, #42; "also come back to committee" means that a copy of the final plan will be distributed committee members. A MOTION was made by J. Lundstrom, seconded by J. Macaulay to approve the minutes as corrected. The motion passed unanimously.

4. R. Dunstan reported on where OSPR is regarding tugs. The period for public comment on the Interim Tug Escort Guidelines ended 9-1-92. A public workshop was held on 9-3-92. The next step is for OSPR to respond to the public comment received in writing and at the workshop. Neither forum resulted in comments which pointed to any fatal flaws in the guidelines. Under SB 2040 the Administrator has the obligation to move quickly on the tug escort issue, which he is doing, having received no real criticism of the work and resulting guidelines produced to date. Getting approval for emergency regulations is not easy, but that route may be desirable because the guidelines could be put in place without a public hearing. The emergency regulations would remain in place for 120 days and during that period additional public comment would be solicited.

5. A. Nothoff asked the difference between treating the guidelines as emergency and not. R. Dunstan responded that, if they are not treated as emergency regulations, there would be a 45 day period for public comment. If that were to result in any recommended changes there would be an additional 15 day period for public comment and then that process would be repeated as many times as necessary until the guidelines went through the process unchanged. At that time they would go to the Office of Administrative Law. If the guidelines are treated as emergency regulations, they are put in place for 120 days, and then they expire. If the receiving of public comment takes longer than 120 days, the emergency regulations could be re-adopted. OSPR would like to work with the committee to be sure that both are comfortable with the language. Any new and revised recommendations from the sub-committee or full committee can be included. M. Croce asked when OSPR would anticipate publishing emergency regulations. R. Dunstan answered, at the end of October or the beginning of November. The Coast Guard has rulemaking for Puget Sound and Prince William Sound that makes OSPR want to take a more in-depth look at the tug escort issue. The issue is a tough one to address and the process may take 2 years. Fire fighting, salvage, and procedures on the open ocean need a more global broad look.

6. A. Nothoff stated that this sounds like a very long "interim". R. Dunstan stated that if the Tug Escort Sub-Committee finishes its work in late fall . . . R. Peters interrupted to say he anticipates December. R. Dunstan stated that the emergency regs could go on the book and be superceeded by an even broader set of regs. J. Faber asked at what point voluntary compliance could be requested. A. Nothoff stated that the committee was already on record as asking for voluntary compliance. M. Goebel added that what the committee did was ask OSPR to

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ask for voluntary compliance. J. Macaulay noted that that request was based on the fact that OSPR had already asked companies to voluntarily keep tankers 50 miles off-shore until ready to approach destination dock/terminal. R. Dunstan stated that OSPR would be prepared to make the request for voluntary compliance with the interim tug escort guidelines soon. J. Macaulay asked what is "soon". R. Dunstan responded, the end of October.

7.Larry Kirsch of OSPR reported that there have been ten spills since the last meeting. The majority of them involved twenty gallons or less. Two involved spills of approximately 100 gallons; one from the ABRAHAM LINCOLN at the Naval Air Station and the other from a waste tank at Southwest Marine.

8.PLAN SUB-COMMITTEE, A. Nothoff. J. Lundstrom directed the work of the sub-committee in August while A. Nothoff was away. J. Lundstrom reported that final vote on the plan took place at the full committee meeting of 8-13-92. It was a long meeting lasting until nearly 5:00 and there was substantive discussion. Both the public participants and the committee are to be commended. Several areas are still be worked on, including tug escorts, pilotage and underkeel clearance. Two recommendations from the plan were returned to the Pilotage Sub-Committee. The enforcement and implementation sections of the plan are still under review. Two copies of the plan were sent to OSPR and committee members received a copy. Anyone wishing to obtain a copy should call the Marine Exchange, 415-441-7988. A. Nothoff asked R. Dunstan if, based on experience with the Los Angeles/Long Beach Harbor Safety Plan, he could guess when the committee could expect to hear back from OSPR. R. Dunstan responded that the committee would hear within thirty days. Then the public comment period would begin, followed by OSPR response to that comment. A. Nothoff suggested that it might be useful to time the next full committee meeting for a date after the committee had received comments from the state. M. Croce stated that the full committee meets on a fixed schedule and the meeting dates should not be changed without a compelling reason. Such a change could result in the loss of several committee members due to scheduling conflicts. A. Nothoff thanked J. Lundstrom, P. Moloney and M. Glazer for their work in drafting the plan in her absence.

9.ENFORCEMENT SUB-COMMITTEE. It was noted that none of the sub-committee members were in attendance. M. Glazer reported that she had attended the sub-committee meeting. The sub-committee discussed the plan and the possibility of asking P. Moloney to research Coast Guard efforts in connection with small boat traffic, to the end of deciding whether or not the committee wants to make further recommendations. A. Nothoff asked for guidance from OSPR, noting that enforcement is not as specific as some of the plan facets addressed by other sub-committees. R. Dunstan reported that OSPR had asked LA/LB for more information on implementation. Enforcement is not necessarily the purview of OSPR. Many pieces of the plan are governed or covered by the federal government or others. OSPR would like to throw the issue of enforcement/implementation back to the committee to determine who is best ready to address enforcement/implementation of each recommendation, i.e., the Coast Guard, etc. He noted that the committee members are the experts and know who can get what done and identify the responsible parties. M. Glazer stated that that was the gist of the findings of the Enforcement Sub-Committee. Each sub-committee is better informed as to the issues it addressed and best suited to identify responsible and able parties. D. Koops agreed and stated his belief that sub-committee members are willing to take on the task. M. Glazer stated that each sub-committee should go through its recommendations and identify who is responsible. D. Koops added that each sub-committee could update the full committee on how things are going.

10.TUG ESCORT SUB-COMMITTEE, R. Peters. At the last full committee meeting the sub-committee asked for written comment. That comment has been received and all comments have been distributed to all who provided comment. A public workshop was held on 9-3-92. The meeting was focused, with all participants seated around a table to facilitate a workshop atmosphere. Representatives were invited from the impacted groups that have been active in the committee's work to date. These representatives were asked to speak to various issues on a study list/agenda. The result was that only half of the sub-committee's goal was achieved, with half of the agendaed items being addressed. A second workshop has been scheduled for 9-24-92 at 9:30 a.m. to complete discussion of the full study list. In the interim, the minutes of the first workshop will be distributed to all who were in attendance. Any others wishing a copy should contact T Hunter at the Marine Exchange. The workshop was a very worthwhile event to attend. As a result of the need to schedule a second workshop, the Tug Escort Sub-Committee's schedule

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for arriving at Revised Tug Escort "Permanent Guidelines" needs to be revised as follows: 9-24-92, public workshop to discuss study items, part 2; 9-25-92 through 10-25-92, sub-committee prepares draft permanent guidelines in camera; 10-28-92, distribute draft permanent guidelines; 11-5-92, public workshop to discuss draft permanent guidelines; 11-30-92, distribute draft permanent guidelines; 11-30-92, distribute draft permanent guidelines to the Harbor Safety Committee; 12-10-92, Harbor Safety Committee to review, amend and adopt permanent guidelines.

11. CAPTAIN OF THE PORT'S REPORT, Captain J. MacDonald. The biggest event since the last meeting was the closure of the spill at Avila Beach in Southern California. At the time of the last meeting they were in the middle of clean up efforts; it was closed on 8-29-92. That spill afforded one of the best looks at oil company near shore clean up, permit agencies and the maintenance of shoreside pipelines. A report will be made to the regulatory response team and J. MacDonald will bring that report to this committee. The experience served as a good lesson with lots of things going well and a few things not so well. The cooperation between the Coast Guard and OSPR was one of the shining points. 60 cu. yds. of oil soaked cobble at the base of a cliff had to be removed by hand. A 100 gallon spill at Southwest Marine was responded to and is now being investigated as to why waste is being stored in 2,000 gal. portable tanks. A small spill occurred in Morrow Bay. The origin is not yet known, but the clean up was an example of the "shoot first" policy for response. The clean up and disposal cost will be around \$12,000; a bill which will come as a surprise to the responsible party when they have been identified. J. MacDonald thanked A. Thomas and the committee for their letters to NOAA regarding the retention of the survey group in this area. He turned to CMDR P. Dolan for a report on VTS funding. P. Dolan stated that he had no new information but had been told not to worry. He asked if this committee had sent a letter to address VTS funding. T. Hunter responded that the letter had been sent.

12. J. Faber asked J. MacDonald about testing by the Coast Guard that he referred to at the last meeting. He asked if the Coast Guard was going to have actual tests with tankers to tugs; when will these tests be conducted; and will they be conducted here. J. MacDonald responded that no tests have been scheduled for here, but it may be possible to tack some on. He noted that, because of the Avila Beach spill he is not up to speed on this matter, noting that M. Steinhilber is working on it and can provide additional information.

13. UNFINISHED BUSINESS. J. Lundstrom asked when the next Pilotage Sub-Committee will be held. A. Krygsman responded, in October. A. Nothoff asked if the sub-committee has a list of things they are looking at. A. Krygsman answered yes.

14. NEW BUSINESS. J. Lundstrom reported on follow-up done regarding recommendations concerning small vessels. A. Thomas has appointed J. Lundstrom and C. Bowler to work with/meet with the herring fisherman. The herring season spans the months of December, January, February and March. The main problem concerns the fishermen spreading their nets around docks, at the base supports of the bridge and in navigational lanes. Fish and Game and the Coast Guard are working on regulations; there are 4300 permits issued. Fish and Game is holding a hearing on regulations for this season. The Coast Guard is working on regulations for next year. While regulations are good, education to alert the fisherman to the problems is important. J. Lundstrom and C. Bowler met yesterday with Zeke Grader, Executive Director of the Pacific Coast Federation of Fishermen's Associations. Many of the herring fishermen belong to this organization. He has agreed to promulgate regulations and safety information in the association's bi-weekly newsletter and in trade journals which cover the coast from California to Oregon and Washington, letting fishermen know that this is an urban area with heavily trafficked navigational lanes. It has been recommended that fishermen have access to information concerning when and where docking of large vessels will take place. A handout on safety can accompany licenses, including a number to call for docking information. This information will also be posted at fish processing facilities. These activities are meant to offset/augment regulations. It has also been suggested to color code berths and post signs stating that "this is a heavily trafficked area so please check in". This is a cooperative effort to augment Coast Guard and Fish and Game.

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15.D. Koops stated that small commercial activities are impacted by the herring fishermen, too. M. McMillan agreed that it is a problem for tug companies and is a subject discussed every year. J. Lundstrom emphasized that we have the cooperation of the head of the organization. M. Goebel stated that real impact of the herring fishermen is in the inside area. From talking to Exxon captains he understands that their practices don't pose a huge threat to tankers outside the gate. M. Croce added that the main traffic lanes are not the problem, it's the docks and the inside areas. J. Lundstrom noted that the past few years the herring have been laying their eggs around the docks at Oakland and the Port of San Francisco at Hunter's Point and around the container docks. The problem is with docking operations and the nets around the base of the Bay Bridge. W. Capasso stated that enforcement of regulations after hours is difficult. M. McMillan stated that she has been told to call the Highway Patrol after 5:00 p.m. L. Teague, San Francisco Bar Pilots, added that at Islais Creek the pilot must sometimes release the tugs and get them to go wake up the crew of a herring boat and convince them to move. This is a problem for both day and night operations.

16.J. MacDonald stated that there hasn't been good coordination. VTS is a central point for fishermen and operators. The Group Commander has assigned an 82' Coast Guard boat on a 24 hour basis to enforce regulations. It will not just be shooing herring fishermen away; it will be issuing citations. D. Adams asked what they would be citing and J. MacDonald responded, violations of Rule 9, impeding ships that cannot readily maneuver. This is not as good as having specific regulations which state where you can't fish, but with general safety rules you can enforce under Rule 9 for now. M. McMillan stated that the situation is not as easy for tug operators because maneuverability is not an issue and tugs are not usually emergency vessels. Because many of the fishermen come in from elsewhere, they are not aware of local sensitivities. M. Brown suggested that, in addition to the 82' Coast Guard enforcement vessel, the Coast Guard auxiliary could spread the word to herring vessels, which are readily identifiable. J. Lundstrom noted that local fishermen have come to meetings to discuss the issues, but there are a lot of fishermen who trailer their boats in from other areas. The industry is lucrative and \$50,000 to \$60,000 can be made in just a few months. You also have the renegade fishermen whose boats you wouldn't want to board.

17.D. Adams added that the kelp barges cause the herring to spawn near them. Couldn't there be signs at the terminals directing the barge owners where not to moor their barges. J. MacDonald stated that each fisherman will get a mail-out which designates historically problem areas; around the Ferry Building, the Bay Bridge, and the Bar Channel; and quoting Rule 9. Color coded berths may not be the answer, because people who will block a berth with do it regardless of the sign or color code. Regarding barges, J. MacDonald stated the opinion that barges should be getting permission before they tie up, this is not as big a problem as mobil boats that are hard to track. R. Peters asked if, under Rule 9, the Coast Guard has the authority to keep fishing vessels away from the fire station. J. MacDonald responded that, yes, the fire station is included. He questioned the calling of the Highway Patrol after hours to enforce traffic rules on the bay and asked what they can actually do.

18.J. Lundstrom reported that A. Thomas had also appointed C. Bowler and her to meet with the board sailors. They met with a representative of the Bay Board Sailing Association. They have agreed to the timely distribution of informational flyers to local shops regarding safety in the areas around Chrissy Field and Rio Vista which see heavy use by board sailors. The association has agreed to include the information in its magazine and hand-outs and to produce an educational video, which will not only show how to get tack up and down but will emphasize the dangers of the speed and the visibility restrictions caused by height and size of large vessels in connection with board sailors. Two of the San Francisco Bar Pilots are board sailors and will add their insights. J. Lundstrom has received brochures on the dangers of tugs and barges from M. McMillan and will pass them on.

19.J. Faber asked R. Dunstan if OSPR has implemented the recommendations regarding the certification of tug crews. R. Dunstan responded no, but a workshop has been held. J. Faber asked if there is a plan to visit the issue in the next couple of months.

20.A. Nothoff referred to a report prepared by J. Lundstrom for BCDC members to explain the work of the Harbor Safety Committee. The three page document was very succinct and was prepared by her at the request of BCDC

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for a lay document that could be presented at the next BCDC meeting. If BCDC is asked to support an issue, such as NOAA surveys, they will understand the situation. T. Hunter stated that he has a copy of the report and will distribute it.

21. The next meeting is scheduled for Thursday, 10-8-92, at the Port of Oakland Board Room at 9:30 a.m.

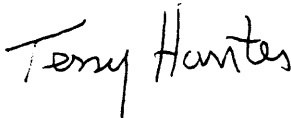
22. M. Goebel reported that five months ago this committee issued a recommendation that the two vacant public seats on the State Pilot Commission be filled. Those appointments have been made and the commission seats are now full. Two pilot seats and one industry seat will be vacant at year end and the process is already in motion to fill those seats. W. Capasso noted that the position of Executive Director for the Commission is open at a salary of \$65,000 per year and there is a position open for an investigator.

23. R. Dunstan referred to P. Bontadelli's discussion of a two phase approach to the study of pilotage. The first phase addressing what's going on now is nearly complete and the report should be available by the October or November full committee meeting.

24. J. Faber reminded the group about the Tug Escort Workshop to be held 9-24-92 at 9:30 a.m. at the Marina Bay Boathouse, Port of Richmond.

25. MOTION by M. Croce, seconded by A. Krygsman to adjourn the meeting at 10:35 a.m.

Respectfully submitted,



Terry Hunter
Executive Secretary

