

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

10:00 a.m., Thursday, September 14, 1995

Port of Richmond, Marina Bay Boat House, 2580 Spinnaker Way, Richmond, CA

1. The public meeting was called to order by Chair, Arthur Thomas, San Francisco Bar Pilots, at 10:00. The following committee members or alternates were in attendance: David Adams, Port of Oakland; James Faber, Port of Richmond; Alexander Krygsman, Port of Stockton; Charles Mitchell, Port of San Francisco; Margot Brown, National Boating Federation; Maurice Croce, Chevron Shipping Co.; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Rich Smith, (alternate for Dwight Koops), SeaRiver Maritime; John Gosling, Matson Navigation Co.; Michael Nemej, Inchcape Shipping Services; Crowley Maritime; Roger Peters, Member at Large; U. S. Coast Guard representatives, Capt. Donald Montoro (MSO) and CDR Dennis Sobeck (VTS); U. S. Navy representative Robert Mattson; OSPR representative Bud Leland and Helen Carr, Dept. of Fish and Game. Also in attendance, more than thirty representatives of the interested public.

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

3. **MINUTES OF PREVIOUS MEETING.** J. Lundstrom noted a correction to page 7, #30. The sentence should say "amended guidelines", rather than "amendments". **MOTION** by M. Brown, seconded by J. Lundstrom, "to approve the minutes of 8-10-95 as corrected." Motion passed without objection.

4. In opening remarks, A. Thomas noted that it has been heartening that the meetings of this Harbor Safety Committee have been better attended by the interested public and maritime community than any other. This demonstrates the universal commitment of the San Francisco Bay Area community to preserve the environment consistent with maintaining economic viability. He thanked all participants for their investment of time and effort.

5. **COAST GUARD REPORT.** Captain D. Montoro. The Captain's report, made a part of these minutes, indicated that there were 44 pollution reports in the past month, none of which were significant. Three clean-ups were federalized to facilitate removal of fuel from sinking or damaged fishing and recreational boats in order to avoid a spill. 11 tickets were issued. There were no SOLAS interventions on foreign flag ships. An allision involving the tug "Jericho Spirit" and Black Point Bridge in Petaluma is currently under investigation. There were no injuries, nor damage to the tug and barge, but the bridge was out of service several days for repairs. USCG charges are being brought against the master and owner of the tug and barge. In addition, civil action is pending.

6. **CLEARINGHOUSE REPORT,** T. Hunter. (1) There were two irregularities reported to OSPR during August, both involving tugs and tows. One failed to check in and the other entered the bay without an escort. (2) Traffic patterns remain normal.

7. **OSPR REPORT,** B. Leland. (1) B. Leland echoed the chair's statements regarding participation and the activity of this committee. (2) A few weeks ago the Resources Agency began an analysis of "California's Ocean Resources - An Agenda for the Future". The study has been supportive of OSPR's activities in general and harbor safety committees in particular. (3) The "Coastal Protection Review" is almost to the agency level (OSPR to Fish and Game). It includes 27 recommendations which are consistent with the directions taken by this HSC. It also contains some new initiatives, such as addressing pollution sources other than oil tankers. (4) The tank vessel escort guidelines forwarded by SF HSC have been officially received by OSPR. Indications are that the Administrator is happy with the package. The next step is for Marian Ashe, OSPR, to put the guidelines into regulatory language to forward to OAL for final approval. A rough draft of the proposed regulatory language will come back to the HSC for confirmation that the intent is met, prior to OSPR sending them to OAL. The draft should be expected within 60 days. OSPR will provide the HSC with the draft prior to convening public hearings. (5) H. Carr noted that she was the investigating officer assigned to the two irregularities referred to in the CH Report. Her written report goes to headquarters, where the decision regarding issuing letters of warning is made. In response to a question concerning an enforcement policy in the

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case of repeated incidents or violations, H. Carr responded that currently Fish and Game is working with interim regulations and keeping comprehensive records. For the November meeting, H. Carr will present a summary of incidents for 1993-1994 and report on the policy for repeated incidents.

8. R. Peters referred to page 24 in the Harbor Safety Plan which provides a schedule for regulations. November, 1995 - HSC and TES review regulatory language. Receipt of the draft at the end of October would allow adequate review time prior to the scheduled November HSC meeting. B. Leland responded that he would forward that information to Marian Ashe.

9. **PORTS SUB-COMMITTEE**, D. Adams. (1) A general letter has been drafted to all constituents of SF Bay and the Suisun area describing NOAA and NOS modernization projects. Tom Richards and Jim Morris have reviewed the letter on behalf of NOAA/NOS and given approval. The letter is an invitation/solicitation to review and comment. All input will be forwarded to Tom Richards, so NOAA can address suggestions. D. Adams read the draft letter, which will go a mailing list of 220 interested parties and user groups. It was agreed without objection to send the letter on HSC letterhead. When input has been received, a working group will meet to review it. (2) T. Richards reported that the water level sensor at RLW has been moved to the end of the pier (Chevron Oil Spill Prevention Response Center) and linked to telephone lines. At the moment there is one current profile sensor in place at Port Chicago. Next week a current profile sensor will be deployed at Yerba Buena Island (Oakland Outer Harbor near the 7th Street Terminal) and a third at Richmond Long Wharf. NOAA/NOS personnel spent last week characterizing the areas around where these fixed sensors will be placed. The fourth and final installation at the Golden Gate will be more difficult because it is in 300 feet of water. The USCG vessel **BUTTONWOOD** will assist with deployment sometime in early 1996. Money has been allocated to purchase a radio broadcast unit. In response to a question regarding the degree of difference noticed between predictions and real time data, T. Richards responded that there is not much difference in normal weather. However, with the run-off from the previous winter snows, there is a considerable deviation from predictions. Fresh water has a marked impact on vessels' draft. T. Hunter noted that Tampa Bay **PORTS** is now on the internet, so interested parties can view their system. Call the MX for the location. The National Park Service will be installing a fiber optics line at Fort Mason, which will facilitate the MX being the house for **PORTS** hardware. Discussion of methods for soliciting input regarding the mini-**PORTS** demo project: advertising in periodicals read by operational folks; OSPR press releases and public service announcements; articles in the **PICYA** Log and other recreational boater publications; and, when the system is on line, inclusion in the USCG Notice to Mariners. The NOS "San Francisco Bay Demonstration Project Plan" is not copyrighted and can be duplicated and distributed widely. The September update is available now. As a living document it can be changed in response to new input.

10. **PLAN REVIEW SUB-COMMITTEE**, J. Lundstrom. The draft 1995 annual review document updates the status of previous recommendations and includes new recommendations from the various sub-committees, including the TES. The intent is to go through the document chapter by chapter at this meeting and discuss any suggested amendments or changes.

11. J. Lundstrom - in Chapter 2, **Weather, Tides and Currents**; add "Underkeel Clearances" as a heading for the first two paragraphs on page 8. D. Montoro - in the first paragraph under Status of Prior Recommendations, strike "11th Coast Guard District" and replace it with "USCG Captain of the Port". Under 'Maximum Speed', first sentence, add "through the water" after 15 knots.

12. D. Adams - under **PORTS**, the amendment to Recommendation 3 at the bottom of page 9 addresses budgetary constraints on NOAA and the handing off of the maintenance responsibility to local entities.

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Without this added language, there is nothing new in the recommendation. The program and parameters have already been defined. M. Brown - Change "lobby for" to "request" federal and state funding for PORTS.

13. **Surveys and Charts.** There was some discussion of whether the Department of Defense and/or private enterprises might acquire responsibility for charting. This item will be referred to a new sub-committee to monitor federal activity. It is premature to address this now.

14. J. Lundstrom - **Harbor Conditions** chapter is a brief update of the status of underwater rocks off Alcatraz Island and acknowledges that the rocks still exist and no further action has been taken. The language should reflect that the Corps of Engineers determined that the cost of the project is too high and no further action would be taken. This decision was based on the COE's cost benefit analysis rather than concern for environmental safety. Strike "because of the high cost of removal". Reiterate that the HSC recommends that the rocks be lowered. This issue will go on the 1995 list of issues. It was noted that, without COE concurrence on the need for the rock removal project, the issue would have to be taken to Congress for approval.

15. J. Lundstrom - **Vessel Traffic Patterns** chapter updates the record regarding traffic and "near misses". On page 12, under definition of "near miss", correct language to read "one adopted by State of Washington". On page 14, at the end of paragraph #3 regarding the COE, add the sentence "This COE survey was completed in June, 1995." The additional recommendation was voted on by the HSC. "Near miss" should be hyphenated when used as an adjective.

16. Page 15, #11-21 gives updates on recommendations previously made regarding **recreational boaters**.

17. Page 16 addresses **Vehicular Bridge Management and Small Boats** and includes the report from the responsible sub-committee.

18. Page 17. Delete recommendation for navigational lights on the SP Bridge (already done) and the one regarding changing the monitoring channel for the SP Bridge (in progress).

19. A new recommendation would state that OSPR should recommend energy absorbing fendering on any bridges at the time of repairs or new construction. After "Caltrans" add "and other agencies that operate bridges." B. Leland noted that the 11th Coast Guard District has authority over this through the Bridge District. New technologies and funding issues should first be explored at the local level prior going to the agencies with recommendations. D. Montoro added that the USCG can, through its approval process, set higher standards for fendering. The recommendation stands without objection.

20. Regarding construction which alters bridge clearances, strike the word "and" in the phrase "temporary and permanent" and replace it with "or". Discussion of the recommendation regarding sufficient reporting of planned construction which would change clearances. D. Montoro stated again that the USCG has authority over bridge construction and repair and there is already a federal requirement for reporting in advance. J. Lundstrom responded that the intent is for OSPR to send out a reminder to responsible entities to minimize the effect of reduced clearances on vessels that plan transits far in advance.

21. Pages 18-19 include six new recommendations regarding **small boats**. #6 recommends a \$5 boater registration tax for increased enforcement. A. Thomas paraphrased a letter of objection submitted to the HSC. M. Brown stated that she believes the sub-committee agreed on language such that "consideration should be given to a \$5 surcharge". She explained the type of new regulations she thinks are needed to regulate the use of and distribute the money that is collected now. Currently, the money raised through boat registration fees is being diverted to build jails and other programs. Since the money collected is not spent on waterways enforcement, matching federal funds are lost. J. Gosling asked if this recommendation asks for something that

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has already been addressed in the state legislature. M. Brown responded yes. Discussion regarding whether fees, assessments and surcharges are out of the purview of the HSC. It is the sense of the sub-committee and full committee that there should be more money made available for law enforcement on waters. The following language was proposed: "Consideration should be given to raise funds dedicated specifically for increasing law enforcement on California waterways." The Chair stated his belief that the committee is still overstepping its boundaries and suggested the language "consideration should be given to providing increased funds for law enforcement." This language was accepted without objection. R. Smith will respond to the letter of objection on behalf of the sub-committee.

22. P. Moloney - In paragraph #1, page 18, the fishing boat collided with the larger vessel, not vice versa.

23. Page 19 reports the status of prior recommendations regarding bridges, racons and aids to navigation. Page 20 provides an update on VTS and the status of previous recommendations. Page 22 updates information on communications and the VTS channel.

24. The **tug escort** section of the plan update document was provided by the Chair of the TES and includes a schedule, findings and recommendations as already voted on by the HSC.

25. Page 28 has a new recommendation regarding **pilotage**. A. Krygsman, sub-committee Chair, noted that the intent of the recommendation for mandatory state pilotage in the San Francisco Bay Area has already been introduced by Senator Marks in SB 423, with additional language imposing penalties for non-compliance. Discussion. The Marks bill has been amended to remove the penalty provisions. That language may appear in the two-year Kuykendall bill, sponsored by OSPR, which provides for statewide mandatory state pilotage for foreign vessels. A. Krygsman noted that the language at the top of page 29 which refers to determining the number of tugs on the bay does not belong there. The committee agreed to strike that language. The recommendation for a pilot on barges over 5,000 long tons is not based on the number of them, but the belief that a pilot should be on any barge that transits San Francisco Bay or its tributaries carrying oil. He noted that human error is responsible for 80% of incidents and this is just as likely on a barge. This recommendation was made in 1994 to cover barges in excess of 10,000 long tons. The current recommendation would include those between 5,000 and 10,000. D. Montoro stated that there is already a requirement to have a pilot on these barges, but it can be the master or tug operator. M. Croce added that this basically says that any escorted vessel must have a qualified pilot with the appropriate endorsements. D. Montoro reiterated that there is already a requirement. A. Krygsman emphasized that this recommendation is an addendum to the full recommendation, which provides a definition of "pilot" and does not change the definition in federal regulations.

26. **Project Funding, Competitive Aspects** - Under economic impacts, change assist to escort in paragraph #1.

27. The section on **Plan Implementation and Enforcement** includes actions taken in the prior calendar year.

28. The recommendation at the bottom of page 30 refers to **Substandard Vessel Inspections**. The COTP has been reporting on the USCG program for vessel inspections at HSC meetings and the HSC is on record as supporting this program.

29. J. Lundstrom called for additional comments. There were none. MOTION by J. Lundstrom, seconded by M. Croce, to "accept the 1995 Annual Review of the Harbor Safety Plan as amended today." Motion passed without objection. J. Lundstrom noted that future plan review documents will be consolidated in a binder that can easily be added to and changed.

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30. **UNFINISHED BUSINESS:** (1) J. Lundstrom reported that it is important to complete the economic survey of impacts of the tug escort guidelines prior to going into public hearings. In order to do this, she must receive the completed survey forms. (2) M. Croce reported that he delivered to OSPR, through B. Leland this day, the new Table 2 for Glosten II to include depth and displacement entries for the largest ships currently transiting the bay. (3) The Chair reported that J. Lundstrom has researched the minutes for items that need to be taken up in the next year. Each sub-committee chair should think about issues under their purview that may require attention. (4) T. Hunter reminded everyone that the party to celebrate the completion of the development and submittal phases of HSC/TES proposed tug escort regulations will be held at the Pier 9 Pilot Station on 10-5-95 from 4:00 p.m. to 8:00 p.m. The cost is being borne by corporate sponsors and a \$10 per person charge. RSVP to the MX.

31. **NEW BUSINESS:** (1) D. Montoro reported that the WAMS is due for an update 1-1-96. The draft document will review the status of issues addressed in the original study and look at some new ones.

32. **NEXT MEETING.** MOTION by J. Faber, seconded by A. Krygsman, to “cancel the scheduled October HSC meeting unless there is work to do.” Motion passed without objection. The next meeting is scheduled to be held on Thursday, 11-9-95, at 10:0 a.m. in the Port of San Francisco. A. Thomas will be away and J. Lundstrom will chair the meeting.

33. MOTION to adjourn by R. Peters, seconded by J. Faber. Meeting adjourned at 12:20 without objection.

Respectfully submitted,



Terry Hunter
Executive Secretary