

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; October 9, 2003

Port of Richmond, Wharfmaster's Office, 1340 Marine Way South, Richmond, 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: **Len Cardoza**, Port of Oakland; **John Davey**, Port of San Francisco; **Tom Wilson**, Port of Richmond; **Nancy Pagan**, Port of Benicia; **Capt. Doug Lathrop**, Chevron Texaco; **Capt. John Karakoulakis** (alternate for **Stuart McRobbie**), SeaRiver Maritime; **Scott Merritt**, Foss Maritime Company; **Capt. Margaret Reasoner**, Crowley Maritime Services; **Don Watters**, CSX Lines; **Marina Secchitano**, Inlandboatmen's Union; **Capt. Mik Beatie**, Golden Gate Bridge Highway and Transportation District, Ferry Division; **Capt. Larry Teague**, San Francisco Bar Pilots; **Joan Lundstrom**, Bay Conservation and Development Commission; **Margot Brown**, National Boating Federation; and **Kathy Zagzebski**, The Marine Mammal Center. Also present were U. S. Coast Guard representatives, **Capt. Jerry Swanson**, **Cmdr. Greg Phillips** (MSO) and **Cmdr. Pauline Cook** (VTS); U. S. Army Corps of Engineers' representative, **David Dwinell**; NOAA representative, **Cmdr. Steve Thompson**; **Al Storm**, OSPR; **Ken Leverich**, State Lands Commission; **Capt. Lynn Korwatch**, Marine Exchange, and more than twenty people from the interested public.

The Secretariat confirmed the presence of a quorum.

Motion by **L. Teague**, seconded by **M. Secchitano** to "accept the minutes of 9-11-03 as written." Motion passed without objection.

The Chair welcomed those in attendance and deferred to **A. Storm** for a review of the history of the process in the development of HSC By-Laws documents. **A. Storm**: The process began in June 2003 and the By-Laws Workgroup met every week for seven or eight weeks. By the end of July, the workgroup had draft by-laws ready for consideration by the full HSC. OSPR legal counsel reviewed the document and advised that there were conflicts between some provisions of the proposed by-laws and state statute. For example, the by-laws would direct the Administrator to swear in alternates, however, there is no statutory authority for this. The conflicting issues were removed from the *Proposed By-Laws*, which resulted in a second document, *Interim By-Laws*. HSC vote on acceptance of both documents was agendaed for the September HSC meeting, however, lacking a quorum, the vote was postponed to this meeting. Two additional documents were distributed prior to this meeting to provide information for the committee and public, *San Francisco Harbor Safety Committee Proposed Statutory Revisions*, outlining statutory changes necessary for consistency with the proposed by-laws; and *Differences Between Proposed and Interim By-Laws*. Question: Why, in Section 3, Page 2, is the ferry operators'

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representative included as an at-large member rather than being added as a statutory position in Section 1? **A. Storm:** Certain memberships are defined in statute for all HSCs and a ferry operators' representative isn't included. Not all HSCs may need a ferry operators' representative. Question: Couldn't the statute be amended? **A. Storm:** Yes, but the statute applies statewide. However, it is noted there is no tanker representative in Port Hueneme. Question: The ferry operators' representative position is important in SF; does this mean it is a permanent position? **A. Storm:** Yes, unless the by-laws are changed by a consensus of the HSC membership. **M. Brown:** The workgroup looked at total numbers of members required to conduct business, because at-large members aren't counted towards a quorum. **A. Storm:** Actually, they do count towards a quorum. The reasoning was that five at-large positions are available to each HSC and, to date, SF has only used this one. This was a way for the committee to add the position immediately. **G. Stuart:** Statute was changed years ago to allow each HSC to fill their committee roster to best promote safety. Question: Why do the by-laws state that an individual's membership is terminated if their employment changes? **G. Stuart:** Each representative on the HSC comes from a specific maritime group. Section 4(b) addresses that fact by stating that, if a member leaves the employment under which they were appointed or changes responsibilities so that they no longer represent the constituency they were appointed to represent, their appointment is terminated. There are four documents before the HSC for consideration, with two votes pending, one on the approval of the *Proposed By-Laws*, which will take effect after the proposed statutory changes have been made, and approval of the *Interim By-Laws*, which would take effect immediately and remain in effect until the *Proposed By-Laws* take effect. Question: Is it intended that ports to be represented are listed in the by-laws, but not in statute? **D. Lathrop:** Yes, and the San Francisco Bar Pilots are designated to represent pilot groups in the by-laws, but not in statute. **J. Lundstrom:** The by-laws are meant to codify what is working and what will work best for SF. MOTION by **M. Brown**, seconded by **J. Lundstrom**, to "approve the *Interim By-Laws* as presented." Motion passed unanimously. MOTION by **T. Wilson**, seconded by **M. Brown**, to "approve the *Proposed Final By-Laws* as presented." Motion passed unanimously. Both documents will be posted on the MX/HSC website by Monday.

USCG REPORT, J. Swanson. (1) **J. Swanson** applauded the HSC for the development and passage of the by-laws documents. The Chair added that the group worked hard coming together and the process was good. (2) The CG is gearing up for Fleet Week, the second week of October. (3) The former USS MIDWAY is at Howard's Terminal for paint and maintenance before going on to the maritime museum in San Diego. (4) **G. Phillips** reported on port operations statistics for pollution response and investigations and significant port safety events for the period September 1, 2003 through September 30, 2003. (5) **P. Cook** reported that VTS had another meeting with ferry operators, which went well. Representatives from both groups will continue to meet to look at issues including the use of AIS and emergency communications.

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M. Beatie: The regular ferry captains are getting used to the new requirements. Most violations come during the shifts manned on weekends by casuals. **J. Swanson** added that MSO greatly appreciates the cooperation of passenger and ferry operators in developing a mutual assistance plan, which has been signed. (6) **L. Cardoza** referred to an article, which appeared in Latitude 38 regarding a collision between a sailing vessel and ferryboat, and asked if 'lessons learned' information is available. **G. Phillips:** Not to date, the incident is still under investigation.

CLEARINGHOUSE REPORT, A. Steinbrugge. A written report with statistics for the month of September 2003 is made a part of these minutes. There were no calls to OSPR during the month of September 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. (1) **A. Storm** swore in **M. Beatie** for a second term as ferry operators' representative. He was first appointed three years ago without authorization, but is being appointed now as an at-large member under statutory authority and under the provisions of the *Interim By-Laws*. (2) The application period for one tanker representative closed on September 19, 2003. One application was received from **Marc Bayer**, Tesoro. OSPR is looking at whether a time charterer fits the statutory requirement for this position and hopes to have a decision by the November HSC meeting. **J. Karakoulakis** will continue to sit as alternate until the issue is resolved. (3) The application period for the dry cargo position closes on October 24, 2003 and no applications have been received to date. (4) The Chair introduced **Linda Scourtis** of BCDC, alternate for **J. Lundstrom**. (4) Paul **Bishop** will serve as the alternate ferry operators' representative. (5) Until statutory changes are completed and the final by-laws are in effect, the Chair will continue to work with the primary member to select their alternate. When the final by-laws take effect, the Administrator will appoint alternates. Question: How long will the process for changing statute and having the final by-laws take? **A. Storm:** OSPR is looking at the bill for statutory changes being passed in the 2004 session, taking effect January 1, 2005. (6) A summit meeting of all California HSC chairs is scheduled for the end of October. All statutory changes proposed by all the committees will be reviewed and any conflicts addressed. The SF HSC chair will report to the full committee at the November SF HSC meeting. Question: The position of terminal operators' representative has been discussed here. If **Marc Bayer** takes the tanker representative position as discussed today and then a terminal operator representative is established as an at-large position, couldn't the SF HSC end up with two terminal operator representatives? **A. Storm:** The way the proposed statutory changes and by-laws are written, there will always be at least one tanker operator representative.

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NOAA REPORT, S. Thompson. (1) **S. Thompson** thanked all those who have agreed to accept National Hydrographic Review Panel appointments if they are appointed. An update on the status of appointments will be made at the next HSC meeting. (2) There are no new charts. (3) The navigational response team's work in the SF Bay Area has been delayed until spring.

COE REPORT, D. Dwinell. The text of the COE Report is made a part of these minutes by attachment.

STATE LANDS COMMISSION REPORT, K. Leverich. (1) A meeting to discuss MOTEM (Marine Oil Terminal Maintenance and Engineering Standards) is scheduled for October 15, 2003 at 10:00 at State Lands Office in Hercules. (2) There were two spills at facilities from tugs in September. (3) AB 433, ballast water standards, passed and its provisions go into effect January 1, 2004. (4) Facility security plan reviews have been completed. Two terminals are left for the actual approval process. Thanks to the Coast Guard for their cooperation and assistance. (5) An informational meeting on Bay Area Air Quality Management District (BAAQMD) issues is scheduled for October 16, 2003 at 6:00 p.m. in Crockett.

NAVIGATION WORK GROUP REPORT, L. Teague. No report.

UNDERWATER ROCKS WORK GROUP REPORT, L. Cardoza. (1) **L. Cardoza** emphasized the importance of new contracts that are in place for both new work at the Port of Oakland and for continuing maintenance. Now these elements of work are in a continuing resolution situation and the COE can continue to spend money on work at the levels of the previous contracts. (2) An important and distinguished visitor was in the SF Bay Area, **John Paul Woodley**, newly appointed Assistant Secretary of Army Civil Works. He was taken to the Bay Model and on a tour of the Central Bay on a pilot boat. The message was conveyed that operational success and safety on SF Bay is the result of an integrated system of ports. (3) The report of the Underwater Rocks Work Group is made a part of these minutes by attachment. When the COE draft reference report is completed, a work group meeting will be called.

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

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

PREVENTION THROUGH PEOPLE WORK GROUP, M. Brown. (1) The group will meet in Hercules at 9:30 on October 10, 2003. Sections of the video are expected to be available for viewing. (2) The group will begin work on the Rule 9 brochure. (3) **M. Brown** distributed copies of an article that appeared in the Bay and Delta edition of *The Log*, September 26-October 9, 2003. The publication has a large readership among recreational boaters. The article was a

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scathing criticism of a large vessel and her pilot for interfering with a recent sail boat race; stating that racers have right-of-way over a freighter. This article should be answered in some fashion to clear up that misperception. There will be more incidents during races scheduled for SF Bay if recreational boaters take the statements made in the article as legal fact. **M. Beatie** added that he was originally scheduled to coordinate with VTS from the committee boat, but another ferryboat captain took his place. The race in question was abandoned because the path of the freighter afforded an unfair advantage to one boat over another. The race could have been delayed if there was better communication. This was not a race on the level of importance of an America's Cup race and the entire incident was overblown. He agreed that the article was ridiculous and the race was not important enough to alter commercial ship routes. **J. Swanson:** The CG MSO Investigations Department has contacted the author of the article and *The Log* to do follow-up on the story and re-enforce the navigational rules on the bay. The Chair asked if the pilots are responding. Neither **L. Teague** or **E. Dohm** were aware of any planned response to the article from the pilot association. **M. Beatie** added that there was no ill feeling on the part of race participants. This was not an unusual occurrence. Question: Can the race committee respond to the article? **M. Beatie:** Yes. **M. Beatie** will contact **Matt Jones**. **P. Cook** stated that, from VTS perspective, everything went well and she is surprised to see the article.

TUG ESCORT WORK GROUP, J. Lundstrom. The group met several times as reported last meeting. The issue is one of safety. If the master of a loaded tanker has not prepared the tug escort checklist before the pilot boards, the transit can be delayed and going over the checklist can be a major distraction while the vessel is entering SF Bay shipping lanes. The current regulations specify that "the vessel owner/operator shall assure that the vessel master complete the Checklist . . ." The work group recommends changing the regulations to reflect the Checklist responsibility of the owner/operator as follows: (a) In Section 851.5.1(b)(3); add "The tank vessel master shall have the master's portion of the tug escort plan completed prior to the pilot boarding the tank vessel." (b) In Section 851.6(a)(7); delete "Pilots shall have blank Checklists available when boarding the tank vessel." Since changing regulation can take nine months or longer, and since over 200 different vessels call SF Bay every year, the work group also recommends that the following steps be taken to remind vessel operators of the need to complete the Checklist before entering the harbor: (1) The MX will send a reminder letter to agents, along with a revised Checklist that incorporated the warning that failure to comply with completing the Checklist is a violation; (2) VTS has agreed to add the requirement for completion of a Checklist to the *Local Notice to Mariners* for one year and to include it in the *VTS Users' Manual*; (3) NOAA to include updated tug escort requirements in the *Coast Pilot*; (4) beginning October 1, 2003, the MX dispatchers will advise every agent of the Checklist requirement; (5) the pilots' dispatcher will ask every agent about compliance with the requirement when the agent calls to order a pilot; and (6) the HSC should encourage terminal operators to remind ships to comply. **A. Storm** requested that the HSC hold off on voting on the proposed regulatory changes until the

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next HSC meeting. **Joy Lavin Jones** is currently working on a revised draft regulatory changes update. **J. Lundstrom** referred to the proposed changes in procedures that include a revised Checklist. MOTION by **M. Beatie**, seconded by **M. Secchitano** to “accept the recommended procedural changes, including the revised Checklist.” Question: Is there anything in the language on the form that falls back on regulatory changes? **A. Storm**: Yes, proposed changes to regulations states that the form must be completed “prior to the pilot boarding”, while the revised form reflects current regulatory language that the Checklist “. . . must be completed prior to commencing transit through any tug escort zone.” **M. Beatie** withdrew his motion, with the concurrence of the second. A vote on the proposed regulatory and procedural changes will be on the agenda for the November HSC meeting. (7) The next work group meeting is scheduled for November 4, 2003 at 10:00 in Hercules. One issue to be addressed has been raised by both OSPR and a Westar tug master. The tug master does not have a valid merchant mariner’s document, as required by tug escort regulations. The work group will be looking at possible regulatory changes. Question: Are there other licenses that could be cited to replace current language? **P. Cook**: A representative from the Regional Exam Center will attend the work group meeting. **A. Storm**: The captain in question meets federal CG requirements because his vessel is below 100 gross tons, but the state requires the master mariner’s document. **S. Merritt**: The state regulations shouldn’t be arbitrarily changed. The state regulations require more from crews and development of these standards was part of the development of escort regulations. California regulations meet and exceed federal regulations by design and local companies have worked to adhere to those requirements.

PORTS REPORT, A. Steinbrugge. (1) The new current sensor for Benicia was shown to attendees. It includes two speakers and microphones that send a signal every second and then the unit waits for return information. The existing instruments deployed on the floor of the bay have three heads and a magnetic compass. The manufacturer of the platform for the new meter is waiting for some answers to questions about the method of mounting and then they can begin fabrication. Hopefully, the sensor will be installed in the next 1 or 2 months. The cost for the unit is approximately \$15,000. NOAA’s high-tech side-looking meter may be installed in November for short-term testing. It is a one-of-a-kind unit that costs \$60,000. (2) **A. Steinbrugge** is coordinating with the Port Chicago military facility to install a wind sensor. (3) **L. Korwatch** reported that the MX recently signed a \$20,000 contract with NOAA for 2003-2004 maintenance and calibration of PORTS. NOAA acknowledges and appreciates the fiscal conservatism demonstrated by **A. Steinbrugge**. NOAA won’t bill MX until next July-August. (4) **L. Korwatch** reported that PORTS funding appropriations hit stumbling blocks. All PORTS installations, including Delaware Bay, Louisiana and Houston, face the same maintenance funding problems and have scheduled a conference call this morning. They will look to strategies for getting PORTS funding in NOAA’s budget and for identifying other possible funding sources. Because this is a national problem, maybe a national solution can be found.

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PUBLIC COMMENT. None.

OLD BUSINESS. **A. Steinbrugge** reported that the HSC plan was out in the mail in August.

NEW BUSINESS. (1) **J. Davey** reported that there would be some changes in the vessels participating during Fleet Week. In addition, there may be additional vessels calling SF Bay to avoid the Mexican storms. (2) **L. Korwatch** made the following announcements. On October 14, 2003, the Area Security Meeting will be held at the Port of Oakland at 10:00. The meeting is open to the public. On October 23, 2003, **Admiral Eldridge**, new USCG District 11 Commander, will be the speaker at the SF Propeller Club meeting at Scott's in Jack London Square. On October 11, 2003, California Maritime Academy will celebrate Homecoming and hold an Open House.

The next meeting of the HSC will be held on November 13, 2003 at 10:00 at the Port of San Francisco.

MOTION by **L. Teague**, seconded by **M. Beatie**, to "adjourn the meeting." Motion was passed without objection. Meeting adjourned at 11:40.

Respectfully submitted,



Captain Lynn Korwatch
Executive Secretary

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

INTERIM BYLAWS

August 29, 2003

Article I: Name

Section 1. The Harbor Safety Committee of the San Francisco, San Pablo and Suisun Bays (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 whenever possible.
- b. The Committee shall consist of members appointed by the Administrator as follows:
 1. Four designees representing Port Authorities;
 2. Two representatives of tank ship operators;
 3. One representative of pilot organizations;
 4. Two representatives of dry cargo vessel operators;
 5. One representative of commercial fishing or pleasure boat operators;
 6. One representative of a recognized nonprofit environmental organization that has as a purpose the protection of marine resources;
 7. One representative of the San Francisco Bay Conservation and Development Commission;
 8. One representative from a recognized labor organization involved with operations of vessels;

9. 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; and

10. One representative from each of the following: Captain of the Port from the U.S. Coast Guard; U.S. Army Corps of Engineers; and the U.S. Navy, to the extent that each consents to participate on the Committee.

- c. Appointees filling membership categories identified in items b1 through b9, above, are specified as appointed members.

Section 2. Membership Qualifications

The members appointed from the categories listed in Section 1b (1), (2), (3), (4), (8) and (9) 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 shoreside position with direct operational control of vessels;
- d. Has held or is currently holding a position having responsibilities for permitting or approving the docking of vessels in and around harbor facilities.

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 by the Chair. 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 Chair shall be guided by the following when 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 Chair should consider the other applicants when selecting alternates. The Chair shall 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 an appointed 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 of 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 Chair shall select a Vice-chairperson for the Committee from the membership specified in Article III. The selection shall be from a membership category other than his own.

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 on October 9, 2003, at Richmond, California, by a vote of 16 yea to 0 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, or until replaced by final bylaws which are dependent upon revisions being made to the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

J. Grant Stewart
Chairman
October 9, 2003

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

FINAL 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 October 9, 2003, at Richmond, California, by a vote of 16 yea to 0 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
January 13, 2005 (projected signature date)

**USCG Marine Safety Office San Francisco Bay
Port Operations Statistics
September 2003**

PORT SAFETY:	TOTAL
• SOLAS Interventions/COTP Orders:	03
• Marine Casualty: Allision/Collision (0) Grounding/Sinking (3) Fire (0)	03
• Marine Casualty (Mechanical): Propulsion (1) Steering (0)	01

POLLUTION RESPONSE:	MSO
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Total oil pollution incidents within San Francisco Bay for the month:	21
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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	00
Other Commercial Vessels	02
Non-Commercial Vessels (e.g. pleasure craft)	07
Unknown Source (as of the end of the month)	11
▪ Spill Volume:	
Unconfirmed	14
No Spill, Potential Needing Action	00
Spills < 10 gallons	05
Spills 10 to 100 gallons	01
Spills 100 to 1000 gallons	01
Spills > 1000 gallons	00

Significant Cases:

04SEP03 – M/V BLUE DREAM fouled her anchor while in Anchorage 7 on an old anchor and chain from another vessel. Vessel hired salvage team and unfouled vessel. ACOE to investigate a way to recover anchor and chain when salvage vessel is out of drydock in approx. one month.

08SEP03 – M/V P&O NEDLLOYD LOS ANGELES lost propulsion while in-bound SF Bay at the Pilot's Station. A COTP Order was issued directing the vessel to berth with a tug of sufficient bollard pull and to correct problem prior to departure. Vessel made necessary repairs and was allowed to depart SF Bay.

09SEP03 – T/V SKOWHEGAN had a crewmember on INS's National Automated Immigration Lookout System (NAIIS). A COTP Order was issued directing the vessel hire security. Vessel departed without incident on 10SEP03.

03SEP03- Conoco Phillips discharged estimated volume of 20 Gallons fuel oil from leaking transfer line.

07SEP03 – BARGE Monarch sank causing oil spill with a estimated spill volume of 500 gallons.

21SEP03 – Unknown TUG BOAT sank causing oil spill with no specified volume.

21SEP03 – Unknown SAIL BOAT sank causing oil spill with no specified volume.

San Francisco Bay Clearinghouse Report For September 2003

San Francisco Bay Region Totals

			2002
Tanker arrivals to San Francisco Bay	63		72
Tank ship movements & escorted barge movements	303		295
Tank ship movements	193	63.70%	214
Escorted tank ship movements	90	29.70%	93
Unescorted tank ship movements	103	33.99%	121
Tank barge movements	110	36.30%	81
Escorted tank barge movements	65	21.45%	50
Unescorted tank barge movements	45	14.85%	31
Percentages above are percent of total tank ship movements & escorted barge movements for each item.			
Escorts reported to OSPR	0		0

Movements by Zone	Zone 1	%	Zone 2	%	Zone 4	%	Zone 6	%	Total	%
Total movements	196		290		0		154		640	
Unescorted movements	83	42.35%	142	48.97%	0	0.00%	75	48.70%	300	46.88%
Tank ships	59	30.10%	100	34.48%	0	0.00%	52	33.77%	211	32.97%
Tank barges	24	12.24%	42	14.48%	0	0.00%	23	14.94%	89	13.91%
Escorted movements	113	57.65%	148	51.03%	0	0.00%	79	51.30%	340	53.13%
Tank ships	65	33.16%	86	29.66%	0	0.00%	44	28.57%	195	30.47%
Tank barges	48	24.49%	62	21.38%	0	0.00%	35	22.73%	145	22.66%

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	611		709
Tank ship movements & escorted barge movements	3,035		3,015
Tank ship movements	1,862	61.35%	1,981
Escorted tank ship movements	926	30.51%	996
Unescorted tank ship movements	936	30.84%	985
Tank barge movements	1,173	38.65%	1,034
Escorted tank barge movements	628	20.69%	564
Unescorted tank barge movements	545	17.96%	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	1,879		2,848		1		1,566		6,294	
Unescorted movements	871	46.35%	1,401	49.19%	1	100.00%	727	46.42%	3,000	47.66%
Tank ships	607	32.30%	911	31.99%	0	0.00%	439	28.03%	1,957	31.09%
Tank barges	264	14.05%	490	17.21%	1	100.00%	288	18.39%	1,043	16.57%
Escorted movements	1,008	53.65%	1,447	50.81%	0	0.00%	839	53.58%	3,294	52.34%
Tank ships	615	32.73%	878	30.83%	0	0.00%	452	28.86%	1,945	30.90%
Tank barges	393	20.92%	569	19.98%	0	0.00%	387	24.71%	1,349	21.43%

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.

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

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

October 9, 2003

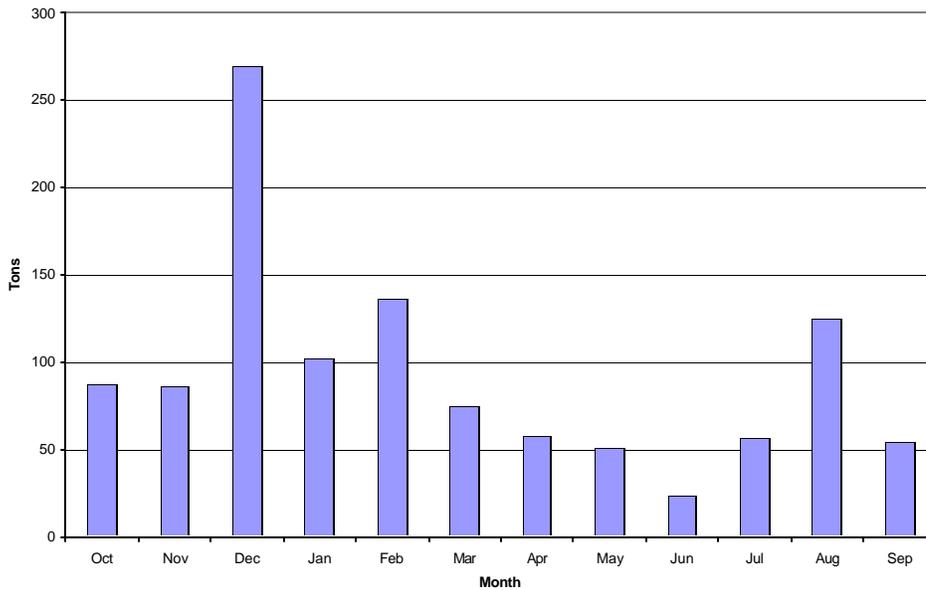
1. CORPS 2003 O&M DREDGING PROGRAM

- a. *Main Ship Channel* – Complete
- b. *Richmond Outer and Southampton Shoal* – Complete.
- c. *Richmond Inner* – Complete
- d. *Oakland (Inner & Outer)* – Contractor is dredging and the project is estimated to be over 80% complete. Corps is coordinating O & M dredging with the deepening project time line. Material is going to the ocean. The Corps performed emergency dredging on some portions of the Oakland channel.
- e. *Suisun Bay Channel* – Complete. Reviewing post dredge survey.
- f. *Redwood City* – Complete
- g. *San Rafael* – Complete.
- h. *Petaluma* – Contractor is dredging.
- i. *Pinole Shoal/Suisun Bay Channel/New York Slough* – Complete

2. DEBRIS REMOVAL

The total tonnage of debris collected on the San Francisco Bay for September 2003 was 54 tons. This is down from the 125 tons collected in the month of August. The Raccoon was in the Ship Yard and returned to service on October 6. There were several large pieces of debris that were collected in September. One was a 30-foot by 30-foot section of pier.

Debris Removal 2002/2003



3. UNDERWAY OR UPCOMING HARBOR IMPROVEMENTS

a. Oakland 50-ft –

Construction is continuing. Dredging with the disposal of material at Montezuma Wetlands Restoration site should start in the next couple of weeks. The contract for the demolishing of a building has been let. It was decided not to let the contract for the storm water treatment unit in Middle Harbor at this time. It is likely the additional funds will be added to the dredging contract under the Corps continuing resolution authority until Congress passes the FY 2004 budget and the President signs it.

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. The Final Report was scheduled to be completed earlier, but it required additional work. We now have what is called a Draft Reference Report and it is scheduled to go to State Lands and the Port of Oakland within the a week or two for review.

4. EMERGENCY DREDGING

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

5. CORPS' BUDGET

The Corps is waiting for the FY 2004 budget to be passed and signed so we can determine what we can do on this years dredging program. Most FY 2003 projects are complete or in the process of being finished up. We are starting work on our annual projects under our continuing resolution authority.

6. OTHER WORK

San Francisco Bay to Stockton.

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. The Department of Water Resources has performed model studies in support of the GRR. We have completed the peer review of the salinity model and have finished up the economic analysis. The results of these studies look promising that the Corps can justify a project. Based on these studies the Port wants to continue and the Corps is developing scopes for the full General Re-evaluation Report (GRR).

Sacramento River Deep Water Ship Channel Deepening

The San Francisco District has taken over the Sacramento River Deep Water Ship Channel Deepening Project from the Sacramento District. This project is looking to continue the authorized deepening project of the channel from 30 feet to 35 feet. The Corps developed a Project Management Plan (PMP) and the Port concurred to initiate the study in July 2002. We are doing a Limited Re-evaluation Report (LRR) that focuses on economics and updating the environmental documentation. The studies should take approximately 24 months (July 2004). We are continuing to work on this project. At present, the economic study indicates the project may be justified to some depth. We have awarded the contract for the salinity model. We are waiting for funding for sediment testing and for evaluating the disposal sites. The initial estimate is we will need capacity to dispose of approximately 6.5 million cubic yards of material.

Memorandum

Date: October 9, 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.

The Corps of Engineers (CoE) has completed the Draft Reference Report reflecting the status of the Corps of Engineers (CoE) Feasibility Study (FS) for the project. The CoE is in the process of sending the Draft report to key stakeholders, including the Underwater Rocks Work Group, for comment. The CoE hopes to receive, compile and address comments on the Draft Report and finalize by late October or Early November 2003. The CoE will then have the Report and all references (other study reports) posted on the CoE web site.

The Reference report will summarize all work accomplished to date on the project. 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.