

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 San Francisco Bay Region

Thursday, October 14th, 2004

Port of Richmond, Harbormaster's Office, Richmond

Joan Lundstrom, Chair, San Francisco Bay Conservation & Development Commission; called the meeting to order at 1008 and the secretariat confirmed there was a quorum.

The following committee members and alternates were in attendance: **Paul Bishop**, Harbor Bay Maritime; **Margot Brown**, National Boating Federation, **Capt. Gary Fleeger**, Matson Navigation; **Fred Henning**, Baydelta Maritime; **Capt. Doug Lathrop**, Chevron Texaco; **Alan Miciano**, General Steamship Corp.; **Nancy Pagan**, Port of Benicia; **Capt. Robert Pinder**, San Francisco Bar Pilots; **Ern Russell**, Foss Maritime Company, **Denise Turner**, Port of San Francisco; **Thomas Wilson**, Port of Richmond.

Also present were U. S. Coast Guard representatives, **Cmdr. Pauline Cook**, Coast Guard Vessel Traffic Service San Francisco; **Cmdr. Gordon Loebel**, Marine Safety Office; **Cmdr. LeBlanc**, Marine Safety Office; U. S. Army Corps of Engineers' representative, **Margaret Chang**; OSPR representative **Al Storm**; State Lands Commission representative **Ken Leverich**; NOAA representative, **Cmdr. Steve Thompson**; **Capt. Lynn Korwatch**, Marine Exchange, and more than twenty-five people from the interested public.

The meeting was open to the public.

Approval of the Minutes

The minutes of the September 8th, 2004 meeting were unanimously approved with the following corrections:

At page 3, the **OSPR Report**, the sentences should read: "Applications for representative from a non-profit environmental organization are due by *November 1st*. **R. Holly** presented **K. Zagzebski** with a Certificate of *Appreciation* from **Carl Moore**, Administrator, OSPR."

At page 7, the **Port of Redwood City Dredging** agenda item, the sentence should read: "**J. Lundstrom** will post a draft of the proposed letter online and will work with the COE *for the* appropriate language." And: "Congress could *act* within the next couple of weeks."

Comments by the Chair

Lundstrom reported that the video *Share the Bay* was shown at the summit of Harbor Safety (HSC) committee chairs in Long Beach. She reported that all were impressed and wanted copies for their own regions. The *Rules 9 & 5* brochure was also well received; and everyone wanted copies of that too.

It was announced at the Long Beach meeting that the California Performance Review will go to the legislature on January 1, 2005.

Lundstrom advised the work group chairs to set meeting times to review the Harbor Safety Plan and recommendations.

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Coast Guard Report

Cmdr. Loebel announced that the Coast guard had enjoyed a successful joint exercise with the Navy during Fleet Week. The scenario for the exercise was a mining of the harbor by terrorists.

Cmdr. Loebel announced that round four Port Security Grants had been awarded to the ports of Oakland and Stockton, and to the Blue and Gold Fleet, Ferry Company. The next round of Domestic Security Grants will be administered by the Office of Domestic Preparedness (ODP).

Cmdr. Loebel reported that since the last meeting there had been a couple of cases of ships out of compliance with the 96 hour notice of arrival rules. He said that the National Vessel Movement Center (NVMC) still needs work. He said that agents should be sure to get confirmation by phone from the NVMC. In the meantime, the Marine Safety Office is working with the Marine Exchange to see what improvements can be made locally.

Cmdr. Loebel reported that the High Interest Vessel Matrix had been revised. He could not reveal any of the details and said that it is still evolving. Cmdr. Loebel said that we might see an increased number of boardings.

Cmdr. LeBlanc gave a report on port operational statistics, which is attached to these minutes.

Capt. Pinder asked there had been no notification to the public of the exercise. **Cmdr. Loebel** replied that this will change for all future exercises. He said that one of the first lessons learned was the need for more local expertise and cooperation.

Cmdr. Loebel announced that the report on safety recommendations, from the *Pacific Highway* investigation, is now out. She said the penalty phase of the investigation would be completed in two weeks time.

Lundstrom said that the *Pacific Highway* incident was the result of a Rule 9 violation by a small boat. She pointed out that this was the first incident of a ship hitting a bridge to avoid a sailboat that anyone could remember in these waters. She recommended that the HSC, Coast Guard, and Office of Spill Prevention and Response (OSPR) cooperate on a press release about the danger of Rule 9 violations after the release of the final report on the investigation.

Cmdr. Cook gave a report on Vessel Traffic System (VTS) statistics, which are attached to these minutes. She explained that the report is about measuring the work load on VTS and is not any kind of economic indicator.

Cmdr. Cook cited two articles of interest from *Lat 38* which are attached to these minutes.

Cmdr. Cook reported that the local installation of AIS (Automated Information System) would be completed in mid November. She said that tankers and other defined vessels will be required to carry transponders to communicate with the system by December 31st, 2004. **Cmdr. Cook** said that the price of transponders is now down to about three thousand dollars. There have been some troubles in the system due to poor installations and bogus Maritime Mobile Service Identity (MMSI) numbers.

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Cmdr. Cook announced that the VTS would be host an overview of the system for the Area's users and the public on November 9th from 1000 to 1200 at the Port of Oakland Boardroom. The session will be conducted by **Scott Humphrey**.

Cmdr. Cook reported that there had been great cooperation from the ferry and tug operators lately on search and rescue operations and reports of suspicious activity.

Lathrop asked if AIS data would be available to the public.

Cmdr. Cook said that industry representatives had expressed a great deal of concern about this at the recent AIS conference in Seattle. She said that anyone with the right unit can see all the traffic. She said that the expert on AIS from Coast Guard Head Quarters made it clear that the system was designed to be open.

Clearing House Report

A. Steinbrugge. A written report with statistics for the month of September, 2004, is made a part of these minutes. There were 2 calls to OSPR during the month of September regarding possible escort violations. There were no calls from pilots to report a vessel arriving without the necessary paperwork prepared for the escort. This year, to date, there have been twenty calls to OSPR. In 2003, there were three calls to OSPR regarding possible escort violations. There were two calls in 2002; six calls in 2001 and five calls in 2000.

OSPR Report

A. Storm gave a report on the analysis of the types of reported tug escort incidents since January 1, 2004.

A. Storm reported that there had been no applications to represent dry cargo operators on the HSC. Three people have expressed an interest in applying to represent non-profit environmental groups.

A. Storm reported that *SB1742* had been passed and signed; and that both *SB1480* and *AB2388* had been passed and vetoed. He said that the passage of *SB1742* meant it would be possible for state HSC's to begin operating under proposed bylaws after January 1st, 2005. **A. Storm** explained that the proposed bylaws had been developed during a series of meetings in the summer and fall of 2003.

Lundstrom then asked about the voting rights of designees from the Federal agencies. She explained that the proposed bylaws differentiate between appointed members that can vote and the Federal designees that can't. **A. Storm** said voting is up to the designees at that some in other HSC's had exercised that right.

Brown announced that there would be a hearing in Fairfield, in November, to gather comments on the proposed enabling regulations. She then moved that the HSC postpone consideration of an endorsement of the proposed regulations until the November meeting. **Lathrop** seconded. The motion passed unanimously.

Lundstrom asked that people contact her with their question and comments before the next meeting. She said she would collate the information and forward it to **A. Storm**.

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A. Storm announce that the hearing would be on November 22, starting at 1000. **Lundstrom** asked **A. Storm** to provide the committee members with directions to the location.

NOAA Report

Cmdr. Thompson reported that a new chart is out for Mallard Island. The Navigational Response Team was due to arrive today. He said that NOAA is predicting a weak el nino for the winter. That would mean near normal rainfall and slightly warmer.

US Army Corps of Engineer Report

Margaret Chang gave a report, which is attached to these minutes.

State Lands Commission Report

Ken Leverich reported that he had attended the exercise described previously by **Cmdr. Loebel**. **Leverich** said the cooperation he saw between the Navy and Coast Guard was good. He said the lack of input from the Maritime community was felt immediately. He thanked everyone for attending the symposium in Long Beach. The customer service meeting will be November 3rd, 2004.

Tug Workgroup Report

Henning said that the big news was the veto of *SB1480*, which would have extended escort regulations to other types of vessels. **Lundstrom** said that the Governor's veto message included words and thoughts from the HSC's letter against the bill.

Navigation Work Group

Capt. Pinder reported that they are reviewing the Harbor Safety Plan

Ferry Operations Work Group

There was nothing to report.

Prevention through People Work Group

Brown reported that the video *Share the Bay* had been well received at the national meeting of the Coast Guard Auxiliary in Costa Mesa. **Brown** said there would be presentations given to the American Canoe Association and the Boating Safety Advisory Council in the near future.

PORTS Report

Steinbrugge said a design for mounting the new current sensor at the Tesoro Amorco dock had been received that morning and forwarded to Marc Bayer or Tesoro.

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Capt. Korwatch reported that she had had a good meeting with **Stephanie Watson**, coordinator for the Central and Northern California Ocean Observing System (CeNCOOS). **Capt. Korwatch** said that **Watson** is very excited about PORTS because of the heavy use of the system, and the diversity of users.

Public Comment

No one desired to speak.

Old Business

Steinbrugge said the Harbor Safety Plans were in the mail. He said they could also be made available on CD.

New Business

Capt. Korwatch announced that Adm. Carter Johnson, Coast Guard Pacific Area Commander, would be the guest speaker at the next meeting of the Propeller Club, 1130 November 11th, at the Scott's Seafood restaurant in Jack London Square.

Next Meeting

The next meeting will be held on Wednesday, November 10, 2004.

Lundstrom announced that the next meeting of the Harbor Safety Committee will be 1000 November 10th at the Port of San Francisco Pier 1 Conference Room.

Adjournment

At 1153 it was moved and seconded to adjourn the meeting. The motion passed without discussion or dissent.

Respectfully submitted,


Captain Lynn Korwatch
Executive Secretary

USCG Marine Safety Office San Francisco Bay

Port Operations Statistics

September 2004

| PORT SAFETY: | TOTAL |
|---|--------------|
| • Total Number of SOLAS(01) / MARPOL Detentions(0) / ILLC(1): | 02 |
| • Total Number of COTP Orders: | 06 |
| • Marine Casualty: Allision/Collision (0) Grounding/Sinking (0) Fire (0) | 00 |
| • Marine Casualty (Mechanical): Propulsion (1) Steering (1) | 02 |
| • Other | 02 |
| • LOU-ANOA Violation | 02 |
| • Letters of Deviation: Radar (2) Steering (2) Gyro (1) Echosounder (0) | 04 |
| • Personnel (Crew) Casualty | 00 |
| • Crew/Immigration Issues (separate incidents of a crew member missing movement) | 02 |
| • SIV (Coast Guard considered Special Interest Vessels) | 02 |
| • General PS Cases (not covered above) | 04 |
| • Rule 9 violations: | 00 |
| • Waterways Issues: Hazard to Navigation | 00 |
| • Established Limited Access Areas (Safety Zones-1 "Alameda movie filming", Security Zones-0) | 01 |
| • Deadship Tows | 00 |
| • Anchorage Waivers | 02 |
| • MSIB's (04-15 to 04-19) | 05 |
| • Facility Issues (1. T/V transfer of Ethanol; 2. Oakland Facility - dropped 2 containers) | 02 |
| • Port Drills/Exercises | 00 |
| Total Port Safety cases open for period: | 18 |

| CONTAINER INSPECTIONS | TOTAL |
|---|--------------|
| Total Container Inspections for the month (goal = 168/mo) | 137 |
| Total Number of Container Violations | 33 |
| Total Number of Violations | 44 |
| • Number of Shipments put on hold | 02 |
| • Number of Containers taken out of service | 32 |
| MASFOs (Multi Agency Strike Force Ops). | 00 |
| MOTCO Operations involving EHS/break-bulk explosives | 00 |
| EHS (Class 1.1/1.2 Explosive Handling Supervision Ops) | 00 |

| FACILITIES DEPARTMENT | TOTAL |
|--|--------------|
| Total number of daily Harbor Patrols sites visited: | 306 |
| Total number of Critical Infrastructure sites visited: | 183 |
| Total number of 105 Facility Spot-checks: | 80 |

| POLLUTION RESPONSE: | MSO |
|--|------------|
| Total oil pollution incidents within San Francisco Bay for the month: | 17 |
| ▪ Source Identification; Discharges and Potential Discharges from: | |
| Deep Draft Vessels | 0 |
| Facilities (includes all non-vessel) | 1 |
| Military/Public Vessels | 0 |
| Commercial Fishing vessels | 2 |
| Other Commercial Vessels | 2 |
| Non-Commercial Vessels (e.g. pleasure craft) | 4 |
| Unknown Source (as of the end of the month) | 4 |

| | |
|---|----|
| Storm Drain | 0 |
| Vehicle Accident | 2 |
| ▪ Spill Information and Volume: | |
| Unconfirmed | 7 |
| No Spill, Potential Needing Action | 8 |
| Cases Requiring Clean-up | 0 |
| Federally Funded Cleanup Cases (OSLTF-0/CERCLA-0) | 0 |
| Hazardous Material Releases | 0 |
| 1. Spills < 10 gallons | 2 |
| 2. Spills 10 to 100 gallons | 2 |
| 3. Spills 100 to 1000 gallons | 0 |
| 4. Spills > 1000 gallons * | 0 |
| ▪ Penalty Action: Civil Penalty Action: | |
| Marine Violations: | 0 |
| Notice of Violation (TK): | 0 |
| Letter of Warning: | 1 |
| No Penalty Action: | 16 |

Significant MER Cases:

1. Nothing significant to report for the month of September 2004.

Significant PSS Cases:

1. **(03Sep04):** Liberian Vessel issued COTP Order 04-083 due to temporary propulsion failure after departing MSO LA/LB. Vessel allowed to enter port, but requires class society to verify repairs completed prior to departure. MSO received satisfactory repair notification.
2. **(14Sep04):** Italian Tank Vessel issued COTP Order 04-085 to remain offshore and enter port at the proper 96 hr arrival time submitted to National Vessel Movement Center (NVMC). The vessel, carrying 328,253 bbls of gasoline, appealed decision thru vessel agent citing faulty transmission of data that partially transmitted the required information. The appeal was denied by acting COTP and District Eleven Marine Safety. Vessel arrived at required time, COTP Order rescinded.
3. **(16Sep04):** Antigua Bulk vessel was detained in the Port of Redwood City for SOLAS deficiencies (22 total, 5 of which were detainable and involved key safety items with lifeboats). COTP Order 04-086 was issued and rescinded upon Classification Society review of all corrected deficiencies.
4. **(18Sep04):** Norwegian vessel suffered a temporary (electrical failure) loss of steering near Light 55 while transiting from Sacramento to Anchorage 9. COTP Order 04-087 was issued requiring the vessel to have classification society verify satisfactory repair prior to shifting to Stockton.
5. **(19Sep04):** Liberian Tank Vessel notified CG that the vessel had lost the use of two ship pumps to offload Ethanol at Shore Terminal Selby. Vessel requested ability to pump “over the top”. Shore Terminal Selby facility denied “over the top” pumping due to concerns with flammability/explosion issues and possible air emissions issues with the California Air Resource Board (CARB). COTP Order 04-088 issued restricting vessel from conducting dangerous operation within the Bay. Cargo transfer ops were conducted offshore (beyond 3nm and outside of the Gulf of Farallones, Monterey Bay, Cordell Bank Marine Sanctuaries; Location Approx: 70 nm west of Golden Gate Bridge). 1,144 MT of cargo was transferred to properly working tanks, and the vessel returned to Shore Terminal Selby to complete offload.

Significant PSS Actions or Exercises:

1. **MSIB 04-15 (14Sep04)** “Enforcement of Advanced Notice of Arrival Requirements”: MSIB provided vessel owners and operators a reminder on the need to comply with all ANOA requirements.
2. **MSIB 04-16 (10Sep04)** “Conduct Maritime Security Two (MARSEC II) Surge Ops”: MSIB provided guidance to facility Security Officers (FSOs) to the potential for terrorist activities and the need to remain vigilant, as well as conducting MARSEC II Surge Ops to increase security posture.

3. **MSIB 04-17 (16Sep04)** “Compressed Gas Cylinders as Improvised Explosive Devices”: MSIB provided guidance to FSOs to the potential terrorist use of compressed flammable gas cylinders to destroy buildings.
4. **MSIB 04-18 (16Sep04)** “Announcement of Recipients of Round Four Port Security Grants”: MSIB provided information on three San Francisco Bay area facilities that were given a combined total of \$1,532,050 in grants to improve their existing security systems and further enhance their ability to deter potential terrorist/criminal activity. The recipients are: Port of Oakland (\$1,197,850), Port of Stockton (\$180,000), and Blue and Gold Fleet: (\$154,000).
5. **MSIB 04-19 (16Sep04)** “Al-Qaida Surveillance Tactics”: MSIB provided to Facility Security Officers information on recently obtained information detailing Al-Qaida training and surveillance techniques.

San Francisco Bay Clearinghouse Report For September 2004

San Francisco Bay Region Totals

| | | | 2003 |
|--|-----|--------|------|
| Tanker arrivals to San Francisco Bay | 61 | | 63 |
| Tank ship movements & escorted barge movements | 286 | | 303 |
| Tank ship movements | 165 | 57.69% | 193 |
| Escorted tank ship movements | 79 | 27.62% | 90 |
| Unescorted tank ship movements | 86 | 30.07% | 103 |
| Tank barge movements | 121 | 42.31% | 110 |
| Escorted tank barge movements | 51 | 17.83% | 65 |
| Unescorted tank barge movements | 70 | 24.48% | 45 |
| Percentages above are percent of total tank ship movements & escorted barge movements for each item. | | | |
| Escorts reported to OSPR | 2 | | 0 |

| Movements by Zone | Zone 1 | % | Zone 2 | % | Zone 4 | % | Zone 6 | % | Total | % |
|--------------------------|---------------|----------|---------------|----------|---------------|----------|---------------|----------|--------------|----------|
| Total movements | 184 | | 275 | | 0 | | 133 | | 592 | |
| Unescorted movements | 91 | 49.46% | 150 | 54.55% | 0 | 0.00% | 72 | 54.14% | 313 | 52.87% |
| Tank ships | 58 | 31.52% | 85 | 30.91% | 0 | 0.00% | 34 | 25.56% | 177 | 29.90% |
| Tank barges | 33 | 17.93% | 65 | 23.64% | 0 | 0.00% | 38 | 28.57% | 136 | 22.97% |
| Escorted movements | 93 | 50.54% | 125 | 45.45% | 0 | 0.00% | 61 | 45.86% | 279 | 47.13% |
| Tank ships | 56 | 30.43% | 76 | 27.64% | 0 | 0.00% | 37 | 27.82% | 169 | 28.55% |
| Tank barges | 37 | 20.11% | 49 | 17.82% | 0 | 0.00% | 24 | 18.05% | 110 | 18.58% |

Notes:

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

San Francisco Bay Clearinghouse Report For 2004

San Francisco Bay Region Totals

| | | | <u>2003</u> |
|--|-------|--------|-------------|
| Tanker arrivals to San Francisco Bay | 590 | | 686 |
| Tank ship movements & escorted barge movements | 2,660 | | 3,481 |
| Tank ship movements | 1,558 | 58.57% | 2,077 |
| Escorted tank ship movements | 765 | 28.76% | 1,026 |
| Unescorted tank ship movements | 793 | 29.81% | 1,051 |
| Tank barge movements | 1,102 | 41.43% | 1,404 |
| Escorted tank barge movements | 574 | 21.58% | 757 |
| Unescorted tank barge movements | 528 | 19.85% | 647 |
| Percentages above are percent of total tank ship movements & escorted barge movements for each item. | | | |
| Escorts reported to OSPR | 20 | | 2 |

| Movements by Zone | Zone 1 | % | Zone 2 | % | Zone 4 | % | Zone 6 | % | Total | % |
|--------------------------|---------------|----------|---------------|----------|---------------|----------|---------------|----------|--------------|----------|
| Total movements | 1,739 | | 2,555 | | 0 | | 1,297 | | 5,591 | |
| Unescorted movements | 802 | 46.12% | 1,292 | 50.57% | 0 | 0.00% | 620 | 47.80% | 2,714 | 48.54% |
| Tank ships | 531 | 30.53% | 785 | 30.72% | 0 | 0.00% | 330 | 25.44% | 1,646 | 29.44% |
| Tank barges | 271 | 15.58% | 507 | 19.84% | 0 | 0.00% | 290 | 22.36% | 1,068 | 19.10% |
| Escorted movements | 937 | 53.88% | 1,263 | 49.43% | 0 | 0.00% | 677 | 52.20% | 2,877 | 51.46% |
| Tank ships | 535 | 30.76% | 728 | 28.49% | 0 | 0.00% | 340 | 26.21% | 1,603 | 28.67% |
| Tank barges | 402 | 23.12% | 535 | 20.94% | 0 | 0.00% | 337 | 25.98% | 1,274 | 22.79% |

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.

**CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4, OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 1. HARBOR SAFETY COMMITTEES AND HARBOR SAFETY PLANS
SECTIONS 800 - 802**

Amended 9/16/04

800. DEFINITIONS

In addition to the definitions in Chapter 1, Section 790 of this Subdivision, the following definitions shall govern the construction of this subchapter. Where similar terms are defined, the following will supersede the definition in Chapter 1:

- (a) "Vessels" means any watercraft or ships of ~~all~~ any kinds, including ~~steamboats, steamships, canal boats, barges, sailing vessels, and~~ every structure adapted to be navigated from place to place for the transportation of merchandise or persons.

NOTE: Authority cited: Section 8670.23, Government Code.

Reference: Sections 8670.3, 8670.21 and 8670.23, Government Code, ~~and Section 21, Harbors and Navigation Code.~~

800.5. HARBOR SAFETY COMMITTEES

- (a) The Administrator shall create harbor safety committees for the harbors and adjacent regions of San Diego Bay; Los Angeles/Long Beach Harbor; Port Hueneme; San Francisco, San Pablo, and Suisun Bays; and Humboldt Bay. In consultation with each harbor safety committee, the Administrator shall determine its geographic region of responsibility which shall be clearly reflected in the committee's plan as described in Section 802(b)(2) of this Subchapter.
- ~~(b) The Administrator shall appoint to the harbor safety committees the members specified in Government Code Section 8670.23(b).~~
- ~~(eb)~~ In the event that a designee of a port authority is not able to participate as a harbor safety committee member due to military affiliations, the civilian counterpart for that harbor may serve in place of the port authority designee.
- ~~(dc)~~ All meetings of harbor safety committees, their subcommittees, workgroups or organizations, as defined in Government Code Section 54952, are subject to the open meeting requirements contained in Government Code Sections 54950 through 54962.

NOTE: Authority cited: Sections 8670.23 and 8670.23.1, Government Code.

Reference: Sections ~~54950 through 54962 and~~ 8670.23, Government Code.

800.6. HARBOR SAFETY COMMITTEE MEMBERSHIP

- (a) The Administrator shall appoint to each harbor safety committee, for a term of three years, all of the following members and their alternates:**
- (1) A designee of each of the port authorities within the region, except that the harbor safety committee for the San Francisco, San Pablo and Suisun Bay region shall have four designees.**
 - (2) A representative of dry cargo vessel operators, except that the harbor safety committee for the San Francisco, San Pablo and Suisun Bay region may have two representatives.**
 - (3) A representative of tank ship operators, except that the harbor safety committee for the San Francisco, San Pablo and Suisun Bay region shall have one additional representative of either tank ship operators or marine oil terminal operators.**
 - (4) For the harbor safety committees for the Los Angeles/Long Beach Harbor region, Port Hueneme region, and Humboldt Bay region a representative of marine oil terminal operators.**
 - (5) A representative of tug or tank barge operators, who is not also engaged in the business of operating either tank ships or dry cargo vessels, except that the harbor safety committees for the San Francisco, San Pablo and Suisun Bay region and Humboldt Bay region shall have one representative of tug operators and one representative of tank barge operators, neither of whom is also engaged in the business of operating either tank ships or dry cargo vessels.**
 - (6) For the harbor safety committees for the San Francisco, San Pablo and Suisun Bay region, Los Angeles/Long Beach Harbor region and San Diego Bay region, a representative of scheduled passenger ferry or excursion vessel operators.**
 - (7) A representative of the pilot organizations within the region, except that the harbor safety committee for the Los Angeles/Long Beach Harbor region shall have two pilot representatives: one a designee of the Port of Los Angeles pilot organization and one a designee of the Port of Long Beach pilot organization. Additionally, the harbor safety committee for the Los Angeles/Long Beach Harbor region shall have one representative of mooring masters who represents all mooring masters operating within the committee's geographic area of responsibility.**
 - (8) A representative of a recognized labor organization involved with operations of vessels.**
 - (9) A representative engaged in the business of commercial fishing.**
 - (10) A representative of pleasure boat operators or a recreational boat organization.**

(11) A representative of a recognized nonprofit environmental organization that has as a purpose the protection of marine resources, except that the harbor safety committee for the Los Angeles/Long Beach Harbor region may have two representatives .

12) The United States Coast Guard Captain of the Port and a designee of each of the following federal agencies to the degree that each consents to participate on the committee: the United States Army Corps of Engineers, the National Oceanographic and Atmospheric Administration, and the United States Navy.

(13) A designee of the California Coastal Commission, except for the harbor safety committee for the San Francisco, San Pablo and Suisun Bay region, where the Administrator shall appoint a designee of the San Francisco Bay Conservation and Development Commission.

- (b) A harbor safety committee may petition the Administrator with a request for new or additional membership positions for special needs to conduct ongoing harbor safety committee business and which reflect the makeup of the local maritime community. The qualifications for such positions shall be set either in committee bylaws or on the petition. The approval of such petitions shall be at the sole discretion of the Administrator.
- (c) A harbor safety committee may petition the Administrator for the elimination of new or additional membership positions requested and approved pursuant to Subsection (b). The approval of such petitions shall be at the sole discretion of the Administrator.
- (d) The members appointed from the categories listed in Subsections (a)(2), (3), (4), (5),(6), and (7) above shall have navigational expertise. An individual is considered to have navigational expertise if the individual meets any of the following conditions:
- (1) Has held or is presently holding a United States Coast Guard Merchant Marine Deck Officer's license.
- (2) Has held or is presently holding a position on a commercial vessel that includes navigational responsibilities.
- (3) Has held or is presently holding a shoreside position with direct operational control of vessels.
- (4) Has held or is currently holding a position having responsibilities for permitting or approving the docking of vessels in and around harbor facilities.
- (e) The Administrator shall appoint a chairperson and vice chairperson, for a term not to exceed the balance of their current membership appointment, for each harbor safety committee from the membership specified in Subsection (a) above. The Administrator may withdraw such appointments at his or her sole discretion.

(f) Upon request of the committee chairperson, pursuant to the committee's bylaws, the Administrator may remove a member or alternate appointed under authority of Subsection (a) above.

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

NOTE: Authority cited: Sections 8670.23 and 8670.23.1, Government Code.
Reference: Section 8670.23, Government Code.

801. GENERAL PROVISIONS

- (a) Each harbor safety committee shall be responsible for planning for the safe navigation and operation of vessels within its geographic region of responsibility. As part of meeting this responsibility, each harbor safety committee shall prepare and submit to the Administrator its harbor safety plan to meet the which encompasses all vessel traffic within its region and addresses the region's unique safety needs. of each of the harbors represented by each committee.**
- (b) All harbor safety plans shall be consistent with both the State California Oil Spill Contingency Plan and the National Contingency Plan.**
- (c) All harbor safety plans shall be in writing and shall include a reference to any federal, state or local laws or regulations if those laws or regulations were relied upon to develop the plan.**
- ~~(d) All plans shall be reviewed by the Administrator to ensure their compliance with these regulations. Plans which do not comply with the terms of these regulations shall be returned within 30 days of their receipt, to the harbor safety committee along with a written statement explaining the reasons for the Administrator's disapproval of the plan.~~**
- ~~(de) Harbor safety pPlans which meet the requirements of this subchapter these regulations shall be implemented by the Administrator in consultation with the respective committee.(s) which submitted the plans. Disapproved plans shall be corrected to address the Administrator's reasons for plan disapproval and resubmitted to the Administrator no later than 60 days from receipt by the harbor safety committee.~~**
- (ef) On or before July 1 of each year, each harbor safety committee shall assess maritime safety of within its region harbor, including tank vessel tanker and barge safety, and shall report its findings and recommendations for improvements to the Administrator by amending its current harbor safety plan or instituting other alternatives to address its findings. All plans shall be reviewed by the Administrator to ensure their compliance with this subchapter.**
- (f) The Administrator may direct a harbor safety committee to address any issue affecting maritime safety or security, as appropriate, and to report findings and recommendations on those issues.**

**NOTE: Authority cited: Sections 8670.23 and 8670.23.1, Government Code.
Reference: Section 8670.23, Government Code.**

802. HARBOR SAFETY PLAN CONTENT REQUIREMENTS

- (a) All **harbor safety** plans shall be written ~~to~~ **in** consideration of the best achievable protection standard as that term is defined in Chapter 1 of this subdivision.
- (b) Each **harbor safety** plan shall include, at a minimum, a discussion of the following:
 - (1) Tug Escorts
 - (A) One section of ~~each~~ **the** plan shall be dedicated to the usage of tug escorts in ~~each harbor~~ **the committee's geographic region of responsibility**.
 - (B) This section shall allow for a case-by-case determination of tug escort usage or need based on specified criteria which include, but are not limited to, all of the following factors:
 - 1. the physical limitations of the tugs;
 - 2. an analysis of commonly encountered weather and sea conditions including, but not limited to, wind, tidal and ocean currents;
 - 3. the type of cargo carried by the **tank vessel tanker**;
 - 4. a determination of whether or not tug escorts are needed for unladen **tank vessels tankers**; and
 - 5. the effectiveness of tug escorts in steering and/or stopping assistance for heavily laden **tank vessels tankers** given the geographic and navigational limitations of that **region harbor**.
 - (C) This section shall also include, but not be limited to, all of the following:
 - 1. an outline discussing tug boat capabilities when assisting a **tank vessel tanker**;
 - 2. a recommendation determining when **tank vessels tankers** must be escorted by tug(s) while entering, leaving, or navigating in the **region harbor**;
 - 3. a determination of sufficient size, horsepower, and pull capacity of the tug(s) to assure maximum assistance capability;

4. a comprehensive inventory of the number and types of tugs available for **tank vessel tanker** escort in each **geographic region port**; and
 5. an analysis, including factual data and studies relating to the analysis, which specifies the incidence and location of **harbor** accidents and the effects of the absence or presence of tug escorts at the time of those accidents.
- (D) Each plan shall address its method for performing a continued study of tug escorts, which will rely in part on relevant information solicited by the harbor safety committee from pilots, masters, representatives from towing industries and builders, and other interested parties.

(2) **Geographical Boundaries Region of Responsibility**

This section shall provide a **detailed written** description of **the each committee's geographical boundaries of the harbor region of responsibility** and **shall include a large scale charts, or chartlet, of illustrating the entire harbor-area region. The geographic region of responsibility described and illustrated shall be the one approved by the Administrator as outlined in Section 800.5(a) of this Subchapter.**

(3) **Regional Harbor Conditions**

This section shall provide:

- (A) a description of existing and expected conditions of weather, tidal ranges, tidal currents (directions and velocities) and other factors which might impair or restrict visibility or impact vessel navigation;
- (B) a description of the procedures for routing vessel traffic, and any contingency or secondary routing plans which may be used during **port**-construction and dredging operations;
- (C) a description of limitations of current anchorages (designations, proximity to heavily used fairways or channels) and any plans, **if developed, the harbor has** to address those limitations; and
- (D) a description of the current channel design (navigable channel width and advertised dredged depth) and any proposed changes to these plans.

(4) **Vessel Traffic Patterns**

This section shall provide, to the greatest extent possible:

- (A) A description of the types of vessels which call on the ports or facilities within the **region harbor-area**; and

1. identification of the types of cargo transported on the vessels; and
 2. a determination of the amount of oil annually (using a three year average) shipped into or from the ports or facilities within the **region harbor**.
- (B) a history and types of all accidents and near-accidents which have occurred within the **harbor region** during the past three years and any corrective actions or programs taken to alleviate recurrences. For purposes of this subsection, "near-accident" shall mean all situations where a risk of collision as defined by 33 USC 2007 existed;
- (C) an assessment of current safety problems or conflicts with small vessels, sailing vessels, or vessels engaged in fishing as it relates to violation of Rule 9 (Narrow Channels Rule) of the Inland Navigational Rules Act (33 USC 2009);
- (D) current procedures for routing vessels during emergencies or other contingencies which impact navigation;
- (E) a review of existing and proposed federal, state and local laws, regulations or ordinances affecting the **region harbor area** to determine a need for any change;
- (F) an assessment of the need for establishing or upgrading existing educational or public awareness programs for all waterway users.

(5) Aids to Navigation

This section shall:

- (A) describe any fixed navigational hazards specific to the **region harbor** and aids to navigation systems in place to minimize risk of contact with these hazards;
- (B) evaluate the existing aids to navigation systems available to each **region harbor** as established and maintained by the United States Coast Guard or other navigational aids as permitted by the **United States** Army Corps of Engineers, and determine the need for any changes; and
- (C) evaluate current programs to determine accurate depth information in navigable channels, anchorages and berths used by **tank vessels tankers**, and make recommendations necessary to increase the accuracy of such information.

(6) Communication

This section shall:

- (A) review and evaluate the adequacy of current ship-to-ship and ship-to-shore communication systems used in the **region harbor area**;

- (B) identify any low propagation, or silent areas within the region ~~harbor area~~;
 - (C) if communication deficiencies exist, develop a strategy to address such deficiencies.
- (7) Bridge Management Requirements
- (A) This section shall assess the current schedule for bridge openings, the adequacy of ship-to-bridge communications, and the physical limitations affecting vertical and horizontal clearance.
- (8) Enforcement
- (A) This section shall include suggested mechanisms that will ensure that the provisions of the plan are fully, uniformly and regularly enforced.

~~(9) Vessel Traffic Service (VTS) Systems~~

- ~~(A) This section shall provide recommendations based on the specific needs unique to the harbor, regarding the establishment or expansion of VTS systems for the harbor area.~~
- ~~(B) Based on the information provided in subsection (4) (B) of this regulation, each plan shall evaluate whether establishing or expanding a VTS system would serve to reduce vessel accident rates.~~

(1010) Project Funding

This section shall:

- (A) provide recommendations for funding ~~VTS systems and other~~ projects that the committee intends to recommend or initiate; and
- (B) consider the imposition of user fees, and assess existing billing mechanisms as potential funding sources.

(1011) Competitive Aspects

This section shall:

- (A) identify and discuss the potential economic impacts of implementing the provisions of the harbor safety plans; and
- (B) describe the significant differences in the restrictions that could vary from port to port within the region ~~harbor area~~.

(1112) Miscellaneous

(A) This section shall address any additional issues deemed necessary by the harbor safety committee that could impact safe navigation in the region harbor including, but not limited to:

1. vessel pilotage;
2. vessel ballast procedures or requirements;
3. vessel mooring requirements;
4. navigation in reduced or restricted visibility; and
5. maintenance dredging necessary for safe vessel operation.

**NOTE: Authority cited: Sections 8670.23 and 8670.23.1, Government Code.
Reference: Section 8670.23, Government Code.**

OFFICE OF SPILL PREVENTION AND RESPONSE

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 800 through 802 in Subdivision 4, Chapter 3, Subchapter 1 of Title 14 of the California Code of Regulations (CCR). These sections pertain to Harbor Safety Committees and Harbor Safety Plans.

PUBLIC HEARING

Public hearings have been scheduled at which any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearings will continue until all testimony is completed, **and will be held at 10 a.m. as follows:**

November 22, 2004
OSPR Fairfield Office
925 G Executive Court North
Fairfield California

November 30, 2004
Port of Long Beach
Administration Building
Sixth Floor Board Room
925 Harbor Plaza
Long Beach California

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on November 30, 2004, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals - with changes clearly indicated - will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Government Code Section 8670.23.1 grants the Administrator the authority to adopt regulations and guidelines for harbor safety committees and plans in consultation with those committees and other affected parties. These regulations implement, interpret and make specific Government Code Sections 8670.23 and 8670.23.1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters. Among its many provisions, the Act authorized the Administrator to create harbor safety committees for the following five harbors: San Diego; Los Angeles/Long Beach; Port Huenum; San Francisco, San Pablo and Suisun Bays; and Humboldt Bay. Each committee is required to develop harbor safety plans for the safe navigation and operation of tankers, barges and other vessels within the harbors.

The proposed regulatory amendments implement the provisions of SB 1742, which outline generic harbor safety committee positions throughout the state and allow for harbor-specific positions to be identified in regulation. These harbor-specific positions were developed in consultation with the applicable harbor safety committees already established. Nonsubstantive authority and reference citation corrections have also been made throughout the subchapter.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses:

These amendments codify current practices and will not result in significant additional costs to private persons or directly affected businesses. OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

The OSPR has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared a Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

www.dfg.ca.gov/ospr/organizational/legal/regulations/regulations.htm

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Al Storm ((916) 324-6259).



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

1700 K Street, Suite 250
P.O. Box 944209
Sacramento, California 94244-2090
(916) 327-9946



August 27, 2004

Dr. James H. Butler
Strategic Planning Office
National Oceanic and Atmospheric Administration
Room 15755
1315 East-West Highway
Silver Spring, Maryland 20910

Dear Dr. Butler:

The Office of Spill Prevention and Response (OSPR) is the state authority which promotes the safe transit of commercial shipping off California's coast and in her harbors. One of the many facets of our program is the support and management of Harbor Safety Committees in California's five major ports.

In the late 1990s, OSPR, in partnership with the San Francisco (SF) Harbor Safety Committee (HSC), the National Oceanic and Atmospheric Administration (NOAA), the SF Marine Exchange, and the California Department of Boating and Waterways, funded the SF Bay Physical Oceanographic Real-Time System (PORTS) demonstration project. OSPR's original commitment to fund a one-year demonstration phase was extended to three years, terminating in 1999 at a cost of approximately \$603,000. OSPR could not continue to fund SF PORTS indefinitely.

Since then, SF PORTS has struggled to remain on-line. On occasion it has been partially shut down, and has even been faced with going completely off-line due to lack of operations and maintenance (O&M) funding. It has been kept afloat with small, one-time O&M grants from the California Department of Boating & Waterways and with a grant from a local environmental enhancement trust fund. There is, however, no source of steady funding to ensure that SF PORTS operates at peak effectiveness on a continual basis. Allowing this important system to fall from service would be a detriment to safe navigation on SF Bay.

Attempting to secure local O&M funding for SF PORTS has been a particularly challenging undertaking. Unlike the other PORTS-equipped California harbor (Los Angeles/Long Beach), SF Bay has major reaches of water outside the jurisdiction of any port authority which are traversed by large commercial vessels. Port authorities are reluctant to fund the O&M of sensors which are located outside their boundaries. They look to state and federal authorities for such funding. In light of California's current

Dr. Butler
August 27, 2004
Page 2

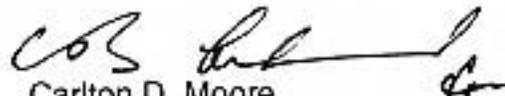
budget difficulties, there is little chance that SF PORTS could receive an ongoing appropriation from the state general fund.

Elsewhere in California, in 2001 OSPR expended approximately \$233,000 to establish PORTS in Los Angeles/Long Beach (LA/LB) Harbor. Coming from a case settlement, these state funds were nonrecurring. This required OSPR to negotiate an O&M funding commitment from the Ports of Los Angeles and Long Beach in order to keep LA/LB PORTS operational. While LA/LB PORTS has a more stable source of O&M funding than does SF PORTS, it is OSPR's position that the public would be best served if all PORTSs were consistently funded from a single, stable, federal source.

You will be receiving requests from the SF HSC and the SF Bar Pilots to include PORTS development and O&M funding in NOAA's 2005-2011 strategic plan. OSPR agrees with the findings of both parties in that PORTS enhances navigational safety, environmental protection and the efficiency of commercial shipping. PORTS also provides thousands of recreational boaters with useful information on environmental conditions. Additionally, OSPR and other agency personnel use SF PORTS data, especially in the Carquinez Straight area, in the tactical planning of responses to oil spills.

For all of these reasons, OSPR strongly endorses the SF HSC's and SF Bar Pilots' request to include funding for the development and O&M of PORTS in NOAA's 2005-2011 strategic plan. Thank you for this opportunity to comment. If I can be of any assistance in this matter, please do not hesitate to write or call at the letterhead address or telephone number.

Sincerely,



Carlton D. Moore
Administrator
Office of Spill Prevention and Response

cc: Captain Peter McIsaac
President
San Francisco Bar Pilots

Ms. Joan Lundstrom
Chair
San Francisco Harbor Safety Committee

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

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

October 14, 2004

1. CORPS 2004 O&M DREDGING PROGRAM

Most FY 2004 Projects have been completed. We are working to complete the ones that were not finished by October 1, 2004. The Corps does not have its' FY 2005 budget, so we are starting to plan for our FY 2005 projects under the Congressional Continuing Resolution Authority.

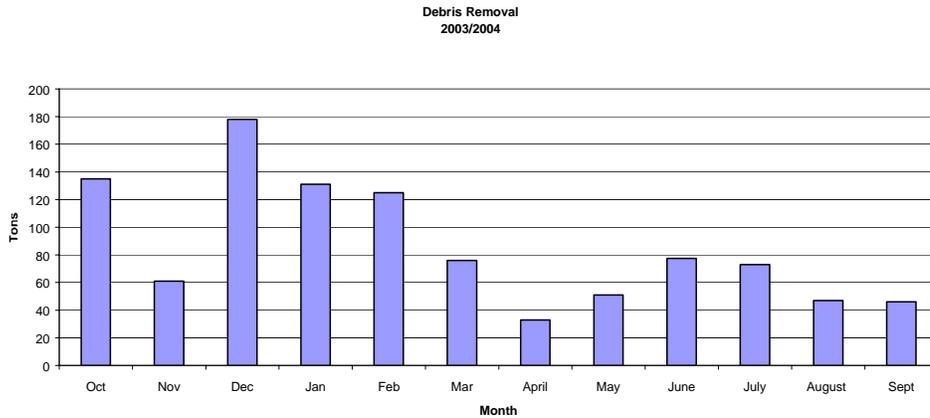
- a. **Main Ship Channel** – Project Complete.
- b. **Richmond Outer Harbor and Southampton Shoal** – Project Complete.
- c. **Richmond Inner Harbor** – Great Lakes Dredging started dredging on July 31, 2004. Dredging is complete and post dredge survey is under review.
- d. **Oakland Outer and Inner Harbor** – The contract is in place with Great Lakes Dredging. The Contractor has started to dredge this project and we estimate that they have dredged approximately 60,000 cubic yards of material so far. Contractor should be able to complete this project before the environmental widow closes on November 30.
- e. **Suisun Bay Channel** – Dredging started on July 6, 2004 with material going to SF-16 because of the high cost of disposal at Winter Island and the tight Corps budget this year. It is estimated that the project was 80 to 90 percent complete when the contractor (Dutra) left the project to go to another project. The contractor is schedule to be back on the project this week to complete this project.
- f. **Petaluma Across the Flats** – Congressional addition to the budget. This project has been deleted from this year dredging program because the condition survey determined that there was not sufficient material to justify dredging this year. The survey only showed minimal shoaling along the toes and that the channel is considered adequate for navigation.
- g. **Pinole Shoals** – Project is complete.
- h. **Redwood City** – This years limited dredging of the high spots is complete. Work was performed by the Government dredge “*Essayons*”. Post dredge survey has been completed and posted on the Corps web site. There is a 27.5 foot shoal in one area that

may have slumped in after the dredging. The Corps is scheduled to perform a knockdown on the shoaled area. The contract has been awarded for the knockdown and the work is schedule to start on October 25, 2004. We will also be performing a study how much turbidity is generated when this knockdown in being performed. A knockdown is where a beam is used to push the material from the shoaled area to a deeper area of the channel. This year's congressional addition to the budget was only enough funding to start planning for FY 05 and that is why this year's dredging was limited to the high spots. Project is in the FY 05 Divisional capability budget briefing.

- i. **Islais Creek** – Performing a condition survey. The survey is complete. The data has been worked up and is waiting to be QA/QC.

2. DEBRIS REMOVAL

The total tonnage of debris collected on the San Francisco Bay for September 2004 was 46 tons. This is down from the 47 tons collected in the month of August.



3. UNDERWAY OR UPCOMING HARBOR IMPROVEMENTS

a. **Oakland 50-ft** –

Construction is continuing on the containment area in Middle Harbor and is scheduled to complete next summer. Dredging with the disposal of material at Montezuma Wetlands Restoration site has been ongoing. The project goals are to get the Outer Harbor down to 46 feet first, then to get the Inner Harbor down to 46 feet. After the 46 foot depth is achieved, then we will take the project down to the 50-foot depth. By phasing the project in this way the project sponsor will get a greater utilization until the 50-foot depth is achieved. The Corps has award 2 new contracts. The first one was the dredging contact. It combined the dredging of the Outer Harbor to an interim depth of 46 feet and the Inner Harbor to an interim depth of 46 feet. This contract was awarded on September 1, 2004. Dredging has not started, but the installation if the

infrastructure to support the electric dredge required by the contract is underway. The second contract is a marine construction contract for the last phase on the Inner Harbor Turning Basin. The Corps awarded this contract on September 23, 2004. One issue with these contracts is that the Corps does not have sufficient Federal funds to support them. The Port of Oakland, the project sponsor, will fund these contracts. Congress has approved the sponsor funding these contracts and therefore we need to amend the Project Cooperation Agreement (PCA) between the Port and the Corps.

4. EMERGENCY (URGENT & COMPELLING) DREDGING

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

5. OTHER WORK

San Francisco Bay to Stockton – Status Unchanged

Project continues to move forward

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

Sacramento River Deep Water Ship Channel Deepening

Status unchanged – Project work is continuing.

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

reviewing the project we have had to reestablish the channel location and the review shows that some portions of the channel were never built to the required specifications. The San Francisco District has brought in the Corps Engineer Research and Development Center (**ERDC**) to address the issue of no return water from a dredge material disposal site that is being required by the Central Valley Regional Water Quality Control Board. We have developed a sampling and analysis plan (SAP) for sediment testing and it has been submitted to the Central Valley Regional Water Quality Control Board for review and approval. We are preparing to do mapping of this project next year. This is scheduled to happen when the vegetation dies down.

Address of Corps' web site for completed hydrographic surveys

<http://www.spn.usace.army.mil/hydrosurvey/>

Harbor Safety Committee

of the San Francisco Bay Region

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

September 14, 2003

The Honorable Diane Feinstein
United States Senate
331 Hart Senate Building
Washington, D.C. 20510

Attn: Chris Thompson - Fax: 202-228-3954

Subject: **Senate Energy and Water Appropriations Subcommittee:
Maintenance Dredging of Port of Redwood City, Ca. Shipping Channel**

Dear Senator Feinstein:

On behalf of the Harbor Safety Committee of the San Francisco Bay Region, I am writing regarding our concern about maintenance dredging of the deep draft shipping channel to the Port of Redwood City. The Harbor Safety Committee was established by the California Legislature thirteen years ago in response to the catastrophic Valdez, Alaska oil spill disaster to promote harbor safety by preventing maritime accidents. The sixteen-member committee is comprised of the port authorities, the maritime community, labor, recreational boaters, ferry operators, San Francisco Bay Conservation and Development Commission and an environmental representative, with the Coast Guard as a nonvoting member.

The Committee fully supports the maintenance of commercial shipping lanes to project depth for the navigational safety of vessels. The Redwood City Navigation Channel has a project depth of -30 feet. However, the channel depth is currently only at -27.5 feet, according the U.S. Army Corps of Engineers.

Last year the Port of Redwood City saw a record 1.5 million tons of cargo, primarily construction materials for bridge building, road and building construction. The Port anticipates another record 1.7 million tons for the current fiscal year.

The Committee unanimously supports adequate funding to assure Corps of Engineers maintenance dredging of the Redwood City Navigation Channel to project depth of -30 feet in fiscal year 2005. The estimated cost is \$3.8 million.

We urge your support to include this important item in the Senate Energy and Water Appropriations bill.

Sincerely,

Alan Steinbruge for Joan Lundstrom
Joan Lundstrom, Chair
San Francisco Harbor Safety Committee

Harbor Safety Committee c/o Marine Exchange of the San Francisco Bay Region
Fort Mason Center, Building B, Suite 325, San Francisco, CA 94123-1380
(415) 441-7988 – hsc@sfmtx.org

Harbor Safety Committee

of the San Francisco Bay Region

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

Cc: Honorable Don Young, Chair
Honorable James L. Oberstar
Honorable John J. Duncan
Honorable Jerry F. Costello
Honorable C.W. Bill Young
Honorable David Obey
Honorable Ted Stevens
Honorable Robert C. Byrd
Honorable Pete V. Domenici
Honorable Harry Reid

Bc: San Francisco Harbor Safety Committee
Steve Wright, Port of Redwood City
David Dwinell, U.S. Army Corps of Engineers

SB 1480 (Sher), the tug escort bill, was vetoed by Governor Schwarzenegger September 16, 2004. Quoted below is his veto message

"To the Members of the California State Senate:

I am returning Senate Bill 1480 without my signature.

While I appreciate the author's efforts to ensure the safety of California's ports by requiring tug boat escorts for vessels carrying specified hazardous materials, I am concerned that this bill would duplicate existing authorities and is inconsistent with advice from the experts on the State's harbor safety committees.

Protecting public safety and the environment from a potential spill of hazardous material is of paramount importance. California must do all it can to minimize the possibility of such a disaster. However, there are neither ship design issues nor a pattern of problems suggesting these vessels need tugboat escorts. In fact, since the creation of the Office of Spill Prevention and Response, there have been no reported harbor accidents involving ships carrying any of these materials.

The San Francisco Harbor Safety Committee considered the use of tugboat escorts for these types of vessels and concluded that escorts are not necessary, particularly since the US Coast Guard already exercises the authority to require tug escorts for any problem vessel. The Office of Spill Prevention and Response within the Resources Agency also has authority over this issue.

Sincerely,

Arnold Schwarzenegger"