

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

Wednesday; November 10, 2004

Port of San Francisco, Pier 1, San Francisco, CA

Joan Lundstrom, BCDC, Chair, called the public meeting to order at 10:00 and welcomed those in attendance. The following committee members or alternates were in attendance: **John Davey**, Port of San Francisco; **Margot Brown**, National Boating Federation; **Capt. Pete Bonebakker**, ConocoPhillips; **Capt. Gary Fleeger**, Matson Navigation; **Ray Shipway** (alternate for **Marina Secchitano**), Masters, Mates & Pilots; **Rich Smith**, Westar Marine Services; **Fred Henning**, Baydelta Maritime; and **Michael Beatie**, Golden Gate Bridge, Highway & Transportation District – Ferry Division. Also present were U. S. Coast Guard representatives, **Capt. Jerry Swanson** and **Lt. Doug Evers** (MSO) and **Cmdr. Pauline Cook** (VTS); U. S. Army Corps of Engineers' representative, **David Dwinell**; OSPR representative **Al Storm**; State Lands Commission representative **Bob Chedsey**; NOAA representative, **Cmdr. Steve Thompson**; **Capt. Lynn Korwatch**, Marine Exchange, and fifteen people from the interested public.

The Secretariat confirmed the presence of a quorum.

CORRECTIONS to minutes of 10-14-04: **M. Brown**: Page 1, paragraph indicating members present should be corrected to show MX, OSPR and NOAA representatives in attendance, but not as members of the Harbor Safety Committee. Coast Guard representatives in attendance should include **Cmdr. LeBlanc**. Page 5, PTP Report, should be corrected to read “. . . **Brown** said ~~she would give~~ there would be presentations given to the American Canoe Association and the Boating Safety Advisory Council in the near future.” **P. Cook**: Page 2, paragraph 6, should be corrected to indicate **Cmdr. Loebel** reported on PACIFIC HIGHWAY investigation; last paragraph, should be corrected to indicate “. . . the price of transponders is now down to about three thousand dollars.” Page 3, paragraph 1, correct spelling, Scott Humphrey; paragraph 2 clarification, “. . . there had been great cooperation from the public ferry and tug operators lately on search and rescue operations . . .” **J. Lundstrom**: Page 1, last paragraph should read “**Lundstrom** advised the work group chairs to set meeting times to review the ~~draft~~ Harbor Safety Plan ~~and get their~~ and recommendations ~~in by October 29, 2004~~. Page 2, paragraph 7 should read “. . . the PACIFIC HIGHWAY incident was the result of a Rule 9 violation by a small boat. She pointed out that this was the first ~~violation of that kind~~ incident of a ship hitting a bridge to avoid a sailboat that anyone could remember in these waters.” Page 3, delete next to last paragraph. Statement was made in error. **A. Storm**: Page 3, first paragraph of OSPR Report should read “**A. Storm** gave a report on the analysis of the types of reported tug escort incidents since January 1, 2004 ~~from the past year~~.”

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MOTION by **M. Brown**, seconded by **R. Shipway** “to accept the minutes of the October 14, 2004 meeting as corrected.” Motion passed unanimously.

Comments from the Chair. A meeting of work group chairs was held. The goal is to review and update the Harbor Safety Plan by June, 2005, using the LA/LB HSC Plan as a template. The LA/LB plan format is more user-friendly. The SF HSC Plan will include a history of committee actions and an annual review of incidents to look for patterns. The next meeting is scheduled for December 3, 2004 at 10:00.

USCG REPORT. (1) **J. Swanson** noted that, with the weather changes, a new safety bulletin regarding heavy weather preparedness will be distributed to operators today. In light of numerous barge and vessel breakaways in the past due to high winds and wave action, facility dock managers, barge companies, pilots and vessel masters and operators are cautioned to remain vigilant in their duties and to require and maintain proper mooring arrangements in accordance with good marine practices. (2) There was an explosion on a Kinder-Morgan pipeline in Walnut Creek yesterday. (3) Yesterday, a Security Committee and VTS Security Committee focus meeting was held to address AIS provisions that become effective December 31, 2004. The Security Committee recommended to the COTP that permanent security zones be established around oil facility piers. This recommendation is being drafted as proposed rulemaking. (4) On November 14, 2004, a formal marine board of investigation hearing will be conducted in connection with the sinking of the passenger vessel *Contender*.

(5) **D. Evers** reported Port Operations statistics for the month of October, 2004. That report is made a part of these minutes by attachment. Question: Can the CG include the names of vessels cited as significant cases? **D. Evers:** The names are available from MSO, but are not included in the report to the HSC. (6) There have been safety bulletins, in addition to the one reported on by the COTP. MSIB 04-20 provided information to facility security officers regarding possible targeting of heating, ventilation and air conditions systems of large commercial buildings by terrorists hoping to use them to discharge chemical or biological contaminants. MSIP 04-21 provided information on safety outreach efforts for the crab fishing season. (7) All seventy-two facilities have received stage 3 requirements.

P. Cook reported for VTS. (8) October traffic statistics. Public vessels: 133; down 3% from September, 2004; down 28% from October, 2003. Tankers: 211; up 2% from September, 2004; down 17% from October, 2003. Cargo vessels: 565; up 10% from September, 2004; down 34% from October, 2003. Tug with tow: 3171; up 27% from September, 2004; down 3% from October, 2003. Ferries: 7455; down 3% from September, 2004; up 2% from October, 2003. Miscellaneous vessels: 353; up 16% from September, 2004; down 9% from October, 2003. This number is up in part due to the tracking of additional vessels in fog. Passenger vessels: 198, up

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56% from September, 2004; up 15% from October, 2003. Total vessels: 12,147; up 6% from September, 2004; down 3% from October, 2003. (9) The UK vessel that lost power en route to the Bay Bridge in October turned around and anchored in anchorage 7 and was later directed by the COTP to shift to anchorage 9. A week before that, a freighter was anchored in anchorage 8, with 40 kts. southerly winds and a maximum northerly ebb current of 1.5 kts. reported at anchorage 9. The vessel had five shots of chain out (which is the equivalent of 450 feet). The vessel was potentially dragging anchor and was directed by the CG to bring the engines up. In ten minutes the vessel drifted one mile and ended up with ¼ of the ship in the Oakland Bar Channel. Tugs were diverted from an incoming vessel and one of them picked up a pilot to re-anchor the vessel. This is a good illustration of why anchorage 8 is designated a temporary anchorage and why the CG is hesitant to let a vessel anchor at 7 with heavy weather coming. (10) VTS experienced a number of communications losses due to AIS upgrades. When the interruption was anticipated, they used cell phones, which worked fairly well. However, the radio is still the best means of communicating because everyone hears the information at the same time. (11) Three of the five AIS antennas are up. When all are installed, testing will be completed and then a training phase for VTS staff. The full system is expected to be up and in operation in December. (12) The Navigational Work Group will meet on November 18, 2004, 1300-1500. VTS will present requirements for AIS destination field and is proposing simple codes for facilities. This will lead into a project to standardize dock naming. SF and Oakland are stable, but the ownership and names of upriver facilities changes a lot and can cause confusion. The goal is to have standardized succinct codes for AIS.

CLEARINGHOUSE REPORT, A. Steinbrugge. A written report with statistics for the month of October, 2004, is made a part of these minutes. There were no calls to OSPR during the month of October regarding possible escort violations and one from a pilot 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. (1) Last month, OSPR asked the SF HSC to endorse proposed rulemaking to amend regulations regarding Harbor Safety Committees and Harbor Safety Plans in response to changes in state law which were passed earlier this year. The SF HSC by-laws will become effective January 1, 2005 with the addition to the HSC of terminal operator, NOAA and commercial fishing representatives. Question: Have any changes been made since the previous draft? **A. Storm:** Yes, regarding the term 'appointed members'. **Joy Lavin-Jones** is looking to address the difference between appointed and non-appointed members in the regulations, however, state law calls all members 'appointed'. The term ex officio member has been suggested to apply to members not appointed by the Administrator. Any change to regulations may not be possible because of existing statutory language and may have to follow

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changes to statute, which would take another year. Federal members can vote or not as they choose. **J. Swanson:** The CG position is that, in practice, federal members do not vote. **A. Storm:** From the standpoint of the state, the option to vote can be exercised at the discretion of ex officio members. MOTION by M. Beatie, seconded by R. Shipway to “endorse the September 16, 2004 version of the proposed changes to the California Code of Regulations, Title 14, Division 1, Subdivision 4, Chapter 3, Sub-Chapter 1, Sections 800-802, as proposed by OSPR.” Motion passed unanimously. A public hearing on the proposed changes will be held on November 22, 2004, 10:00, in the Cordelia office. (2) The number of possible tug escort violations is increasing. There have been 20 possible violations in 2004, through October; 13 failures to check-in, 4 expired or non-existent bollard pull certificates and 3 insufficient bollard pull. One company has six possible violations, one has four, one has three, two have two and three have one. The enforcement process includes the legal staff, which typically takes three months to prepare cases for the attorneys, who then prepare notices of violation. A notice of violation is the least formal way OSPR has to levy a fine. If a company doesn’t pay, the matter escalates to a civil administrative action, which is more formal and more expensive. Fines increase with subsequent violations. Because of the HSC’s interest, **A. Storm** went back to OSPR and asked questions about the process. For eleven of the twenty cases, the notices are written and will be issued by the end of the month. The attorneys will issue notices more frequently, on a regular basis, rather than waiting to send them out in batches. **J. Lundstrom:** January and February violations were not processed for ten months. What are the committee members’ expectations regarding OSPR response and action to reported possible violations? **M. Brown:** The punishment should follow the offense within sixty days. This would allow a review after a year to see if the process is effective in improving a company’s performance. Is there a maximum number of violations that would result in a company losing their license to escort? **A. Storm:** No, but increasing the fine with each violation will result in improved compliance with requirements. **R. Shipway:** A notice of violation should be sent within thirty days of the violation being reported. Is the failure to check in still the cause of most violations? **A. Storm:** Yes. Does the CH notify people that a failure to check in is being reported to OSPR? **A. Steinbrugge:** There is no official mechanism in place. **R. Smith:** One possible violation charged against Westar was registered against a movement that was an assist, not an escort. The job was originally planned as an escort, but the numbers were low enough that an escort wasn’t required. Westar was unaware of the possible violation for eleven months, which made tracking down the details more difficult. **P. Bonebakker:** Some type of immediate notification should be made so company management can address and mitigate. **J. Swanson** recommends that the MX issue an immediate notification the subject company and mitigate a possible violation and then report to OSPR. **L. Korwatch:** The MX is not in the position to mitigate before reporting to OSPR. The Chair noted that the consensus of the committee is that **A. Storm** take the message to OSPR that the process should include immediate call to a company notifying them of a possible violation and the paperwork should be completed within thirty days. **F. Henning:** Can

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the MX send a fax copy of the report to OSPR to the company? **G. Fleeger:** The fairness doctrine must be employed. Piling up offenses and fines without notifying the owner does not meet the standard. **J. Swanson** recommended that anything more than forty-five days old should be dismissed. The Chair noted that, since compliance is the issue, not the penalty, parties need to be advised in order to change their behavior. The Chair requested that **A. Storm** report to the HSC at the December meeting regarding what internal process OSPR develops to address timely enforcement procedures. **A. Storm:** OSPR can look at taking responsibility for handling reports from the wardens and referring it to the oil spill prevention specialists. The committee's concerns are valid. The attorneys have been looking at this from the point of view of statutory limitations. Staff limitations and the fact that this has been assigned a low priority have resulted in the delays. OSPR will work with the MX to develop a standard form for reporting possible violations to OSPR and copying the subject company. **M. Beatie:** Can the CG be involved? Can the vessel master be asked to log a possible violation and maybe VTS can help? **A. Storm:** No, the CG can't participate in the enforcement. These are state regulations. The only appropriate organization to do notification would be the MX. **P. Bonebakker:** If the names of tug and barge operations that receive notices of violation are made available, Tosco and other customers of these companies can address the issue with them. **Kenny Levin,** San Francisco Bar Pilots: What is the liability of the pilot? **A. Storm:** The regulations state that if a tanker has a pilot on board, it is the pilot's responsibility to report to the clearinghouse. **K. Levin:** How many potential violations involve a pilot not reporting? **A. Storm:** One. (3) Two applications have been received from individuals seeking to represent the environmental community. The person selected will be sworn in at the December HSC meeting. In addition, new vacancies have been created by the passage of SB 1742: an ex officio NOAA member and two appointees, one from the commercial fishing community and one tanker/marine oil terminal representative. The application period for these positions will close December 31, 2004, with the goal of having these appointments in place by the January meeting. **J. Davey:** What is the definition of fishing representative? **A. Storm:** The member must be a representative of a commercial fishing organization. **J. Davey:** It is easy to get a commercial fishing license. The individual need not have a landing or vessel.

NOAA REPORT, S. Thompson. (1) There are no new charts. (2) The navigational response team in the Bay now and set up operations in Richmond. Anyone needing small surveys or shoreline verifications should contact **S. Thompson.** (3) NOAA recognizes the community support for PORTS and the funding issue is on the radar screen for NOAA's budget. (4) Weather. The effects of a weak el nino are being felt. Local weather will be warmer than normal with normal precipitation over the next thirty days.

COE REPORT, D. Dwinell. (1) The text of the COE Report is made a part of these minutes by attachment. (2) Question: Is there any truth to rumors that the COE may be getting rid of the

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debris boats in SF Bay due to funding issues? **D. Dwinell:** There are on-going budget discussions. The President's budget will be out in February for FY 06. **R. Shipway:** The high speed ferries and small boats rely on debris boats. It is important that the HSC support their retention. **D. Dwinell** responded that the COE is aware of the importance of this. **J. Lundstrom:** Perhaps the HSC can be proactive and get a letter out now to let responsible parties know how important debris boats are to the SF Bay Area community. The consensus of the committee was positive. **M. Beatie** and **R. Shipway** will draft a letter to the COE regarding the need for continuation of debris removal on the bay. An anticipated vote on acceptance of the letter will be on the agenda for the December HSC meeting.

STATE LANDS COMMISSION REPORT, B. Chedsey. Just under 31 million barrels of oil moved across Bay Area docks last month. There were 265 transfers, of which 53 were monitored. There were no transfer violations. There were three violations as a result of marine terminal inspections; two were class 2 and one was class 1 (administrative). None of these conditions would cause a spill but could contribute. As proof that an ounce of prevention is worth a pound of cure, clean-up of a 1500 gallon spill in Puget Sound has cost \$2 million so far.

CONCURRENT CG/OSPR/HSC PRESS RELEASE regarding the car carrier allision with the Richmond-San Rafael Bridge while avoiding a sail boat. The committee reviewed language in the three draft statements. The Chair noted that a vote was anticipated to approve, in principle, the press release language. The HSC and OSPR are open to comment. **M. Brown:** Has determination been made regarding punishment for the sail boat? **J. Swanson:** A recommendation has been submitted to the hearing officer that the maximum civil penalty, a fine of \$6500, be levied against the recreational boater. **M. Brown:** The subject boat does not belong to a yacht club member. She strongly suggests that the press release include the name of the boat and the fact that the boater will get the most extreme punishment allowable under the law. This was a serious infraction and the punishment doesn't fit the crime. The press release should also address the potential liability to the sail boat for damage to the commercial vessel and the bridge. **K. Levin** cautions against referencing any litigation between the vessel and/or bridge and sail boat because it hasn't happened. The Chair recommends strengthening the language in the HSC and OSPR drafts and condensing it. New draft language will go out to HSC members Monday or Tuesday. **J. Swanson** noted that the CG will wait and issue their press release in coordination with HSC and OSPR releases. **M. Brown:** Is it possible to send the CG press release to boating magazines in the Bay Area? **J. Lundstrom:** *Latitude 38* is on the distribution list and more can be added. **M. Brown** will provide names of other publications.

TUG ESCORT WORK GROUP REPORT, F. Henning. The work group will meet in January to look at tug escort vessel crew training.



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NAVIGATION WORK GROUP REPORT. No report.

FERRY OPERATORS WORK GROUP, M. Beatie. No report.

PREVENTION THROUGH PEOPLE WORK GROUP, M. Brown. (1) The brochure regarding PORTS in SF Bay is done and will be printed by OSPR for distribution by January. It is a good product for establishing sources for funding until federal funding is in place. (2) The next work group meeting is scheduled for December 3, 2004 at 13:00 in State Lands' Hercules office. (3) A new supply of *Sharing the Bay*, in VHS and DVD version, is available from **A. Steinbrugge** and is also available on a two hour loop. **D. Dwinell** will work with the staff of the Bay Model to have one available for viewing there. The JEREMIAH O'BRIEN will also run it.

PORTS REPORT, A. Steinbrugge. (1) The mount for the new side looking Benicia current sensor for the Tesoro dock is awaiting the approval of Tesoro's engineers. The hope is for installation by the end of the year. (2) The Oakland wind bird has been down for awhile. It should be back in place this week and back online next week. (3) **P. Bonebakker:** Is there a possibility that air gap sensors which measure the distance between a bridge and water can be put on SF area bridges? **A. Steinbrugge:** Yes, it takes money. (4) **L. Korwatch:** The PTP Work Group brochure is an educational tool on the value of PORTS and why funding is needed. The CH will be looking at user fees and will distribute the brochure to the community with a cover letter. **Capt. Dave MacFarland** of NOAA will be in Oakland on February 10, 2005, the same day as the HSC meeting, to lead a discussion and presentation on PORTS. There can be an \$800,000 value-added benefit to vessels that are able to load deeper based on PORTS data. This is significant given that user fees under consideration range from \$5,000 to \$10,000 per company.

PUBLIC COMMENT. None.

OLD BUSINESS. (1) The Navigational Work Group meeting scheduled for November 18, 2004 will not be held at VTS, but instead at the Pilot Commission, Pier 9, Suite, 201, San Francisco. (2) **R. Smith:** What will happen in response to the letter from the Water Transit Authority requesting SF HSC input on how to mitigate the impact of increased fast ferry traffic? The Chair responded that there will be follow-up at the December HSC meeting. Former SF HSC Chair, **Grant Stewart**, was on the WTA Technical Advisory Committee. The HSC will decide how to be involved.

NEW BUSINESS. None.

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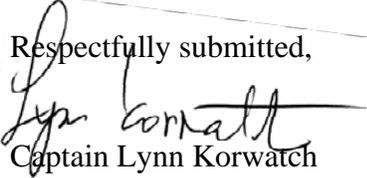
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The next meeting of the HSC will be held on Thursday, December 9, 2004 at 10:00 in the Port of Oakland.

MOTION by **M. Brown**, seconded by **R. Shipway**, to “adjourn the meeting.” Motion was passed without objection. Meeting adjourned at 1155.

Respectfully submitted,



Captain Lynn Korwatch
Executive Secretary

USCG Marine Safety Office San Francisco Bay

Port Operations Statistics

October 2004

PORT SAFETY:	TOTAL
• Total Number of SOLAS (0) MARPOL Detentions (0) / ILLC (0):	00
• Total Number of COTP Orders:	06
• Marine Casualty: Allision/Collision (1-Tug with BlackPoint RR Bridge, Napa) Grounding/Sinking (0) Fire (0)	*01
• Marine Casualty: Propulsion (04); Steering (0)	04
• Other (0)	00
• LOU-ANOA Violations (02)	02
• Letters of Deviation: Radar (0); Steering (1) Gyro (1), Echosounder (0)	02
• Personnel (Crew) Casualty/Injuries (3 cases, involving crew injuries & 1 natural cause death)	03
• Crew/Immigration Issues	00
• SIV (Coast Guard considered Special Interest Vessels [Russian])	02
• General PS Cases	07
• Rule 9 violations: (2)	02
• Waterways Issues: Hazard to Navigation	00
• Established Limited Access Areas (Safety Zones-2, Movie Safety Zone, Alameda, LEAD SHIELD; Security Zones-0; Special Local Regulations-2 [Fleet Week])	04
• Deadship Tows	00
• Anchorage Waivers (1-Stockton DWC)	01
• MSIB's (04-20 "Potential Terrorist Exploitation of HVAC Systems, 04-21 "Operation Safe Return (crab season)")	02
• Facility Issues (Safety & Security issues)	04
• Port Drills/Exercises: (LEAD SHIELD/ROGUE-EX)	01
Total Port Safety cases open for period:	11

CONTAINER INSPECTIONS	TOTAL
Total Container Inspections for the month (goal = 168/mo; 720 MOTCO)	865
Total Number of Containers with Discrepancies	33
Total Number of Discrepancies (Undeclared Hazmat, shipping papers, placarding, and structural problems)	46
• Number of Shipments put on hold (Undeclared Hazmat)	00
• Number of Containers taken out of service (Structural issues)	34
MASFOs (Multi Agency Strike Force Ops). (1-Led by CA State EPA, CHP)	01
MOTCO Operations involving EHS/break-bulk explosives	01
EHS (Class 1.1/1.2 Explosive Handling Supervision Ops)	00

FACILITIES DEPARTMENT	TOTAL
Total number of daily Harbor Patrols sites visited:	311
Total number of Critical Infrastructure sites visited:	167
Total number of 105 Facility Spot-checks:	112
Facilities that have achieved Stage 3 Requirements	72

POLLUTION RESPONSE:	MSO
Total oil pollution incidents within San Francisco Bay for the month:	18

- **Source Identification;** Discharges and Potential Discharges from:

Deep Draft Vessels	00
Facilities (includes all non-vessel)	00
Military/Public Vessels	02
Commercial Fishing vessels	02
Other Commercial Vessels	00
Non-Commercial Vessels (e.g. pleasure craft)	01
Unknown Source (as of the end of the month)	09
Storm Drain	03
Vehicle / Vehicle Accident	01

▪ **Spill Information and Volume:**

Unconfirmed	10
No Spill, Potential Needing Action	00
Cases Requiring Clean-up	05
Federally Funded Cleanup Cases (OSLTF-0/CERCLA-0)	00
Hazardous Material Releases	00
1. Spills < 10 gallons	06
2. Spills 10 to 100 gallons	02
3. Spills 100 to 1000 gallons	00
4. Spills > 1000 gallons *	00

▪ **Penalty Action: Civil Penalty Action:**

Marine Violations:	00
Notice of Violation (TK):	01
Letter of Warning:	01
No Penalty Action:	16

Significant MER Cases:

1. **FORMER NAVY TUG (Port of Richmond):** Issued Admin Order states that the owner must submit a plan of action by Oct 29th and he must remove all oil and HAZMAT by Nov 3rd. On Oct 25th, Pollution Team inspected interior of vessel. Investigators observed oil mixed with water in the bilges. The entire deck of the engine room is flooded with this mixture. Team also heard water trickling into the engine room. Soundings of two day tanks confirmed approximately 100 gallons of fuel remain in each tank. A sounding of one of the aft 5500 gal tanks was ¾ full of fuel (possibly mixed with water). Lawyer's office has received Administrative Order. LCDR from CG Legal received a rebuttal letter from Responsible Party claiming that he is not the owner due to contingencies of the sale contract that were not met. MER continues to investigate ownership of the vessel with assistance from D11 (M) and CG legal. RP now has decided to take responsibility for cleanup and stabilization of the vessel but has not claimed ownership of the vessel. A third Administrative Order has been issued to extend the deadline until 12:00 noon on Friday November 5, 2004 for submission of a plan and November 12, 2004 for actual removal of the oil and HAZMAT. *Update:* Admin Order FedEx and e-mailed on 04 NOV. 09 NOV, petroleum products had been removed.
2. **S/V:** A 42' sailing vessel grounded at Drake's Beach. Potential for a 75-gallon diesel spill. 4 fuel tanks were successfully removed. Contractors were hired to remove vessel from the beach.

Significant PSS Cases:

1. **GREEK Tank Vessel (09Oct04):** COTP Order issued to Greek Vessel due to propulsion failure while vessel was transiting from Richmond Long Wharf to Anchorage 9. Casualty occurred in the vicinity of Anchorage 7. COTP Order issued and required 2-tug assistance to complete travels. Failure determined to be a pipe break of air supply to the engines. Repairs effected, COTP Order rescinded.
2. **TUG (11Oct04):** During inbound nighttime voyage, the tug's winch had a marine casualty and unexpectedly paid out 2000' of towline and releasing the towed empty tank barge. Incident occurred vicinity of Precautionary Area 2.5 nm west of SF Sea Buoy. Barge was essentially anchored by cable. Due to large swells, the Tug was unable to retrieve the tow bridle. Another tug, tug B, arrived onscene

and assisted with retrieval. The damaged Tug was able to transit to Drakes Bay to finish recovery of chain. Towline was lost during recovery operations on the following day. Tug and barge were later escorted to Pier 80 by the assist Tug B and will complete repairs and submit a CG 2692, Report of a Marine Casualty, to determine cause of winch failure.

3. **GREEK Container Ship (23Oct04):** COTP Order issued to Greek vessel to shift from Oakland Berth to Anchorage 9. Vessel had lost power while previously mooring at Berth 35 Oakland. Tugs were alongside to safely assist vessel in. COTP Order allowed vessel to shift to anchorage prior to determining the complete cause of engine failure. Repairs were conducted, Class Society verified repairs, and the COTP was rescinded.
4. **BRITISH Container Ship (25OCT04):** United Kingdom vessel lost power in the vicinity of Blossom Rocks, while enroute Berth 30, Oakland. Two tugs were on standby and able to assist with the transit to Anchorage 7 under the SF Bar Pilots Direction. COTP Order issued for vessel tug requirements to shift to Anchorage 9. Verification of repairs received, COTP Order rescinded and vessel safely moored in Oakland.
5. **CROATIAN Bulk Carrier (27OCT04):** LOD issued to Croatian Bulk Carrier due to one inoperative steering pump. SF Bar Pilots are uncomfortable to take vessel to Port of Redwood City. LOD issued requiring tug escort. Vessel anchored at Anch 8 to troubleshoot steering pump failure. Repairs completed, LOD rescinded, vessel safely transited to Redwood City.
6. **GREEK Tank Vessel (31OCT04):** COTP Order issued to Greek vessel due to complete loss of propulsion while inbound. Loss of propulsion occurred around San Francisco Buoys 7/8. The vessel anchored outside of the main ship channel. Cause was due to water in the fuel line. Fuel line was flushed, and the vessel was tug escorted to Anchorage 9. Class Society verified repairs, COTP Order rescinded.

Significant PSS Actions, Information or Exercises:

1. **MSIB 04-20 (27SEP04) “Potential Terrorist Exploitation of Heating, Ventilation, and Air Conditioning (HVAC) Systems”:** MSIB provided SSI information to Facility Security Officers (FSO) that Al-Qaida terrorist groups may be targeting heating, ventilation, and air conditioning systems of large commercial buildings to disperse chemical, biological, or other air contaminants. FBI and DHS possess no specific information indicating specific threats.
2. **MSIB 04-21 (29OCT04) “Operation Safe Return”:** MSIB provided information on safety outreach efforts for the upcoming crab fishing season. Under “Operation Safe Return” the Coast Guard will be offering Dockside Commercial Fishing Vessel Safety Exams and Safety Spot Checks daily between November 11-13, 2004, in order to identify and eliminate potential safety hazards.

Recent Events and Exercises:

1. ***LEAD SHIELD II / Rogue Ship Exercise (04-07Oct04):** COTP Participated in a four-day international exercise involving the “terrorist mining of San Francisco Bay”. The exercise scenario involved a commercial deep draft deploying an unknown amount of mines during departure from Alameda to Sea. In response to the significant threat, the COTP of San Francisco Bay raised the MARSEC Level I to Level II and eventually to Level III as the incident/exercise progressed. Canadian and U.S. Navy mine countermeasure vessels and dive teams deployed as part of the exercise. COTP simulated convening the Area Maritime Security Counsel to develop a port-reopening plan and prioritize mine countermeasure operations to clear vessel paths. In all, six mines were discovered and the exercise was an important international success. The AMSC and COTP learned important shortfalls and addressed immediate improvements for the safety of the port.
2. ***FLEET WEEK 2004 (08-12Oct04):** Fleet Week was held over a 5 day period that included two nights of fireworks, 2 days of air shows (one additional afternoon of practice) and a vessel parade on Saturday that involved 10 ships including 5 U.S. Naval Ships, 3 Canadian Naval Ships, CGC ALERT and the S.S. JEREMIAH OBRIEN. Additional events supporting military appreciation were held throughout the 5-day period.

--UPDATE: (11Oct04): CG Investigations Dept. discovered 2 overloaded Inspected small passengers vessels during Fleet Week. Both voyages were terminated, and additional safety inspections were conducted at the pier..

--During FLEET WEEK, a Rule 13 Violation was reported (09Oct04): A S/V reported improper overtaking situation with a tug. The tug was reported not to have made appropriate passing arrangements. Investigations will continue.

3. ***MOTCO OPS**: (04-11Oct04): Operations included the offload of 720 containers.

* Note: Items also covered in the SEPTEMBER Harbor Safety Committee Statistics



MARITIME SAFETY/SECURITY **INFORMATION BULLETIN**

(MSIB) 04-22

November 5, 2004



Coast Guard Marine Safety Office San Francisco Bay
Department of Homeland Security

VESSEL TRAFFIC GUIDELINES FOR THE 2004-2005 HERRING SEASON

In addition to the State of California 2004 prohibited fishing areas, the Coast Guard requests that herring fishery permittees adhere to the below guidelines to alleviate hazardous traffic conditions throughout the herring season:

- Herring nets **should not** be set within a 300' radius of heavily used piers, including: San Francisco Ferry Building, all ferry and tour boat piers, and the San Francisco Pilot Boat and Fireboat piers. Also, herring nets should not be placed within the individual piers of the former Hunters Point Naval Shipyard.
- Herring fishing is **not** allowed within established Coast Guard Security Zones or Army Corp of Engineers Restricted Areas. The following limited access areas include: 100 yards around all Cruise Ships, Tank Vessels, High Interest Vessels, and Naval Vessels greater than 100 feet in length; 200 yards around the San Francisco and Oakland Airports; 100 yards around the Alameda Coast Guard Island Pier; 50 yards around the Coast Guard Pier on Yerba Buena Island; and 25 yards around all bridge abutments and pier structures of the San Francisco/Oakland Bay and Golden Gate bridges.
- **Inland Navigation Rule 9** applies to vessels operating or setting nets in the channel between **Sausalito Channel Light "2"** and the **Sausalito Ferry Dock**. Rule 9 states: "A vessel engaged in fishing shall not impede (hinder or slow the progress of) the passage of any other vessel navigating within a narrow channel or fairway." Note: Nets **may** be set in the area designated for ferry transits north of the yellow buoys from 9:00 p.m. to 5:00 a.m. Between 5:00 a.m. and 9:00 p.m., all nets must be set south of the yellow buoys. Vessels fishing in the designated area are requested to draw in their gear and clear the area at least 15 minutes before the arrival of through traffic.
- **Vessel Traffic Service (VTS) San Francisco** should be contacted to determine vessel traffic prior to setting nets within narrow channels or fairways. Do not call "TRAFFIC" on channel 14 (VHF-FM) for advance or routine information regarding vessel movements. Advance or routine vessel movement information can be obtained on a 24-hour basis by calling VTS at (415) 556-2760 or by monitoring channel 14 VHF-FM (VTS working frequency). Large vessels will monitor channel 14 and are not required to monitor channel 16.

Voluntary compliance with the traffic management guidelines is requested of all permittees. Failure to comply may result in the establishment and enforcement of safety zones that provide for a \$32,500 civil penalty. For additional information, contact Ensign John Bannon, of my Waterways Management Branch, at (510) 437-3082.

Sincerely,

A handwritten signature in blue ink that reads "Gerald M. Swanson".

GERALD M. SWANSON

Captain, U.S. Coast Guard

Captain of the Port / Federal Maritime Security Coordinator

San Francisco Bay Clearinghouse Report For October 2004

San Francisco Bay Region Totals

			2003
Tanker arrivals to San Francisco Bay	61		46
Tank ship movements & escorted barge movements	299		278
Tank ship movements	177	59.20%	154
Escorted tank ship movements	87	29.10%	72
Unescorted tank ship movements	90	30.10%	82
Tank barge movements	122	40.80%	124
Escorted tank barge movements	59	19.73%	69
Unescorted tank barge movements	63	21.07%	55
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	190		277		0		136		603	
Unescorted movements	87	45.79%	146	52.71%	0	0.00%	65	47.79%	298	49.42%
Tank ships	59	31.05%	90	32.49%	0	0.00%	34	25.00%	183	30.35%
Tank barges	28	14.74%	56	20.22%	0	0.00%	31	22.79%	115	19.07%
Escorted movements	103	54.21%	131	47.29%	0	0.00%	71	52.21%	305	50.58%
Tank ships	66	34.74%	83	29.96%	0	0.00%	35	25.74%	184	30.51%
Tank barges	37	19.47%	48	17.33%	0	0.00%	36	26.47%	121	20.07%

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	651		686
Tank ship movements & escorted barge movements	2,959		3,481
Tank ship movements	1,735	58.63%	2,077
Escorted tank ship movements	852	28.79%	1,026
Unescorted tank ship movements	883	29.84%	1,051
Tank barge movements	1,224	41.37%	1,404
Escorted tank barge movements	633	21.39%	757
Unescorted tank barge movements	591	19.97%	647
Percentages above are percent of total tank ship movements & escorted barge movements for each item.			
Escorts reported to OSPR	20		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	1,929		2,832		0		1,433		6,194	
Unescorted movements	889	46.09%	1,438	50.78%	0	0.00%	685	47.80%	3,012	48.63%
Tank ships	590	30.59%	875	30.90%	0	0.00%	364	25.40%	1,829	29.53%
Tank barges	299	15.50%	563	19.88%	0	0.00%	321	22.40%	1,183	19.10%
Escorted movements	1,040	53.91%	1,394	49.22%	0	0.00%	748	52.20%	3,182	51.37%
Tank ships	601	31.16%	811	28.64%	0	0.00%	375	26.17%	1,787	28.85%
Tank barges	439	22.76%	583	20.59%	0	0.00%	373	26.03%	1,395	22.52%

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 14, 2004

1. CORPS 2004 O&M DREDGING PROGRAM

All FY 2004 Projects have been completed. We are in the process of reviewing the post dredge survey on the last project to be completed. 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.

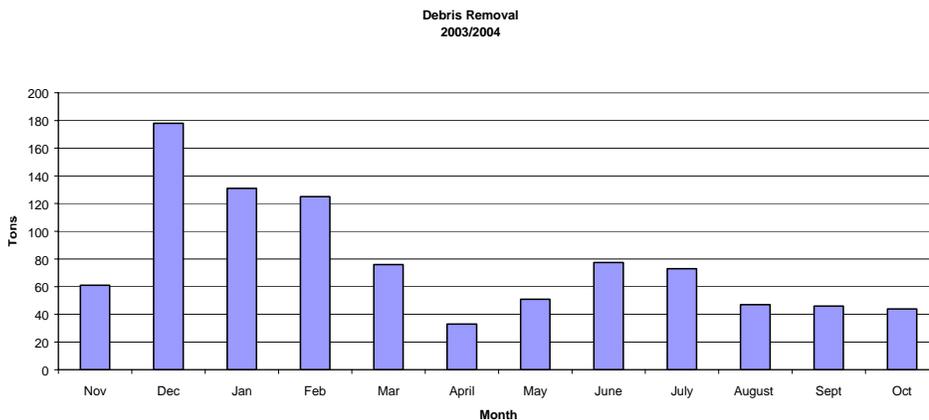
- a. **Main Ship Channel** – Project Complete.
- b. **Richmond Outer Harbor and Southampton Shoal** – Project Complete.
- c. **Richmond Inner Harbor** – Great Lakes Dredging started dredging on July 31, 2004. Dredging is complete and post dredge survey is under review.
- d. **Oakland Outer and Inner Harbor** – Great Lakes Dredging has completed the dredging and we are in the process of completing and reviewing the post dredge survey.
- e. **Suisun Bay Channel** – Dredging is complete and the post dredge survey is scheduled for next week.
- 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. After the dredging, the Corps performed a knockdown on an area that was shoaled to approximately 27.5 feet. We also performed a study how much turbidity is generated when a knockdown in being performed. The post dredge survey is scheduled for this week. 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 October 2004 was 44 tons. This is down from the 46 tons collected in the month of September.



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 awarded two 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 of the infrastructure to support the electric dredge required by the contract is underway. The dredge is being converted from diesel to electric. The dredging is scheduled to start on November 22, 2004. In addition, the driving of sheet piling for the middle harbor containment structure has started. 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/>

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).

**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.~~

(10) 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.

(10) 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~~.

(11) 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.**

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CHAPTER 796

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INTRODUCED BY Senator McPherson

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8670.23. (a) The administrator shall establish Harbor Safety Committees for harbors and adjacent regions of San Diego; Los Angeles/Long Beach; Port Hueneme; San Francisco; and Humboldt Bay.

(b) The administrator shall determine the geographic area for each harbor safety committee.

(c) 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 a port authority within the harbor.

(2) A representative of tank ship operators.

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

(4) A representative of dry cargo vessel operators.

(5) A representative of commercial fishing operators.

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

(7) A designee of the California Coastal Commission, except that for the Harbor Safety Committee for San Francisco Bay, the administrator shall appoint a designee of the San Francisco Bay Conservation and Development Commission.

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

(9) A designee of the Captain of the Port from the United States Coast Guard, the United States Army Corps of Engineers, the National Oceanographic and Atmospheric Administration, and the United States Navy to the extent that each consents to participate on the committee.

(10) A representative of tug or tank barge operators, who is not also engaged in the business of operating either tank ships or dry cargo vessels.

(11) A representative of pleasure boat operators.

(12) A harbor safety committee may petition the administrator with a request for a new or additional membership position needed to conduct the harbor safety committee business and that reflects the makeup of the local maritime community. The approval of this petition shall be at the sole discretion of the administrator.

(13) A harbor safety committee may petition the administrator for the elimination of a new or additional membership position requested and approved pursuant to paragraph (12). The approval of this petition shall be at the sole discretion of the administrator.

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

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

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

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

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

(e) The administrator shall appoint a chairperson and vice chairperson for each harbor safety committee from the membership specified in subdivision (c). The administrator may withdraw such appointments at his or her sole discretion.

(f) Upon request of the harbor safety committee, the administrator may remove a member.

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

SEC. 19. Section 8670.23.1 of the Government Code is amended to read:

8670.23.1. (a) Each harbor safety committee established pursuant to Section 8670.23 shall be responsible for planning for the safe navigation and operation of tank ships, tank barges, and other vessels within each harbor. Each committee shall prepare a harbor safety plan, encompassing all vessel traffic within the harbor.

(b) The administrator shall adopt regulations for harbor safety committee membership positions required in addition to those specified in Section 8670.23 and for harbor safety plans in

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

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

(1) A recommendation determining when tank vessels are required to be accompanied by a tugboat or tugboats, of sufficient size, horsepower, and pull capability while entering, leaving, or navigating in the harbor. The Harbor Safety Committee for San Francisco shall give the highest priority to the continual review and evaluation of tugboat escort regulations. The administrator shall be guided by the recommendations of the harbor safety committee when adopting regulations pursuant to Section 8670.17.2.

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

(A) Anchorage designations and sounding checks.

(B) Communications systems.

(C) Small vessel congestion in shipping channels.

(D) Placement and effectiveness of navigational aids, channel design plans, and the traffic and routings from port construction and dredging projects.

(3) Procedures for routing vessels during emergencies that impact navigation.

(4) Bridge management requirements.

(5) Suggested mechanisms to ensure that the provisions of the plan are fully and regularly enforced.

(d) Each harbor safety plan shall be submitted to the administrator. The administrator shall review and provide comment on the plan for consistency with the regulations.

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

(f) On or before July 1 of each year, each harbor safety committee shall revise its respective harbor safety plan and report its findings and recommendations to the administrator.

(g) 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. The administrator shall forward those findings and recommendations to the appropriate authority.

Mr. Alain Steinbrugge
Marine Exchange of the San Francisco Bay Region
Fort Mason Center
San Francisco, California 94123

Dear Mr. Steinbrugge:

We would like to thank you for taking the time and effort to review and comment on the NOAA Strategic Plan for 2005-2010. We realize your time is valuable, yet we also realize the importance of internal and external reviews in our planning process and value your contribution. Most of those who reviewed this version of the plan considered it to be an improved, relevant strategic plan for NOAA. As a whole, recommendations for making changes focused on how we handle partnerships, the role of satellites in the agency, how we will deal with cross-goal linkages, and the vision and mission statements. We discussed and addressed all comments and made changes in the plan where appropriate. The letter from Under Secretary Lautenbacher that accompanies the plan also clarifies how we envision partnerships as an integral part of the NOAA enterprise.

While we have elected not to include individual programs in the Plan, we understand that PORTS is a vital element of NOAA's Commerce and Transportation Mission Goal. The related section of the Strategic Plan includes several references to the benefits of PORTS in the introductory paragraphs, outcomes, performance objectives, and strategies. For example, the sentences stating that NOAA will improve "delivery of real-time oceanographic information" and "enhance navigational safety and efficiency by improving information products and services" refer to PORTS and other navigation-related programs.

We appreciate your time and efforts and look forward to implementing this plan through NOAA's programs and Line Offices. Responsive and comprehensive planning is necessary for us to provide better information, services, and products for society in making environmental, economic, and social decisions. Your contributions help us do that.

Sincerely,
James H. Butler
Acting Director
Strategic Planning Office

The NOAA Strategic Plan has now been revised and approved and is available on the web at <http://www.spo.noaa.gov>.

cc: Joan Lundstrom
Chair, Harbor Safety Committee of the
San Francisco Bay Region