

## MINUTES

### HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

10:00 a.m., Thursday, December 14, 2000

Port of Richmond, Harbor Master's Office, 1340 Marina Way South, Richmond, CA

**Grant Stewart**, American Ship Management, Chair, called the public meeting to order at 10:10 a.m. and welcomed those in attendance. The secretariat confirmed the presence of a quorum. The following committee members or alternates were in attendance: **Gary Hallin**, Port of Oakland; **Ronald Kennedy**, Port of Richmond; **John Davey**, Port of San Francisco; **Nancy Pagan**, Benicia Industries, Inc.; **Stuart McRobbie**, SeaRiver Maritime; **Marc Bayer** (alternate for Brian Dorsch), Alaska Tanker Company; **Scott Merritt**, Foss Maritime; **Richard Smith**, Westar Marine Services; **Eric Dohm** (alternate for Larry Teague), San Francisco Bar Pilots, **Michael Beatie**, Golden Gate Ferries; **Ray Shipway** (alternate for Gunnar Lundeberg), Masters, Mates & Pilots; **Margot Brown**, National Boating Federation; and **Joan Lundstrom**, Bay Conservation and Development Commission. U. S. Coast Guard representatives **Lt. Drew Cheney** (MSO) and **Cmdr. Dave Kranking** (VTS); NOAA representative, **Michael Gallagher**; and OSPR representative, **Al Storm**. Also in attendance, more than twenty representatives of the interested public.

The following corrections were made to the minutes of the 11-9-00 meeting. **M. Beatie** is from Golden Gate Ferry. **M. Brown** on p. 2, the NOAA report is listed as the OSPR report. (*Note: Included here is the text of the OSPR Report which was deleted from the previous minutes.*) **OSPR REPORT, T. Mar.** (1) **T. Mar** recognized the former administrator of OSPR, **Gary Gregory**, who now serves as the head of Marine Facilities, State Lands. **T. Mar** will also be moving to State Lands. He introduced his replacement to work with the SF HSC is **Al Storm** who has been working with the Southern California HSC's and is familiar with the processes. He also introduced **Ted Martin** who will be working in the Cordelia Field Office of OSPR. (2) **T. Mar** swore in **Todd Covini**, who was re-appointed as alternate for **Stuart McRobbie**. (3) **Tracy Edwards**, who has been working on the tug escort regulations revision, is also leaving OSPR at the end of the month. Her replacement will be **Joy Lavin Jones**. The fifteen-day comment period begins as soon as the mail-out is completed at the end of this month.) **R. Smith**: The two public scooping meetings for the Underwater Rocks Project were held on 10-24-00. Motion by **M. Brown**, seconded by **J.**

**Lundstrom** "to approve the minutes of the 11-9-00 meeting as corrected."

In opening comments, the Chair announced the appointment of a new committee member **Don Waters**, CSX, Oakland, representing the dry cargo companies.

**COAST GUARD COTP'S REPORT, D. Cheney.** (1) **Lt. D. Cheney** submitted a written report of port operations statistics for pollution response and investigations and significant port safety events for

the period 11-1-00 to 11-30-00, which is made a part of these minutes. He reported details of two significant cases. On 11-14-00, the mast of the T/V EGRET struck the underside of the Benicia and UPRR bridges. On 11-29-00, Shore Terminals' Martinez facility spilled 10 gallons of heavy fuel from a loading arm. Question: What was the cause of the incident involving the bridge? **E. Dohm**: The bridge was fully raised. The cause was a ship-related miscalculation. Question: What is the status of the NEPTUNE DORADO? **D. Cheney**: The vessel has left port. The USCG is waiting for findings on the criminal investigation. **Cmdr. David Kranking**, VTS reported that VTS is currently in the process of converting radios and equipment from analog to digital. With the new system, the VTS controller will not be able to hear, in the background, calls coming in from other vessels while on a call. This may result in some unanswered calls and the need to make a second call.

**CLEARINGHOUSE REPORT, A. Steinbrugge**. A written report with statistics for the month of November, 2000 and a report for 2000 year-to-date are made a part of these minutes. There was one call to OSPR for a violation in November, for a total of five in 2000, versus 12 in 1999. Question: The Marine Exchange Traffic Report separates petroleum and other tankers. What is the tanker number in the Clearing House Report? **A. Steinbrugge**: All tankers. Question: Recently there was a steering failure and the escort tug rescued the vessel to avoid grounding. Is there a record of how many times tug escorts have helped? **A. Steinbrugge**: Not in the CH Report. That information is not routinely reported to the MX. **D. Cheney**: MSO makes the assumption that if a ship has problems, it uses the tugs on hand to help. **M. Brown** and **J. Lundstrom** both indicated that anecdotal information would be of interest to the HSC and **J. Lundstrom** suggested that the CH track and report on the successes of tug escorts. She added that SF has the most vigorous regulations in the country and this tracking and reporting would give information as to whether the regulations need tweaking. Question: Does MSO have a record of escort tug use? **D. Cheney**: Only if the Form 2692 section for a narrative description of the incident includes that information. But, there are no questions on the form which ask what was done as a result of an incident to rescue the vessel and this information is usually not included in the report. **E. Dohm** noted that the report written by Capt. Slough, pilot on the vessel referred to as being involved in the recent incident, states that the rudder stuck hard over on the approach to Pinole Shoal Channel. It appears that this was the result of the failure of a minor part. The tug was tethered and used properly. This incident demonstrates the value the tractor tug training that the State Pilot Commission has required for all pilots. From an attendee in the audience: The vessel involved was a state-of-the-art new ship, which further demonstrates that this can happen to anyone. No escort was required on that particular vessel, but the company requires tethering on all transits. **T. Mar**: OSPR is the best place to monitor the effectiveness of the tug escort program, working with the CH, since the regulations are state not federal. Question: Does the pilot have the choice of whether or not to tether? **Capt. Jack Going**, BayDelta: Yes, but BayDelta has been a strong advocate of tethering for all

transits. **E. Dohm**: Originally it was at the pilot's option, but many companies now require tethering. **S. Merritt**: There is no requirement in the regulations for this type of incident to be reported, i.e., how the tug is used to assist a vessel, only a requirement to report if the tug breaks down.

The Chair suggested that a report on the incident under discussion be agendaed for the next meeting, including a discussion of lessons learned. If an agency issues regulations, there should be a provision to track how effectively the regulations are in addressing the types of situations they were designed to address. **D. Cheney**: It should be easy to add questions to the 2692 to get a description of what the tugs did when a ship reports a significant problem. Question: How often do CGMSO and OSPR communicate for this type of thing? **D. Cheney**: Never when pollution is prevented, but a lot when a spill occurs. Something new would have to be established. The Chair asked if the HSC could call on OSPR to take the lead in this. **A. Storm**: This falls outside the jurisdiction of OSPR because OSPR doesn't regulate steering and propulsion casualties. The Chair responded that this is not a regulatory issue, but rather a reporting system for when a tug is used successfully, in addition to a reporting system that already tracks when a tug fails. **A. Storm**: It would require a regulatory change. This discussion is timely because there will be a meeting in about a month with representatives of the Port of Oakland to address some changes the port would like to see made in the regulations and a requirement for a vessel to report successful tug usage could be added as well. From an audience participant: The hard over rudder failure is very rare and it's important to share information. **M. Bayer** referred to Washington State, where an information-sharing program was created without changing tug escort regulations. **M. Brown** added that she is not looking to change regulations, but rather to validate them. Inasmuch as OSPR regulates tug escorts, they should be responsible for maintaining records of occurrences that demonstrate the success of those regulations. **A. Storm**: Stated that he's not sure he agrees and reiterated his opinion that this falls outside the jurisdiction of OSPR. **S. McRobbie** noted that both the Alaska and Washington state regulations include a reporting requirement for escort response. California could look to the tugs to report as a regulations change. **E. Dohm** suggested that reporting to the MX be made voluntary whenever a vessel and/or pilot uses an escort tug to control a situation. **Lynn Korwatch**, Executive Director MX, stated that the CH operates under the auspices of OSPR and is the best place to collect the kind of information under discussion. She suggested that, before there is a rush to form legislation, the MX see if they already have a way to assist in collecting information and reporting it to the HSC.

The Chair asked that the MX report at the next meeting on what they can collect and that the tug companies and pilots also look at what information they can provide. **R. Smith** stated that reporting should be regulation based so you don't have situations where the tug thinks the vessel or pilot reported, or vice versa. It is also important to clarify in what events the reporting is required. There can be

disparity as to what constitutes an incident to the various participants, i.e., what one considers an incident, another may consider an adjustment of course. Question: If the MX gathers information, who investigates? **L. Korwatch:** The MX is not an investigator. If an incident is serious enough, the CG investigates. **D. Cheney:** There is no gap in investigation of a failure on a ship, but questions regarding tug use are not included as a rule. **A. Storm** emphasized that OSRP will not investigate anything they don't have regulatory jurisdiction over. From an audience participant: The HSC Plan review is a good vehicle for performance reporting on tug escorting in the appropriate section. In closing discussion on the issue, the Chair reiterated that the next meeting's agenda will include reports/input from tug company representatives, the pilots and the MX and then the HSC will go from there.

**OSPR REPORT, A. Storm:** (1) **A. Storm** swore in **S. McRobbie** for another term representing the tanker industry. (2) Update on the current situation with the National Response System. When Crowley left Clean Pacific and Clean Pacific dissolved, OSPR sent out a letter to tanker companies invalidating contingency plans that named Clean Pacific and advising those companies that they had to come up with another plan. Since then, and before the deadline for the tanker companies to provide new contingency plans, NRS Corp signed a temporary agreement with Foss Environmental that is valid through 1-5-01. This agreement fills the void created for response during hours 0 to 36 that was created with the dissolution of Clean Pacific. OSPR is now looking for a long-term agreement. Question: Does OSPR have a way to notify companies what's going on? **A. Storm:** OSPR has done several mass mailings and they will continue, but the information probably gets to companies later than they want. Company representatives are welcome to call OSPR for updates.

**NOAA REPORT, M. Gallagher.** (1) The new edition of chart 18653 didn't include changes that should have been included. As a new policy, **M. Gallagher** will request a proof of draft charts that are scheduled for publication and bring them to the HSC so people can see them and comment before publication. A proof for the new chart 18650, which will be published in February, is at this meeting for people to look at or they can call and **M. Gallagher** will take it to company offices. There is a problem with how to chart all the new changes to the Port of Oakland area that haven't actually been completed yet. **E. Dohm:** Noted that the federal project for Southampton Shoal Channel extends beyond Buoy 8, but the chart only shows it to Buoy 2. It was hoped that the chart would reflect what was surveyed and dredged in the channel to go along with planned new buoy configurations. **Pete Bonnebaker,** Tosco Refinery, commended **M. Gallagher** for the extent of NOAA's presence and for the scope of his work for the SF maritime community.

**COE REPORT, David Dwinell.** (1) Six operational maintenance and dredging projects have been approved and funded for the SF Bay Area: the main ship channel, March; Richmond Inner Harbor

Channel, May-June; Oakland Inner and Outer Harbor Channels, May-June; Suisun Bay, July; Larkspur Ferry, May; and San Leandro, January. (2) The COE pick-up of debris in the bay continues to become more effective with the addition of an automated system on the "Raccoon". The COE vessels respond to regular calls from the ferries reporting hazards in the water. (3) The 50' Oakland Project continues to move along. (3) The Rock Removal Feasibility Study has been funded and is underway, with completion projected for 9-02. (4) Emergency dredging in Suisun Channel is underway and 80-90% completed and will be finished next Monday or Tuesday. The project includes 3' advance maintenance dredging to keep shoaling from reoccurring before the next scheduled dredging. **M. Beatie** expressed the appreciation of the high speed ferry community for the quick response to reports of debris in the bay, usually within an hour. The debris can create significant problems for the vessels if not removed. Question: Did the shoal in Suisun Bay grow since the last dredge? **E. Dohm**: That area shoals regularly. The COTP has met with the Commander, COE, to address pushing for more frequent surveys because the area shoals more often than scheduled surveys. He added that the COE responded really quickly to the Suisun Bay shoaling that resulted in a recent grounding. **D. Dwinell** added that some sand dredging companies have requested permits to dredge that area. During the process of the current dredging project, an anchor and 8-9 shots of chain have been taken from the channel. Question: Why isn't Pinole Shoal on the dredging project list? **D. Dwinell** responded that the area hasn't been at project depth since the Navy left Mare Island. The area is a concern for tanker companies and the COE will look to address those concerns. Question: What is the status of the Avon Turning Basin Project? **D. Dwinell** will research and report back. Question: How long after the survey of Bulls Head Channel (Suisun) will the shipping companies get official depth numbers? **D. Dwinell**: Several weeks, the main thing is to get the contractor back in if the work is not to project depth.

**BCDC PROPOSAL:** The Chair stated that he would like to have any comments and discussion before hearing a motion. **J. Lundstrom** stated that BCDC is looking for feed-back on the elements of the draft document background, findings and policies sections. **Nick Salcedo**, BCDC, added that a lot of work has gone into development of the BCDC proposal and a HSC sub-committee might be a good way for people to learn more about BCDC and then input into the proposed changes to the Bay Plan. **M. Brown** stated that she has a motion with recommendations that she believes reflect the consensus of the HSC members. MOTION: "Recommend that the Harbor Safety Committee accept the BCDC draft report of September, 2000, entitled *Navigational Safety and Oil Spill Prevention in San Francisco Bay*; further recommend that the Harbor Safety Committee express its appreciation to Nick Salcedo for the extensive and thorough document provided; further recommend that the Harbor Safety Committee recommend that BCDC have further dialogue with other regulatory agencies, such as the Coast Guard, State Lands Commission and the Office of Oil Spill Prevention and Response (OSPR);

further recommend that the Chairman of the Harbor Safety Committee write the Chairman of BCDC to inform him, and the Commission, of the above findings.” Motion seconded by **R. Shipway**. The Chair asked **N. Salcedo** for an update on where other agencies stand. **N. Salcedo** responded that BCDC has been in a continual communication mode, working with OSPR (**T. Mar** and now **A. Storm**), State Lands (**Kevin Mercer, Gary Gregory** and now **Ted Mar**) and the USCG (**Pete Gautier** and **Larry Hereth**). It is a continual process of helping people get to know who BCDC is and what it does. Question: Have they all agreed with the September language? **N. Salcedo** responded that there are still some concerns and BCDC continues working to make the language palatable. **D. Kranking** added that, for the CG, **P. Gautier** has been working informally with **N. Salcedo**. There are still concerns with the language and the CG is looking for something more formal. Regarding the motion on the floor, what does “accept the draft” mean? The Chair stated that he is not looking for acceptance of any version of the proposal, but to put the issue to the committee level, to work to develop acceptable language. There needs to be more review. **M. Brown** stated that her motion doesn’t mean “endorse”. “Acceptance” means all have read the proposal and more needs to be done. The Chair continued that the problem is with referring to a specific version of the document. He prefers to see a motion to take the BCDC proposal for incorporating the *Harbor Safety Plan* into the *Bay Plan* to the committee level. **M. Brown** agreed and amended her motion to omit the first recommendation. The second agreed. **N. Salcedo** stated that the BCDC report provided background research on existing literature, with a set of conclusions from BCDC. A HSC working group will be a tremendous opportunity for HSC members to input on the conclusions of the BCDC report. The Chair indicated that he would like to see the Human Factors Work Group be the committee to review the BCDC proposal. **M. Brown**, with the agreement of the second, added the following to her motion, “further recommend that a study group be formed by the Harbor Safety Committee for communication with BCDC and communication by BCDC to the study group.” Question: Does BCDC have a deadline? **N. Salcedo**: No longer. The motion was called. “Recommend that the Harbor Safety Committee express its appreciation to Nick Salcedo for the extensive and thorough document provided; further recommend that the Harbor Safety Committee recommend that BCDC have further dialogue with other regulatory agencies, such as the Coast Guard, State lands Commission and the Office of Oil Spill Prevention and Response (OSPR); further recommend that the Chairman of the Harbor Safety Committee write the Chairman of BCDC to inform him, and the Commission, of the above findings; and further recommend that a study group be formed by the Harbor Safety Committee for communication with BCDC and communication by BCDC to the study group.” Motion passed unanimously.

**NAVIGATION WORK GROUP.** (1) **E. Dohm** reported that the long-term goal remains to be getting timely and accurate surveys. He has met with **Larry Hereth**, COTP, and **D. Kranking**, VTS, to formulate what is appropriate to ask the COE for, what surveys, what information is wanted and how

to get it out. When the list is developed it will be submitted to **Lt. Cmdr. O'Rourke**, COE. (2) The Avon Turning Basin Project was funded through a Congressional add-on and will proceed. This will go a long way to benefit the industry.

**UNDERWATER ROCKS WORK GROUP, R. Smith.** The COE feasibility study is underway and will be completed in 2002. The work group met on 11-13-00 to review the status of the proposed project and has scheduled a second meeting on 1-22-01 in COE offices to continue the review. Question: Was there any opposition to the project at the scoping meetings in October? **R. Smith:** No. Question: Is the harm that may be done to the drift fisherman being studied to find ways to mitigate the effects on the fish population? **N. Salcedo:** The fishing community is being actively encouraged to weigh in early.

**HUMAN FACTORS WORK GROUP.** No report. (*S. Merritt was called away earlier in the meeting.*)

**PREVENTION THROUGH PEOPLE WORK GROUP, M. Brown.** No report. Next meeting scheduled for 1-12-01.

**TUG ESCORT WORK GROUP, G. Hallin.** Regarding the Seattle company that owns a new tug and barge unit and has asked OSPR to make a legal determination as to whether they are exempt from Bay Area escorting requirements, in the same way that tankers with double hulls are, a phone meeting was held by the work group and OSPR. It was the consensus of both the working group and OSPR representatives that the SF Bay Area tug escort regulations only apply to tankers. A change in the regulations is necessary to address the tug and barge case. On 1-11-00, after the next scheduled HSC meeting, the work group will meet to address parameters for a separate tug/barge redundancy exemption. **E. Dohm** noted that the company in question had some redundancy in their tug/barge units, but didn't meet the regulations as they stand for tankers.

**PORTS WORK GROUP, S. McRobbie.** The reliability of sensors and the system is good and improving, with the exception of reported problems with the Benicia current meter. NOAA and the equipment suppliers are looking at a new mounting system for deployment in early spring. The wind sensor at Oakland may need to be relocated because of container stacking. **L. Korwatch** reported that she has met with independent consultant to look at future funding. One year short term funding for the 01-02 fiscal year may be needed until permanent funding can be established. She is looking to conduct a study to validate the system for the legislative funding process. SF may partner with LA/LB to look towards a total package.

**OLD BUSINESS.** (1) The Chair addressed the annual plan review and reported that a formal review is not required because no changes have been made in the plan. OSPR has indicated that they would be satisfied with a letter so stating. The 2001 plan review will be submitted to OSPR with any changes on July 1, 2001. Question: Can periodic performance language for tug escorts be included at that time? Chair: It will be looked at. (2) **J. Davey** reported that the Port of SF offices move to Pier 1 has been postponed to February 20<sup>th</sup>. The HSC could most likely still hold its February meeting at the Port Commission room in the Ferry Building. (3) **J. Lundstrom** complimented the COE for providing representation and for the complete report. It is significant that this is the first HSC in the country to have COE participation. (4) Question: Has the date for the National HSC Conference been set? **L. Korwatch**: The date has been set at March 20-21, 2001; but may have to be changed to the 19-20. The CG is looking for agenda items and is looking to expand the focus of the conference to address the value HSC's provide to the entire transportation system, including rail, trucking, etc. They are looking for a keynote speaker to draw national participation and for corporate sponsorship to bring the fee down in order to draw more people. **M. Beatie** indicated that the Passenger Vessel Association is very interested in participating. Suggestions for agenda items, etc. should be forwarded to **L. Korwatch** by e-mail to [korwatch@sfmtx.org](mailto:korwatch@sfmtx.org). **M. Brown** echoed comments on the USCG's commitment to HSC's and reported that, at the last NavSac meeting, **Adm. North** spent an hour encouraging the establishment of HSC's across the nation.

**NEW BUSINESS.** (1) **S. McRobbie** reported that the AIS equipment, which was paid for by OSPR, is fully up and operational on a test basis, with good reliability and good response from operators. The equipment has been installed on ships, small boats, tugs, ferries and pilot vessels. The trial period ends in late February and then it will be time to decide where to go. There may be funding issues for system management. (2) The Water Transit Authority will hold a kick-off meeting soon and information will be forthcoming.

The next HSC meeting is scheduled for Thursday, 1-11-01 at 10:00 at the Port of Oakland.

MOTION to adjourn by **J. Davey**, seconded by **S. McRobbie**. Motion passed unanimously. Meeting adjourned at 1150.

Harbor Safety Committee of the SF Bay Region

12-14-00

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Respectfully submitted,

**Captain Lynn Korwatch**

Executive Secretary