

**NORTHERN CALIFORNIA  
AREA MARITIME SECURITY COMMITTEE  
Meeting Minutes  
April 13, 2004 ~ 1000 A. M.  
Port Of Oakland Building  
530 Water Street ~ 2<sup>nd</sup> Floor ~ Boardroom**

The meeting was called to order at 1004 hours.

**Opening Remarks and Introductions** (Captain Gerald M. Swanson, Federal Maritime Security Coordinator, Captain of Ports)

Homeland Security Advisory level from March 1<sup>st</sup> remains at level yellow to date. The new department of Homeland Security has brought together 22 Department Agencies. There was a Port Readiness meeting held on March 1<sup>st</sup>, these meetings will be held bi-annually beginning this July.

Since the last NCAMSC meeting, a number vessels entering port continue to have problems complying with Advance Notice of Arrival (ANOA) requirements. Vessels arriving without proper notice will not be able to enter port, and will be assessed a civil penalty. Letters of Warning will no longer be issued and the penalty is \$3,000.

The Captain of Port is moving forward with MTSA implementation and the Area Maritime Security Plan has been submitted to the Eleventh Coast Guard District for review. Captain Swanson thanked all those who took the time to review and comment on the AMS Plan.

Vessel and facility plans have been submitted and are in the review process. Some reviews are not going as quickly as expected. It is a major undertaking and all plans will be reviewed by July 1<sup>st</sup>. It is expected that all facility plans will be in compliance. Foreign vessels coming in to port have submitted their plans and we are in the process of reviewing them at this time.

We continue to have incidents with crewmembers that do not have the proper identification or visas and they must stay on board the ship while at dock. Some crewmembers have unlawfully left their vessels as deserters or absconders. This is a security issue that we (USCG and other agencies) are seriously evaluating. Overall, Maritime Industry's percentage of this kind of activity is a small problem in compared to air and land transportation systems.

The next round of security grants this year should be released this summer and the proposed grant amount has been reduced. Final Rules have been issued for additional Security Zones in Humboldt Bay, Monterey Bay and San Francisco Bay. A notice of proposed rule making has been made for a 50-yard Security Zone around Coast Guard Cutters berthed at Coast Guard Island.

**Approval of Last Meeting's Minutes** – (Mr. Jeff McCarthy)

Minutes were approved as submitted with one correction to be made. On the 2<sup>nd</sup> page, 2<sup>nd</sup> paragraph, last line, “*Commander Cook and Taylor*”, should read, “*CDR Cook and LTJG Taylor*”.

### **Working Group Reports – (Capt Gerald M. Swanson):**

#### **Port Evacuation Work Group** (Mr. Levin & CDR Cook – Chair)

This is the Working Group’s final report. Commander Cook gave a brief presentation on the origin and process of the Committee. The group met from November 2003, through February 2004, and included representatives from SF Bar Pilots, Pacific Maritime, MARAD, cruise ship lines, security personnel, Marine Exchange, and various unions. The charter identified resources and resource shortfalls. A plan was created to provide a protocol and course of action to evacuate ports in the event of an emergency. It was estimated that a complete evacuation of the region is possible with 24 hours of initial notification, with the exception of MARAD vessels in a reduced operation status.

The Purpose of creating an evacuation plan is:

- To preserve life and maximize personnel safety;
- To protect the port complex, environment and private property;
- To coordinate a safe, timely, and efficient port evacuation;
- To minimize the evacuation’s economic impact to the local economy;
- To provide timely notification of port stakeholders with available incident information and emergency requirements; and
- To implement vessel and facility security plans.

The FMSC San Francisco Bay with the assistance of VTS will be responsible for initiating, safely directing and coordinating a port evacuation. The initial notification time will be 30-minutes and all port stakeholders have notification responsibilities.

Factors to Consider: immediacy of the security incident, threat, or breach; vessel master’s or facility operator’s assessment of the situation; crew readiness and availability; state of cargo operations being conducted, and stability considerations throughout cargo operations; status of vessel propulsion and vital navigation systems; vessel strength and overall stability. Other considerations are: tug and pilot availability, resource to provide vessel escort, current weather conditions, water and air draft clearances along the evacuation route, ability to release mooring lines without line handlers, MARAD vessels in reduced operating status. There has been considerable discussion on how far a ship would relocate during an emergency evacuation.

One thing not in plan but emphasized strongly, we have to have an evacuation exercise to make sure that it works and get the bugs out.

Response Resources - tugs, pilots, line cargo handlers, vts, etc.

Funding - Every agency is responsible for their funding. There may be some funding available after the fact through grants, State Emergency funding, etc.

Communications – numbers and radio frequencies on the water.

Capt. Johnston of MARAD explained that there are 13/15 MARAD ships in the San Francisco Bay at one time. These ships are resources for response and security plans. Some ships can house 200-300 people; they contain hospitals on board and have the capability of producing their own electrical resources. They can serve as a retention facility or Command Center. MARAD would require a Memorandum of Understanding (MOU) with all respective industries in order to allocate use of the ships during an emergency. They can also be used as a training resource and for exercises.

**Security Zone Work Group** (Mr. Mark Ayers & CDR Phillips – Chair)

The Working Group was formed in October 31, 2003 to address and make recommendations for the implementation and enforcement of Security Zones for the major oil terminals in the San Francisco Bay. The completed report identifies facilities that require a security zone, the boundaries of the zones to be implemented, resources necessary to enforce the proposed zones and provides reasonable timelines for implementation. It also identifies resource shortfall that hinder security zone enforcement.

Existing Security Zones are around the bridges, airports, tankers, cruise ships, naval vessels and high interest vessels. It is difficult to get no trespassing ordinances on facilities near the water. Example: the Benicia wharf is attached to a private pier and the security zone encompasses that area and the bridge. The zone is curved in order to avoid conflicts with the private areas of that wharf.

Resources - All warning signage and buoy costs would be absorbed by the facilities. USCG would be needed to assist in proper placement of signage. Many Marine Oil Terminal Security Coordinators and Facility Managers have been involved in the working group, and support the security zone recommendations. The USCG has determined that municipal agencies and private security companies are allowed to hold persons who have violated security zones, until the USCG arrives on scene.

Short falls - Some delays in response; availability of USCG and Law Enforcement resources. The Neptune Coalition meets once a month and encompasses all marine law enforcement resources in the Bay Area. They now check in with USCG periodically to gage awareness.

Next Steps – The CFR process takes six months. Coast Pilot/ Charts will take a year to be amended. We will keep general information and public awareness ongoing through publications, regulations, renewals and work with PTP. We are recommending that there be a 100-yard security zone around all facilities.

Captain Swanson further clarified that 100 yards is a typical range set around security zone areas, with an average 25 yards for bridges, and 200 yards set around airports. These ranges are average and adjusted per type of transportation industry.

This group has next steps that involve starting the emergency and interim rule through the Captain of the Port. Once the buoys and other markings are there, Captain Swanson will establish the regulations appropriately.

Captain Swanson put forth a motion to accept the proposed security zones around the main harbor areas and it was approved by majority of the Committee.

**Facility Personnel Security Work Group** (Mr. Boyle & Mr. Paul Martin – Chair)

The Working Group for Facility Personnel Security has been focused on recommendations of a system or systems to assure personnel accountability for facilities within the FMSC's AOR. They have met seven times to date with most of the time spent on ways to participate in the TSA's pilot TWIC program. Additional meetings were held with members of the ILWU, PMA and selected members of the working group to address issues related to participation in the pilot program. TSA has also held several meetings with the ILWU leadership to explain the Pilot TWIC Program and identify advantages for participation in the Bay Area.

During these meetings, several concerns were identified about the effectiveness of a national ID system and the future costs of implementing and on-going costs of maintenance of such a system. Other concerns include: multiple persons accessing a restricted facility with use of only the driver's ID; how Merchant Mariners will be treated under a controlled access system; the reluctance of the local ILWU workforce to participate in a pilot project without approval of the Internationals and development of project parameters.

The Working Group is recommending an extension until June 1, 2004 to allow for further discussion with TSA and to allow for development of an alternative approach in conjunction with PMA and the Terminal Operators with a goal to implement an interim ID system on or about July 1<sup>st</sup>. The group also request that the FMSC encourage industry members implementing or modifying current access control systems, consider requirements of TWIC to minimize replacement of systems installed and reduce costs of implementation. Next meeting is scheduled for Tuesday, May 4<sup>th</sup> at 9:00 a.m.

Captain Swanson granted an extension until the NCAMSC's next meeting scheduled for July 13<sup>th</sup>.

**New Business Items** (Capt Gerald M. Swanson)

**Charter of New Working Groups – Capt Gerald M. Swanson**

**Communications Working Group** – Jeff McCarthy

Work done thus far in the communications group was to develop a system that would allow rapid communications to the maritime security and safety stakeholders using all modes of communication (telephone, pager, email & fax). Upon notification, all responsible parties will be directed to login to the a secure web site for more detailed and secure information. The system identified for this purpose is the Rapid Reach Call Center owned by the Port of Oakland and administered by the San Francisco Marine Exchange the Anti-Terrorism Information Exchange system owned and operated by the

Western States Information Network / California Department of Justice. The next goal of the work group is to develop the proper procedures with the COTP for the criteria development of participants, the initial processing of participants into the system and identify the necessary funding for system administration. The next meeting is to be scheduled for early to mid May.

- Mr. Johnston (MARAD): There is a government calling card, which allows you to bypass all regular communications and places you in high priority. We should look at something like this as well. Captain Swanson feels that communications funding for this area is a complicated process and we really need federal funding assistance.

#### **Dept Homeland Security Working Group (DHS)** – (TSA- Co-Chair)

This group will involve Interagency work group and will need to provide a first responders identification report. We must develop a list/worksheet of lead security agency contacts throughout our different transportation areas.

#### **Public Access Facility Issues** – (Mr. Martin)

Issues surrounding facilities used by the public were not addressed during interim rule making of July 2003. They did show up in final rules put in to place in October 2003. To be designated as a public access facility, the facility must first meet the requirements of a facility under 33CFR105. The owner operator of the facility may send a letter to the FMSC requesting PAF designation, including in the letter details about the facilities operations, physical description and existing security measures. The FMSC will then inspect the facility to determine if the facility meets the definition of a PAF and to ascertain if any additional security measures are needed.

In consultation with the PAF owner/operator, the FMSC will define the security measures needed at each MARSEC level and decide a timeline needed for compliance.

Types of Public Access Facilities in our area are as include: SF Pier 39, SF Pier 1, Fisherman's Wharf, SBC Park in San Francisco, Eureka Boardwalk Park and Jack London Square in Oakland.

Cruise Ship activities in the Port of Monterey and Port of Eureka will have problems after July 1, 2004. They cannot continue to conduct business in the same way after July 1<sup>st</sup> and remain in compliance with the Federal Security Regulations. Those Port's will have to: install a 105-facility request a waiver from the Commandant, or arrange for small passenger vessels to ferry passenger to and from the Cruise Ship. While a 104-vessel is visiting a PAF, it is the responsible for its own security.

- Kenny Levin, San Francisco Bar Pilots states that this is devastating news for those Ports and the Pilots Assn., because the pilots are scheduled to bring cruise ships to those areas. Mr. Martin is scheduled to meet with the ports in those areas soon. Persons affected must request a waiver from the Commandant in order to continue this type of activity. This is all relatively new information to Captain Swanson's office and he plans to work diligently. There will also be interim provisions to assist

them in continuing their work. There is a much greater impact in other areas of the United States than in the San Francisco Bay. This was never addressed in the comments during the interim regulations.

Vessels that carry more than 150 passengers must have a security plan. If that vessel remains under 100 tons, they can still call on a public access facility provided they take care of their own security. Vessels of 100+ gross tons are considered cruise ships, and may not "call" at a public access facility. Other issues were raised with reference to tenders, SOLAS vessels, international laws, launch service rental for small passenger vessels with U.S. Flags, foreign flag tenders, etc.

#### **Public Comments - Captain Gerald M. Swanson**

- A 96-hour prior notification was sent and through some type of computer system glitch, it was not distributed properly. After speaking with the ship's master, this procedural breakdown is not uncommon. The Canadian system confirms acknowledgement of receipt. The shippers are asking that this be considered in the U.S. due to problems. The National Vessel Movement System gives a confirmation back to vessels regarding receipt to avoid problems or undue penalties and fines.
- Barge carriers send out "requesting crew list" to all facilities and this list includes identification info such as social security, etc. Barge carriers are requesting that facilities do not hang this crew list with confidential information out for everyone to see/obtain. Identity theft can happen very easily.
- Lt. Campbell (MSO San Francisco) has been very proactive in communicating the new setup in Maritime Security area. He is requesting copies of the valid identification cards for representatives in all areas in an effort of better identification. Captain Swanson explained that all cards are not the same at this time. However, we can forward samples to everyone in order have an idea of what they look like. Captain Swanson emphasizes that you should challenge people if the cards do not look authentic. Verify office number, etc., specifically people that come without prior notice. Customs concurs that information should be forthcoming.
- Clarification on Identification – I (a Customs Agent) show up unannounced to a ship, I am being held up at the gangway and the leader signs up for the crew. If you have your crew made up in advance, create a list with all their information for the appropriate person and sign for everyone. The master has to be accountable for everyone that comes on board of a ship. Facilities also have that same issue for security reasons they are equally responsible for persons coming on or off the ships, etc.

#### **Announcements**

- May 6, SF Marine Exchange will have a party on the Jeremiah O'Brien at Fisherman's Wharf and all are invited.
- California Maritime Academy is holding a conference May 16-18, Implementation of the International Code and Discussing Issues and Solutions of Implementation.

With no further business to discuss, the meeting was adjourned at 11:52 a.m.

*The next meeting will be held on Tuesday, July 13, 2004, 1000 hours at the Port of Oakland, 530 Water Street, Oakland, California.*