Minutes
HARBOR SAFETY COMMITTEE
Of the San Francisco Bay Region
9:30 a.m., Thursday, November 12, 1992
Board Room, Ferry Building, Suite 3100, San Francisco, CA.11

1. The meeting was called to order by Chairman A. Thomas at 0940. The following committee members or alternates were in attendance: Margot Brown, National Boating Federation; Morris Croce, Chevron Shipping Co.; Jim Faber, Port of Richmond; Mike Goebel, Exxon Shipping Co.; Burr Heneman, Center for Marine Conservation; Capt. Lynn Korwatch, Matson Navigation Co.; Alexander Krygsman, Port of Stockton; Gunnar Lundeberg, Sailors' Union of the Pacific; Joan Lundstrom, San Francisco Bay Conservation and Developement Commission James Macaulay, Harbor Tug & Barge; Mary McMillan, Westar Marine Services; Roger Peters, Port of San Francisco; Capt. Thomas Rose, Navy Pilot; Mark Steinhilber, Coast Gaurd. Also in attendance from OSPR, Roger Dunstan and Bud Leland, and a number of attendees from the general public.

2.T. Hunter noted a quorum was present.

3.J. Lundstrom motioned to approve the minutes of the previous meeting as written it was seconded by M. Croce; motion passed.

4. The Chair noted for the record that Fran Black has been taking the minutes for Harbor Safety Committee meetings since September of 1991 and he expressed the thanks of the Committee.

5.A. Thomas noted that his term as Port Agent of the San Francisco Bar Pilots ended last Tuesday. The new port agent, elected 11-5-92, is Captain Patrick Buttner. A. Thomas and P. Buttner will be meeting with representatives of PMSA/industry tomorrow.

6. The Chair introduced Capt. Lee Bradford, a commercial fisherman who heads a group that is helping coordinate commercial fishermen in the spill response effort. This group is based in Moss Landing.

7.L. Bradford reported that after the "Exxon Valdez" spill in 1989 it became apparent in Prince William Sound that commercial fishermen could be an important factor in a spill response effort. At that time implementation began on a plan to allow commercial fishermen to respond to events such as the "Valdez" spill. This marked a tremendous change in the nature of response efforts. Through the cooperation of various fishermen's groups, 1400 vessels are now under contract. A majority of these vessels are fishing boats.

8. There are two such groups in California. The first, FOKT, was organized by the Ventura County commercial Fishermen's Association. The group includes 100 vessel and 140 people trained in response techniques. This group has responded successfully to two spills, including the recent Avila Beach spill. The second group is based in Monterey County and was organized with the cooperation of Clean Bay and the support of P.G.& E. Training is given through an 8 hour orientation program, with a 1/2 day devoted to safety regulations and a 1/2 day to boom deployment. MSRC is undertaking to provide a 3-day program with OSHA approval. The response industry will be using commercial fishermen. L. Bradford believes it is important that the Harbor Safety Committees know that these efforts are being made. The last three years have been spent developing these industry to industry based programs. Those involved have tried to avoid the PR side until now. This is their first time for addressing a regulatory body.

9.J. Lundstrom asked if there are any such programs being developed for San Francisco Bay. L. Bradford responded that there are groups based in Monterey, Santa Cruz, Moss Landing and Half Moon Bay. There is a meeting scheduled in Richmond next week-end. There is not a large commercial fishing fleet in San Francisco Bay so we must look to other coastal harbors for recruits. He added that he could not imagine a commercial fisherman within 400 miles who wouldn't drop what he was doing to come and help protect San Francisco Bay. This bay is critical to supporting the

dungness crab, herring, salmon and halibut industries. R. Dunstan noted that OSPR is supportive of these efforts.

10. PLAN SUBCOMMITTEE. J. Lundstrom reported that the plan review has been received from the Administration of OSPR. According to regulations, the Harbor Safety Committee has 60 days to respond to these comments, that is, until the first week of January. OSPR recommends holding a public meeting at a Harbor Safety Committee meeting. Since the next Harbor Safety Committee meeting will address the work of the Tug Escort Subcommittee the Plan Subcommittee recommends asking for an additional 30 days to respond in order to address the plan review in public hearing at the January Harbor Safety Committee meeting at the Port of Oakland.

11. The plan review cites that Harbor Safety Plan is thorough, noting that the description is complete. The sections on tug escorts and pilotage are still in process and additional work is needed on project funding and competitive aspects. The administrators Plan Review further states that the committee should look at all recommendations in the plan and identify the party or parties responsible. For example, if VTS should become mandatory, who, how, where will implementation be affected. M. Croce added that costs and methods of funding recommendations should also be addressed. J. Lundstrom stated that, A. Notthoff, will contact all subcommittee chairs when she returns to the Bay Area, to begin working on this task of identification. She further noted that all subcommittees set up a schedule of meetings and items to be addressed, particularly those subcommittee working on enforcement, competitive aspects, project funding and pilotage.

12. TUG ESCORT SUB-COMMITTEE; R. Peters up-dated the committee on the recent work of the subcommittee. On 10/28 the draft permanent tug escort guidelines were distributed to all HARBOR SAFETY COMMITTEE members and the known interested public. A workshop was held 11/5 to receive public comment on the draft. 50 or more people attended this meeting which lasted through the morning and was very productive. Written comments were also received during the week. During the week of 11/9 P. Moloney worked to identify the 48 or so different items that have been brought to light through written and oral comments. These items are being translated into bullets and sorted by topic. P. Moloney will then prepare a draft response for review by the subcommittee next week. The subcommittee will then identify those items which have already been addressed, those which should be incorporated into the plan and those which will not be incorporated, giving the reason. The week of 11-23 will be distributed the bullet list with committee comments and work will be done to incorporate additional items into the draft guideline text. The week of 12-7 the subcommittee guidelines will be distributed for discussion at the full HARBOR SAFETY COMMITTEE meeting 12-10. R. Peters expressed concern that the thought process of this committee is not coincident with what is going on at the state level. B. Leland reported that OSPR is awaiting something on the permanent tug escort guidelines before acting on the interim guidelines. R. Dunstan was asked to provide clarification.

13.R. Dunstan stated that taking the interim guidelines and drafting regulations is more difficult than anticipated. The work is now 99% done. There are no significant divergence's from what this committee has recommended but there have been some changes made so the regulations will be consistent with administrative policy. There has also been some incorporation of public comment. R. Dunstan will bring a working draft back to the full committee. The administrator may disagree with what is recommended by the HARBOR SAFETY COMMITTEE but that won't happen without the administrator consulting the committee. R. Dunstan stated that the regulatory process is neither efficient nor quick. The interim guidelines will be followed by interim guidelines with modifications and the final guidelines. The regulations package developed for interim guidelines

may be overtaken by final regulations. He added that it is hard to make changes in regulations once they are in place that are more restrictive. It is easier to go to more lenient regulations.

14. R. Peters stated that this is exactly his concern. The committee had recommendations this summer and the state has still not done anything with them. R. Dunstan responded that the Interim Guidelines raised unexpected questions. R. Peters stated that the Interim Guidelines are part of the plan and asked if these concerns are included in the Plan review so the committee can understand where the state stands. R. Dunstan responded that these issues will be addressed when the administration sends draft regulations for tug escorts to the full committee.

15 R. Peters stated that it is hard to keep a team motivated when there has been no apparent progress. He wondered if the committee should continue its work. M. Croce suggested the subcommittee say it won't do any more until the interim regulations are in effect. B. Heneman said he sees two problems. The regulatory process has more obstacles and is taking longer than anticipated. The framers of SB2040 wanted something on tug escorts as soon as possible. The success of developing permanent guidelines is a result of the quality of the subcommittee's work in developing Interim Guidelines and that is why the process for permanent guidelines is overtaking that for interim regulations.

16. R. Dunstan seconded B. Heneman's appraisal of the situation and added that since the regulatory process takes 6 months, permanent regulations can overtake interim regulations in process. OSPR went ahead with the interim guidelines because of statutory requirements. It is because the subcommittee has gone ahead so quickly with its work that the overlap may happen. He asked if it would help if the committee could see OSPR's draft next week. R. Peters responded that whatever can be done to show an end to the tunnel will be helpful. He asked how one administrative process can overtake another when the two are ruled by the same timeline. He would like to see something on OSPR letterhead showing the end result in regulation form and a recommendation for voluntary compliance. He asked if the trigger for requesting voluntary compliance had been met yet. OSPR had wanted a public hearing before requesting voluntary compliance. That has happened.

17. M. Goebel noted that the original mission was to get as much as possible into the plan. The committee is focusing on only one chapter of SB2040. OSPR must address several. R. Dunstan agreed and noted that the most significant work of OSPR to date is the 113 page contingency plan regulations. M. Goebel asked what percentage of OSPR's effort was related to Harbor Safety Committees, !0%? R. Dunstan stated that in terms of staff resources, it is more like 3%-5%.

18. A. Thomas added that it is always a shock for those who have not dealt with the state to confront the cumbersomeness of the regulatory process. J. Lundstrom stated that the subcommittee should not feel discouraged. The issue of tug escort is one of the most important issues addressed by the HSC. By fully considering all aspects and taking a critical look at every element the subcommittee has developed recommendations that will stand up to the regulatory process. The real focus is final regulations. The process has been good as has been the public input. The subcommittee is fulfilling the responsibility it was assigned.

19. J. Macaulay asked when the state could commit to asking for voluntary compliance with the interim guidelines and the committee agrees with the changes. R. Dunstan responded that the draft would be distributed in mid-November. If the full committee gets back to OSPR after the December full committee meeting then that would be the appropriated time to ask for voluntary compliance. J. Macaulay asked if the administrator has been a party to discussions to this end. R. Dunstan answered yes.

20. A. Thomas stated that R. Dunstan is saying what the Chair had assumed from the beginning. The sub-committee should not be discouraged. The end product, tug escort guidelines, will be a good one. One the Bay Area can live with for a long time.

21. The Chair recessed the meeting for a 10 minute break and then the meeting was reconvened.

22. The Chair noted that, considering the difficulty J. Mes is having on completing the work of his subcommittee due to the pressures of his work schedule, the sub-committee will be broken into two sub-committees. J. Mes will chair the sub-committee on enforcement. J. Gosling represented today by his alternate L. Korwatch, will chair the sub-committee on competitive aspects.

23. BRIDGE MANAGEMENT SUB-COMMITTEE: M. Goebel noted that chair, D. Koops, is away on company business. He thanked J. Lundstrom for her assistance to the committee. The Bridge Management Sub-Committee made two recommendations that were included in the Harbor Safety Plan that the sub-committee has been working on to further implementation. The first recommendation was for placement of a racon on the Golden Gate Bridge. D. Koops has written a letter to Caltrans inquiring about the cost of such a racon. The Golden Gate Bridge is one of the far bridges that doesn't have a racon. The chief engineers at Caltrans has been very receptive to the idea and will follow-up with the help of the HARBOR SAFETY COMMITTEE and the San Francisco Bar Pilots.

24. The second recommendation was to place racons on the Bay Bridge. This request was made to Caltrans and three racons were included in the Caltrans budget. The issue at hand is the placement of the three racons. Currently they are planned for placement at the C-D, D-E and G-H (east of Treasure Island) spans. The recommendation in the Harbor Safety Plan is at variance with this proposed placement. Rather than the G-H span, the plan recommends placement of the third racon on the A-B span (the western-most span of the bridge). Caltrans met with the Coast Guard and the pilots. Caltrans is under contract and hopes to install the three racons by the end of January. They will consider placing a fourth at the A-B span later but are now bound by contract to the C-D, D-E, G-H placements.

25. A. Thomas stated C. Bowler, his alternate to the HARBOR SAFETY COMMITTEE and chairman of the San Francisco Bar Pilots Navigation Committee, has been negotiating with the Coast Guard and the Navy to recommend addition of the fourth A-B racon. It is his opinion that the best benefits to all would result from Caltrans moving forward as contracted, then work to add the fourth racon, rather than hold up placement while the issue is re-hashed. M. Croce asked what the cost of a racon is. J. Lundstrom responded $120,000 including installation. If takes 1-2 years to effect placement. Caltrans will need significant justification which J. Lundstrom believes exists since protecting the bridge is a priority of Caltrans.

26. M. Goebel asked whether tankers generally use the A-B or G-H span for transits. A. Thomas responded that the G-H span is unused by self-propelled vessels. It is used mostly by barges, tug traffic, the Navy and some Coast Guard vessels. He added that there are no racons on the Bay Bridge at this time. Leading mark buoys are used at the front of the bridge towers. A racon is preferable because it points out the precise center of a span. The D-E span is closest to Yerba Buena Island and C-D is the next span over, coming in the direction of San Francisco. The larger vessels use these two spans and having racons on them will double safety on the bay at these places of transit. T. Rose noted that the Navy doesn't need to use the G-H span and he should support going forward with a racon on A-B span. Coast Guard representatives added that the Coast Guard will go back to Caltrans and recommend placement of the third racon on A-B rather than G-H. J. Macaulay added that, from a tug and barge point of view, there is more traffic east of Yerba

Buena Island. A. Krygsman and R. Peters both stated agreement that the HARBOR SAFETY COMMITTEE stay with its recommendation for. The Chair expressed the opinion that the committee should do nothing that would delay placement of racons on the C-D and D-E spans. J. Lundstrom stated that if the committee so votes, Caltrans will immediately meet with the Coast Guard and pilots on the issue of racon placement on the A-B span. The committee voted unanimously to recommend and support placement of a racon on the A-B span.

27. CAPTAIN OF THE PORT'S REPORT: M. Steingilber stated that M. McDonald is hosting a mini-industry day on Coast Guard Island regarding the work of port operations. There have been no major accidents since the last HARBOR SAFETY COMMITTEE meeting, but there have been a number of small spills, 58 reported. They ranged from one gallon to several hundred gallons. Of the 58, 13 were cleaned up. On 10-21 a leak from the storm drain was reported in the Oakland Estuary. The source was unknown and the Port of Oakland took responsibility for the clean-up. 3,000 gallons were collected. They turned to EPA as a funding source and for soils clean-up. Area Committee meeting, under OPA 90, have been scheduled and letters of invitation have gone out. The local meeting will be held on 11-19 at Coast Guard Island at 1300 to discuss oil spill responsibility planning. Other committee meetings are scheduled for Humbolt Bay on 12-9 and Monterey on 12-15.

28. M. Croce noted that none of the 58 spills came from tankers.

29. R. Dunstan reported that OSPR has put out draft regulations on bunkers and lightering for public comment.

30. A representative from the State Land Commission reported on several minor spills responded to by the commission.

31. Unfinished business. None.

32. New Business. Alternates for J. Macaulay, Bob Clinton, and For M. Brown, Bob Hoffman, were sworn in before the meeting today.

33. T. Hunter stated that the next full HARBOR SAFETY COMMITTEE meeting will be held Thursday, 12-10, at 0930 at the Marina Bay Boathouse, Port of Richmond.

34. It was moved by J. Faber and seconded by M. Goebel to adjourn the meeting. Meeting was adjourned at 11:10.

Respectfully submitted,

Terry Hunter

Terry Hunter
Executive Secretary