

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

10:00 a.m., Thursday, November 9, 1995

Port of San Francisco Board Room, Ferry Building, San Francisco , CA

1. The public meeting was called to order by Chair, Arthur Thomas, San Francisco Bar Pilots, at 10:20. The following committee members or alternates were in attendance: James Faber, Port of Richmond; Charles Mitchell, Port of San Francisco; Margot Brown, National Boating Federation; Joan Lundstrom, San Francisco Bay Conservation and Development Commission; Anne Nothoff, Natural Resources Defense Counsel (alternate for Marci Glazer); Dwight Kooops, SeaRiver Maritime; Michael Nerney, Inchcape Shipping Services; Roger Peters, Member at Large; U. S. Coast Guard representatives, Capt. Donald Montoro (MSO); U. S. Navy representative Robert Mattson; OSPR representatives Bud Leland and Marian Ashe. Also in attendance, more than twenty-five representatives of the interested public.

2. T. Hunter, Marine Exchange, confirmed that a quorum was present.

3. **MINUTES OF PREVIOUS MEETING.** M. Brown noted a correction to the minutes of 9-14-95 on page 3, second line from the bottom. The statement should read that "personal property tax on boats" is being diverted, not registration fees. MOTION by J. Lundstrom, seconded by J. Faber, "to approve the minutes as corrected." Motion passed without objection.

In opening remarks, A. Thomas noted that the meeting for December will remain on the schedule in case the TES finds differences between the HSC tug escort guidelines that were forwarded to OSPR and the regulatory language which has come back from the State. If there are no major differences for the full HSC to address the MX will advise the cancellation of the meeting.

4. **COAST GUARD REPORT.** Captain D. Montoro. (1) D. Montoro's report, which is made a part of these minutes, indicated that there were 41 pollution reports in September and 30 in October; two of which were federalized. On 10-26-95 a pipe was ruptured during the unearthing of underground tanks in Richmond, resulting in the release of 400 gallons of oil into the bay. (2) Sub-Standard Vessel Inspection Program. During September/October nine vessels were subject to control, five to SOLAS intervention. (3) The SPIRIT OF ALASKA grounded on a submerged vessel in the San Joaquin River. (4) A seminar on "Prevention through People" is scheduled for 12-5-95 in Washington, D.C. An industry partnership is being formed to address the fact that 75% of casualties are human error related.

5. **CLEARINGHOUSE REPORT,** A. Steinbrugge. (1) There were no irregularities reported to OSPR during September or October. (2) Shipping dropped during August/September, but was coming back up in October. The effect of the Alaskan oil export ban on San Francisco has not been determined yet.

6. **OSPR REPORT,** B. Leland. (1) SB 423 (Marks), which provided for mandatory state pilotage, had the support of OSPR. The bill was vetoed by the Governor in response to opposition from Finance and Boating and Waterways directed at marina dredging provisions. AB 1119 (Kuykendall), which also provides for mandatory state pilotage and has OSPR support, has become a two year bill. The language is going back to the ports to address issues of concern and get a consensus. (2) OSPR has received Coast Guard headquarters' analysis of the statewide proposal for mandatory state pilotage. Unless a state license is involved, the Coast Guard would not recognize the program as state-mandated. (3) The Administrator's pilotage evaluation is still in executive shop and is due any time. (4) Draft regulatory language for the tank

vessel escort program has been signed off on by the Administrator without any changes. (5) OSPR is working on a contract to support PORTS in San Francisco Bay. Draft language should be ready for the Seattle office of NOAA by the end of the week. OSPR would fund \$50,000 per year, for two years, for a communications package. (6) Regarding the Harbor Safety Plan, OSPR will revise the implementation plan and have it back to the HSC for the January meeting.

(7) Two Best Achievable Protection Committees have been appointed by the Administrator, one to look at vessels and the other to address marine facilities. Both committees are working on a draft analysis for the Administrator by the end of the year, looking at what's available in order to develop regulations. There is a substantial body of regulations. The major shortfall is in implementation, oversight and enforcement. A. Nothoff asked if HSC's have been formally contacted to participate in this process. B. Leland responded that they had not, but members of the various HSC's do sit on the two committees. The Chair concurred with A. Nothoff that the HSC's would like input for their respective areas, i.e., a presentation of their report from each of the Best Achievable Protection Committees for review prior to their submission to the Administrator. B. Leland stated that he will carry this request to Barbara Foster (vessels), Dave Blurton (marine facilities), and Bob Sands, who has overall oversight. (8) OSPR will publish a notification of hearings scheduled to address AB 1119 issues to everyone on the pilotage mailing list. Anyone who would like to be added to the list should so advise him.

(9) Helen Carr, Department of Fish and Game, Enforcement, returned with answers to questions asked at the 9-14-95 HSC meeting regarding policy for violations of tug escort regulations. The statistics are available for 1993/1994. There were 12 violations during that period and three since. Most of these violations involve a failure to notify on the part of pilots. For the most part, the tugs have called in. In the event of a reporting violation, letters of warning are issued to the owner and master of the vessel. If the violation were to be more severe, i.e., inadequate tug or crewing, it would be treated on a case-by-case basis to determine civil or criminal liability. The maximum fine has been established at \$100,000 but no fee schedule has been developed yet. J. Lundstrom stated that the issue for industry is the equitable treatment of all. She asked if the HSC could be notified when a penalty is considered or issued. B. Leland directed her to Larry Kirsch of Fish and Game Enforcement for that information. Ideally, the HSC would receive a summary of adjudication of cases on an annual basis. (10) Draft tug escort regulatory language is available today for committee members and the interested public.

7. PORTS SUB-COMMITTEE, Tom Richards, NOAA. (1) T. Richards introduced NOS Administrator, Stanley Wilson, whose vision resulted in the NOS-SF demo project; Project Manager, Dave Kennedy; and Local Project Manager, Scott Stoltz, who will be relieving Jim Morris who is being transferred to San Diego. This group will be meeting with SF Bay users later this afternoon. (2) With the help of the Coast Guard and the BUTTWOOD, two current sensors have been placed, one each in Oakland Outer Harbor and Richmond Outer Harbor. The sensors are in and the cable laid, but they have not been hooked up to real time yet. The placement of the Golden Gate sensor will be the most challenging. 2 miles of cable will be run in 300' of water, with fast currents, after the first of the year. (3) On 12-7-95 a Human Factors Forum will be held in Seattle by the California HSC's Washington State counterpart, SMART, Safe Marine Transportation. (4) R. Peters noted that the HSC recommended that the State of California endorse the MIT study to calculate various areas of risk and asked the status of that effort. T. Richards responded that a group, with representatives from the Waterways Experimental Group, the Coast Guard Research and

from the state legislature. The HSC asks that the committee be informed by OSPR of proposed legislation to broaden the scope of the committee's mandate.

(4) Should the TES assign further review of waterway-specific navigational maneuvers to a technical piloting committee, monitor OSPR hearings and respond to questions and changes recommended by OSPR? R. Peters stated that the HSC has approved recommendations. The TES is an inappropriate forum group to address specific waterways. The Chair of the HSC should appoint a specialized group to look at this issue, to include D. Montoro. D. Montoro suggested watching how the regulations play out and plans evolve as companies try to implement regulations. It will be good to have a mechanism to review and provide technical information to OSPR regarding standard operating procedures on the bay. The Chair will appoint a Technical Pilotage Sub-Committee.

(5) Should the HSC address the fact that Congress has proposed a number of substantive changes to NOAA which might curtail the ability of the agency to update navigational charts and modernize charting? It was a recommendation included in the first Harbor Safety Plan that NOAA update charts in a timely manner. Since then, the climate has changed. D. Koops recommends sending a letter to NOAA to clarify the HSC's position. Dr. S. Wilson stated that NOAA would appreciate any such correspondence. The Chrysler bill would put responsibility for charting with U. S. Geology. The importance of the demo project on the bay lies in demonstrating the need for updated information. Charting is a timely issue now and is being addressed in Conference Committee. S. Wilson suggests that a letter in support of NOAA would be more effective if it were addressed directly to the Secretary of the Department of Commerce emphasizing the importance of charts to the commercial economy and safety of maritime transportation. A. Nothoff noted that Peter Graves, Chair of the state level Technical Advisory Committee has drafted a letter to that end.

(6) Should the HSC have a role in the process involving Caltrans' intentions to begin seismic retrofitting of the Bay Bridge, San Mateo-Hayward Bridge and Benicia-Martinez Bridges or mainly be informed? The Coast Guard is participating with Caltrans in the project planning stage to minimize disruption to vessel traffic. D. Montoro reported that meetings have begun with members of industry, the pilots and the Coast Guard. The HSC will be kept informed.

(7) Should the HSC pursue the removal of underwater rocks off Alcatraz? The US Army Corps of Engineers has determined that the project does not meet their cost benefit criteria. Should the HSC look for a sponsor for the project? It was a consensus of the committee that this is a critical issue. D. Montoro stated that the Corps' methodology must be changed so they look at damage potential versus cost benefit. This must be done on a legislative level. Congressional representatives would be a better place to direct initiative.

(8) Should the HSC analyze proposals to make approach to the bay safer? The Draft Coastal Protection Review recommends looking at this issue. Discussion as to whether this issue is within the purview of the HSC. The Coast Guard, IMO, and the State of California are looking at this issue. B. Leland noted that OSPR would want the expertise and counsel of this committee, industry and the pilots in looking at routing issues. A USCG representative noted that Coast Guard 11th District Aids to Navigation recommends rotating the south lane out a little bit to reduce proximity to the coastline. D. Montoro stated that this recommendation has not come on a formal level and the statement is premature. The Chair noted that the Coast Guard recommends international traffic lane changes to IMO for action. M. Nerney questioned

Development Laboratory, the Woodshole Oceanographic Institute and MIT, will be visiting the SF Bay Area on 1-24-96 to get an understanding of the complexity of navigation on these waters. It is intended that there will be one large gathering on Wednesday, 1-24-95, to kick off the visit, and then several smaller meetings on Thursday and Friday. The project is funded by a NOAA Sea Grant and the USCG. Areas to be included in the complete study include San Francisco, Tampa Bay, NY and the Gulf of Mexico.

8. PLAN REVIEW SUB-COMMITTEE, J. Lundstrom. A discussion of possible issues for consideration by the HSC in the next year was initiated in the context of a memo drafted to the HSC by J. Lundstrom.

(1) Navigation Areas. Should the HSC re-examine designated explosive areas and recommend timely changes to navigational charts in the wake of the withdrawal of the US Navy from the Bay? D. Montoro stated that the USCG MSO is looking at changes to anchorages 12 and 14. This will be handled through the federal rule making process. It was the consensus of committee members that the issue should be addressed by the USCG, through D. Montoro. A report will be presented to the HSC. Discussion of whether or not activity in anchorages is within the HSC's purview. It was agreed that such activity impacts all vessel traffic, including tankers.

(2a) Should the HSC address the fact that no agency has clear authority to resolve conflicting uses of the Bay when recreational sail boat and kayak races and wind surfers cross busy shipping lanes? D. Montoro stated that the USCG has a lot of authority in directing the movement of vessels through Regulated Navigational Areas and the Rules of the Road, but local authorities need to address local issues and problems. The Coast Guard cannot establish speed limits around marinas. D. Koops added that industry looks to the Coast Guard for assistance when there are navigational conflicts involving shipping lanes. D. Montoro stated that the USCG would like local jurisdictions/agencies to control wind surfers through local ordinances. The USCG does not have the resources to police the entire bay until after-the-fact, i.e., in the event of an accident. Unfortunately, San Francisco Bay does not have a single local authority, as in Southern California ports. M. Brown noted that new federal regulations are coming out now, to be effective in February, 1996, that will result in a complete re-working of the Coast Guard Auxiliary statutes. Local law enforcement officers will have the authority to ride on Coast Guard Auxiliary vessels and issue citations or make arrests. The program does not provide for mandatory cooperation of auxiliary vessels. The problem is that it is not easy to establish where jurisdictional boundaries are within the bay. D. Montoro emphasized that the risk is to the small boater, not the tanker. D. Koops stated that it has helped to report unsafe boaters to their local club.

(2b) Should the Vehicular Bridge Management/Small Boat Sub-Committee follow-up on the recommendations it has made, particularly those regarding recreational boaters? K. Koops responded that the gauntlet has gone to OSPR. The sub-committee will audit and follow-up through OSPR.

(3) Escort Tugs for Vessels Carrying Hazardous Materials. Should escort tugs be required for vessels carrying hazardous materials and explosives? M. Brown stated that there is a difference between the broad Harbor Safety Committee that existed on the bay prior to the implementation of SB 2040 and this committee that was mandated by that legislation. B. Leland confirmed that SB 2040 created OSPR to address petroleum based liquid products only. OSPR is looking on a broader basis and may seek an amendment to statute to include other materials. The consensus of the committee is to wait for direction

whether a danger and need for change has been demonstrated. R. Peters requested a presentation by those with proposed approach lane changes, including reasons why such changes are warranted by safety concerns. The Chair stated that the HSC should look at what's going on through the formation of a sub-committee. C. Bowler added that there has been a response to proposed changes by professional mariners. B. Leland stated that OSPR can provide a summary of the Coastal Protection Review regarding this issue. The Administrator, P. Bontadelli, may attend the January HSC meeting and can address this.

J. Lundstrom asked for any other issues from the floor. R. Peters asked about the effort to bring consistency and conformity to LA/LB and SF tug escort regulations. M. Ashe responded that OSPR has been recently looking at fundamental ways to bring consistency without changing the substance of regulations which are tailored to port specific issues. The consistency will come, as much as possible, through decisions regarding common format, style, terminology and definitions.

9. UNFINISHED BUSINESS: R. Peters noted that the State has completed draft regulations pursuant to this committee's guidelines. The TES will review those regulations at a public meeting on 11-21-95 at the Pier 9 Pilot Station at 1000. The format will be workshop oriented with a focus on detail. Depending on the results of that meeting, additional meetings may be scheduled if needed. If the TES finds areas of inconsistency with the guidelines, they will be brought back to the full HSC.

10. NEW BUSINESS: (1) C. Bowler reported on an on-going SFBP project to evaluate and develop portable pilot units for electronic chart positioning. The prototype demonstration was exciting and the SFBP should have a working unit within a month. In addition to this SFBP does need updated paper charts. NOAA is involved in developing data for electronic charts. Two vendors are putting data into the pilot boats and portable units in a vector and raster chart format to develop a hybrid vector chart so Corps of Engineers surveys can be used to get charts with water depths and positions. There will be both safety and economic benefits in utilizing channel depth without compromising safety. He asks that the HSC, other agencies and individuals support these efforts. (2) A. Nothoff will submit a copy of the report from the State Oil Spill Technical Advisory Committee to the Governor to the HSC. Additional copies are available from OSPR. The MX will see that committee members get a copy by mail.

11. NEXT MEETING. The next meeting will be held on Thursday, 12-14-95, at 10:0 a.m. at the Marina Bay Boathouse, Port of Richmond.

12. MOTION to adjourn by R. Peters, seconded by M. Brown. Meeting adjourned at 12:05 without objection.

Respectfully submitted,



Terry Hunter
Executive Secretary