

**-Draft-**  
**SAN DIEGO HARBOR SAFETY COMMITTEE**  
**Full Committee Meeting**

DATE: January 23, 2008  
TIME: 10:00 AM- 12:00 PM  
PLACE: **Port District of San Diego**  
**Administration Building**  
3165 Pacific Highway, San Diego, CA 92101  
*First Floor Training Room*

***Minutes***

**I. Introductions**

Voting Members: *Mr. Sterling Stires, Mr. Gary White, Mr. Marc Schouwe, Mr. Jim Peugh, Capt. Mark Taylor, Capt. Rich Goben, Ms. Robin Blanchfield, Mr. Stephen Frailey*

Non-Voting Liaisons and Visitors: *Ms. Danielle Miller, Mr. Jack Prescott, Mr. Ken Guyer, Mr. Ed Brooks, Mr. Travis Jackson, Mr. Gerald Borjeson, Mr Bruce Cummings, LCDR Drew Cheney, Mr. Josh Gaylord, Mr. Gerry Wheaton, Mr. Jose C. Caballero*

**II. Agenda Review**

- a. No changes.

**III. Minute Review: November 14, 2007**

- a. Motion to approve the minutes, Marc Shouwe. Second, Rich Goben  
*Yea -8, Nay - 0- Motion carries*

**IV. Unusual/Near Miss Incidents**

- a. **Mr. Jack Prescott:** There was an issue with a naval vessel a few weeks ago that made a course change outbound. There was a yacht carrier with a bunker barge alongside taking bunkers to the vessel; evidently there was miscommunication on the bridge. They thought that they talking to that vessel but were actually talking to another vessel. The naval vessel veered out of the channel and there was a potential issue.
- b. **Mr. Travis Jackson:** He was there on the bunker barge. There was a tboat, sportfishing vessel, the New Orleans, which also crossed the bow. The New Orleans sounded 5 short blasts while the sport boat was crossing its bow. It didn't leave the channel, instead went around the bunker barge.

**V. USCG, San Diego Sector Update - LCDR Drew Cheney**

- a. **LCDR Drew Cheney:** In light of the recent heavy weather, this issue was brought up across all the different Ports and the District Admiral was querying the different Port zones about heavy weather plans, and if there were any heavy weather plans in the Harbor Safety Plans. It was more aimed at San Francisco because they get hit hardest with weather and also came on the coat-tail of wanting extra responsiveness due to the Costco Buscan response. He got questioned by the district office concerning heavy weather. He told them that of all the Ports, San Diego is probably the least of their concerns. It was addressed

that the committee may want to have something in the Harbor Safety Plan related to this issue. When talking about heavy weather we are mainly talking about winds and the sea state. He is just bringing this up because it was a question from his Admiral. In his opinion if we modeled our heavy weather plan after the San Francisco or Seattle Plan we would probably never get to the point where they do when they shut down but if we tailor it to San Diego's weather conditions it may be too restrictive. The main point of his response was that we are on top of it, they have good relationships across the board and our heavy weather isn't the same as San Francisco.

- b. **Mr. Jack Prescott:** He can see where addressing something like this in the Best Maritime Practices (BMP) would fit.
- c. **Ms. Robin Blanchfield:** Gerry Wheaton and she were at the San Francisco Harbor Safety Committee meeting when this was being discussed. The USCG brought it up because we just had the hurricane storm up there and they were surprised that there wasn't an inclement weather plan within the Coast Guard. It falls in very nicely with what OSPR has tasked the committee's with this year to develop BMP's. It will really be different depending on the Port that you're in but to take the considerations such as vessel traffic, reduced visibility, high winds or strong currents and to look at broad ranged issues and how it may apply via port. The private companies already have many of their own standards that they use but it is to coalesce what is being done in the private sector into a common place such as the Harbor Safety Plan or depending on the USCG for that. It's not to put it into a plan to make a regulation but to use the protocols that the private industries already have in place to use as a guide.
- d. **Mr. Jim Peugh:** There are people who come from other countries who need some kind of heavy weather regulations. We don't have heavy weather all the time but at times we do and it is a safety issue not to have any regulations.
- e. **Capt. Rich Goblen:** He likes the wording of best practices. I don't think we need to be over regulated. We are very careful; we watch the weather and see the forecast. Nine months of the year our company is in the bay and three months of the year we are offshore and that is what we are the most concerned about. We have to use our own controls, not only for insurance but for lawsuits, etc and we have to be extremely careful but often what you hear on the news isn't the reality for what we are doing. It's a decision we have to make everyday but the reality is when the small craft warnings comes out it scares people and it's causes Hornblower's to loose business even when the weather offshore is fine for them to go out in. Best practices are great and it give them something to work with but ultimately they are responsible for what goes on out there and he would like to keep it that way.
- f. **Mr. Gerry Wheaton:** One of the things NOAA is doing with the San Francisco Harbor Safety Committee and he plans on bringing to the San Diego Committee is working with the National Weather Service to look at possible weather conditions noted in the Coast Pilot. Because of the Admirals request we are also going to add possible case scenarios. We are starting with San Francisco and working down the coast. That information can be used in your Harbor Safety Plans and used for your BMP's. Here in San Diego we can be impacted by the storms off of Mexico that move further north. San Francisco used PORTS information for off loading oil from the ships into their refineries. There are various things out there that may be useful to the San Diego Harbor Safety Committee. There is the Coastal Data Information Program (CDIP) on the web site of Scripps Institute that may be

useful to San Diego. Tsunami are another aspect but aren't something that is worried about too much in San Diego. In Los Angeles/Long Beach area there is a slump zone and if the sediment moves down could see a huge tsunami.

- g. **LCDR Drew Cheney:** A month or two ago, it started with one sailboat anchoring east of Zuniga Jetty in the shoal area. A man had bought it at a shelter island marina. He's not exactly sure of the whole story but the man was on the boat and they had moved to the transit dock of the Harbor Police, when he showed his ID they found out he was wanted in the state of Colorado for domestic violence. His girlfriend took the boat and anchored it at the jetty. The man's in jail. In the mean time three other boats showed up. The USCG is trying to figure out if they need regulatory steps to make uninformed people not anchor there, it doesn't have any signage for no anchoring at this time. The first boat drug anchor and ended up on beach on Navy property and they took care of it. He visited a guy on board the other boats, he bought the two that were anchored together and he asked him to move. Since then he hasn't seen anymore anchoring there but his command asked him to look into doing something to make it more restrictive to being in there. If in passing you get information about people anchoring there give him a call or shoot him an email.
- h. **LCDR Drew Cheney:** The Festival of Sail Tall Ships is scheduled to take place on August 20th through the 24th. There have been a couple of meetings concerning this event. He still doesn't know if it will be designated a marine event of national significance. The first US Port is Tacoma and San Diego would be the last US Port. How big it will be is still being determined. We have a good confirmation that the USCG Eagle is most likely coming in at that time.
- i. **LCDR Drew Cheney:** They are still looking at Transportation Worker Identification Credential (TWIC) enrollment center being set up here sometime between now and April. The latest word across the board is that enrollments have gone really well with wait time around 10 minutes or so in open centers. USCG is getting weekly updates on open enrollments and when the next Ports will be opening. The TSA is the lead on the enrollment phase and the USCG's role is going out once it is established in the Ports and enforcing cards. If anyone needs information contact Drew Cheney. An announcement will be made at homeport when enrollment begins.
- j. **Mr. Mark Taylor:** The Red Bull Air Race may be in San Diego the weekend of May third and fourth. The preliminaries will be on Saturday and the finals will be on Sunday. In addition, there are plans to host the Air and Sea Parade on May third. There are a lot of concerns about traffic congestion downtown. There is a meeting at 1pm today and they are looking to form a committee of representatives. If successful this time around, they are looking to sign a three year contract and it can then be moved back to the fall. The City is getting involved. It will be a lot bigger of an event this time around. The planes will be coming out of North Island.

## **VI. NOAA Update – Mr. Gerry Wheaton**

- a. New coast pilot 7 is out. It is available from your chart agency.

## **VII. Harbor Safety Plan Best Maritime Practices –Mr. Jack Prescott**

- a. Looking to form a working group to come up with the BMP's. This is the tasking for our 2008 updates for the Harbor Safety Plan. Examples of the Los Angeles/Long Beach BMP's were passed out to the committee and they aren't labeled BMP's.

- b. **Mr. Sterling Stires:** Concerned that we establishing a legal standard of care. It's such a wide-range and exactly what conduct are we looking at in quasi regulating. Statue of limitation came out in 1851 called the Limitation of Ship Owners Liability Act. It limits the liability of the vessel to the accessed value of the vessel. Claimants can undo the limitation by saying that a regulation was violated. If there are specific standards of care that can be cited and proven to be violated they can undo the limitation. There are already standards of care that are established industry-wide, not necessarily for San Diego. Is our task to identify all of that and put it into BMP's or do we need to just identify and establish things that are particular to San Diego? We need to know what the scope is, scope should be defined. He would be happy to help out when it comes to putting this all together.
- c. **Mr. Gerry Wheaton:** The Costco Buscan cited the BMP's out of the San Francisco Harbor Safety Plan. Even though it isn't a legal document it was cited as part of the reason that the pilot was suspended. Can we use as a side bar the standard of care to instill all the legal requirements these people have to go to.
- d. **Ms. Robin Blanchfield:** The results aren't known over the Costco Buscan case but the BMP's can also be used as an insurance coverage settlement. In San Francisco and Los Angeles they have evolved over the years. They are not called BMP's in their Harbor Safety Plans. She will email the links to other California Ports Standards of Care. She volunteers to be in the working group to help write it and pull it together.
- e. **Mr. Jack Prescott:** The BMP's should be particular to San Diego the way he interprets it. There are some similarities from Port to Port. One of the major issues we have in San Diego is naval vessels interacting with commercial and recreational vessels. We don't have a centralized communications system here in San Diego. Security Zones were also brought up at this committee before. Time frame would to have complete to vote on in May and make any necessary changes. The 2008 Harbor Safety Plans need to have BMP's in them. He will ask there legal department about the legality of this document.
- f. **Mr. Ed Brooks:** He would like to be involved in the working group.
- g. **Capt. Travis Jackson:** He volunteers to be part of the working group.
- h. **Mr. Steve Frailey:** Probably going to need every voting member to be involved because everyone covers a different part of the bay.
- i. **Mr. Ken Guyer:** Once we identify what we need to say we can reference it back to another document. We aren't assuming liability because we are not writing the rules. Use the BMP's as a reference guide.
- j. **Ms. Robin Blanchfield:** In Los Angeles the working group meets every month but on the months when there is a meeting we should piggy back the working group meeting onto that. She thinks that we need to meet more than after the regular meetings to get it finished. You can just start out with a list or do scenarios for bad weather to start. She will look for a template. There are many BMP's already practiced by companies in the bay but need to look at this as help from vessels coming in from outside. It's not to recreate and not to make things more onerous, but to take what's already practiced in the bay and put it in the document so all information is in one place.
- k. **Mr. Prescott:** We will take on the underkeel clearance as one of the BMP issues. Next meeting will be Wednesday, February 13 from 9am-11am. A notice will be sent out when the location is determined. Wednesday, April 9 from 9am-11am. March will be our regular committee meeting, and then we will meet at 1pm for the working group meeting.

1. **Mr. Mark Taylor:** There are other conference rooms down at the 10th Street Terminal and also there are small conference rooms in the Port building that we can use for sub-committee meetings.

## **VIII. Review SAC Letter**

- a. Jack will follow up with Jeff Bentley regarding the SAC letter.

## **IX. Sub-Committee Reports**

Education:

- a. **Mr. Mark Taylor:** The National City Marina was supposed to open at end of this month; they have been having a lot of construction problems. Looks like it will be opening March or April. They sold all the slips – 250. The Port is working with a photographer to create a power point presentation to cover all the happenings of the marina, once that is finished they will have all the tenants in a meeting, give the power point and talk to the boaters about the marina. Anyone from the committee is welcome to join. They will be posting the ships schedule on the marina. Once we get the program down there we can start focusing on the bay.
- b. **Mr. Jim Peugh:** The port is supposed to implement a mitigation for a 5mph zone south of sweet water river. Mark will find out about this. The marina channel is narrow enough to have an LED sign for those entering and leaving so the know what is going on in the channel.
- c. **Mr. Mark Taylor:** Working on Mariners Guidebook here for the Port of San Diego. They already exist in Los Angeles/Long Beach Port. It's about a 60 page guide. Ed and I have been working on putting it together. Looks like we are going to get funding from the Port. The Marketing Department is volunteering to help put it together. They will get a draft and then pass out to committee to make edits. For \$8,000 we can get 10,000 booklets. Boat Ramp construction was started this month and won't be finish until May or June.
- d. **Rich Goben:** May suggests a working group to edit before it goes out.
- e. **Jim Peugh:** Suggests having some environmental issues in the booklet.

## **X. Public Comment**

- a. No comment

## **XI. Staff and Liaison Announcements**

- a. **Mr. Mark Taylor:** Capt. Marks sent an email by the Army Corp of Engineers. They are scoping a dredging project right now. It's mainly for the US Navy. If you have any issues regarding the Federal Channel contact the Army Corp of Engineers. Visit the Corp web site. Let Mark Taylor know if you have any issues.
- b. **Mr. Jim Peugh:** Can use the sand from dredging the channel to make habitat for other needed areas such as the Sweetwater Channel.
- c. **Mr. Jack Prescott:** If anyone has any enforcement issues pertaining to small craft pollution contact local warden Gerald Borjeson.

## **XII. Next Meeting**

*Full Committee: Wednesday, March 26, 2008*

**XIII. Adjourned**

- a. Motion to adjourn the meeting, Steve Frailey. Second, Sterling Stires.

*Yea -8, Nay - 0- Motion carries*