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SAN DIEGO HARBOR SAFETY COMMITTEE
Full Committee Meeting Minutes

DATE: July 22, 2009
TIME: 10:00 AM- 11:45 AM
PLACE: **Port District of San Diego**
Administration Building
3165 Pacific Highway, San Diego, CA 92101
First Floor Board Room

I. Introductions

Voting Members: *Mr. Jim Peugh, Mr. Gary White, Capt. Ken Guyer, Capt. Ed Brooks, Capt. Harvey Vallier, Capt. Bill Bartsch, Mr. Bruce Cummings,, Mr. Sterling Stires, Capt. Rich Goben,*

Non-Voting Liaisons and Visitors: *Mr. Paul Patricio, Capt. Josh Gaylord, Mr. Jack Prescott, Mr. Gerry Wheaton, LCDR Michael Dolan, Mr. Scott John, Mr. James Foto, Ms. Taree Hines*

II. Minute Review: May 27, 2009

Motion to approve the minutes: Capt. Ken Guyer.

Second: Mr. Jim Peugh

Yea – 9, Nay – 0, Abstain – 0

Motion Approved.

III. Unusual/Near Miss Incidents

- Dolan: We had a near miss between private sailboat and Navy vessel offshore. Perception of public boaters is that the Navy ships can maneuver as quickly as the yachts, of course, which is wrong.
- Guyer: This issue is not about San Diego, it is coming about in San Francisco, Los Angeles and Long Beach which has to do with high sulfur/low sulfur change-over for the ships. They are noting that they're having problems with the ships shifting from high sulfur to low sulfur they're having troubles with the ships with failures going on as they're coming into the harbor. They're supposed to shift over way ahead of time, but they're still noting problems with the older ships. The Coast Guard is aware of the problems and they are going to have a meeting in San Francisco with the Air Resource Board and bring this to their attention as they're seeing these patterns. I just wanted to bring this information to San Diego indicating they are seeing this and the Coast Guard in bringing this into view.

- Bartsch: We had a situation a few weeks ago when a Dole ship had a leak in a fuel line. I backed out of the slip at 10th Avenue and then we couldn't get in the head zone. We just kept going, drifting toward the bridge. The first anchor couldn't stop it, second anchor kind of did it and with help from the tug boats, we were able to get the ship back onto berth.
- Goben: At the Port, you now have a voluntary speed reduction program in place.
- Cummings: Yes, it's been in effect for a few months and seems to be doing well. They are slowing down 10 miles off shore.
- Goben: There was a private yacht that was lifted off a carrier that broke and the yacht sank, was there any oil related issues with that?
- Cummings: Yes, just a little bit. It did sink, but Vessel Assist came in and towed it out.

IV. USCG, San Diego Sector

- Dolan: While that incident with the yacht seemed fairly straightforward, it could have been a navigational hazard, fortunately the yacht was recovered with little spillage. There was a potential for injury, and it could have been much worse. There was some minor damage to the ship.
- Prescott: Was there an issue with the TWIC card?
- Dolan: No, everyone was concerned it had something to do with the TWIC card, but this had nothing to do with the TWIC.
- Cummings: I was surprised to learn that longshoremen were actually operating the ship's gear. A lot of times when they have to use these things in tandem they'll let the crew operate because they're used to the speeds of the cranes, the maneuvering and all they have to do is have a longshoreman in the crane house with them, and pay them, so they don't actually have to do the work. These things are discussed at pre-ops meetings all the time.
- Prescott: So now the yacht's going to Knight & Carver for refurbishing, right?
- Cummings: Yes, with a very unhappy owner.
- Dolan: We've received a notice from the CARB, and I apologize, I don't have the details, so if you're interested in this, please see me later. The EPA recently announced a proposal to establish ignition control areas in Northern American waters.
- Guyer: Our perception is in these trends is that we in California exceed the Federal anyway.
- Prescott: How far out are we looking at, 3 or 10 miles?
- Dolan: 200 nautical miles from baseline.

- Cummings: I was at a Cruise Industry Advisory Committee (CIAC) meeting yesterday, and it was mentioned that the EPA is now looking at the standards of the Baltic states, which are considerably higher than what we have and they are looking at instituting those standards in the US and Canada.
- Peugh: Why would it affect shorepower?
- Cummings: Well, because the high standards are so stringent, the vessels won't need shorepower.
- Guyer: So you're talking about cold ironing?
- Cummings: I was at a CIAC meeting and they were talking about the EPA changing their standards to meet the Baltic states standards which are considered the highest in the world.
- John: ACOE dredging of San Diego Bay in April has been delayed.
- Wheaton: I recommend you pay close attention to the turning basin near the carriers because it's supposed to be at 50 and our charts show 49 in several places so there are some very upset people.
- Prescott: So the dredging of the main channel you say, is 17 days?
- John: Yes, 17 days. I don't have the exact start date.
- Wheaton: We'd be interested in the surveys.
- Dolan: I took an interview with Jack Innes of the Log, and the subject was restricted areas to the general public. Still waiting to have the Point Loma security zone finished, just waiting for the Federal Register, that will be the final rule that connects the two security zones.
- Dolan: We completed the outload since our last meeting. A large Army operation and that went very good.
- Dolan: I have a big effort going with Mr. Taylor of the Port regarding Quarantine because of swine flu and cruise ships that came back on the radar and we've met with the Centers for Disease Control.

V. NOAA

- Wheaton: I have one chart 18772 which will be coming out in September/October 2009.

VI. OSPR Update

- Prescott: This has to do with our Plan Updates. I circulated a template to Rich and Helen prior to our last vote. It has all the annual review dates and all the listed changes from when the plan was first instituted. I made a proposal to Rich and Helen to look at before we send it out to the full committee. Instead of carrying that stuff perpetually forward because it doesn't mean anything, when we're talking about 1992, to go ahead and

take that and put it in the archives, and from this point forward, utilize our review process throughout the year and when we vote one put that in as a change from the preceding approved plan, so we have that update going throughout the year and then in May, we do a final review on the last statistics we get from the Coast Guard and the Port. We make those changes so the Plan's been updated throughout the year. And we make that one final change and that re-boots that section in so that you're back to the changes that we've been making throughout the year. So if someone wants to look at this, they can see that this is what we changed during the year. All the previous things will be put into archives.

- Goben: About the proposed changes, once we look at them we would potentially come to the committee with a vote to become part of the plan?
- Prescott: Yes.
- Goben: I think part of the intent of this is to do little pieces of work, rather than panic in April and May so that we don't have so much to do at the last minute. Once we get that going it will appear on the agenda.

VII. Sub-committee Reports –

- Education – Bruce Cummings: I hope you all have had plenty of time to comment on these Mariners Guides that have been put out. Mark Taylor and Jessica Drewnowski have spent a lot of time trying to put these together. If you need more to order, you can contact either myself, Mark Taylor or Taree Hines and we will get you the number you need to distribute.
- Navigational Safety & Pilotage - Capt. Bartsch: The mega yacht exemption in place and working in the educational phase there. Some of the yachts are complying with taking a pilot on the way in and if all goes well on the vessel and the Coast Guard is satisfied, they are allowed to move throughout the harbor freely for six months then they have to reapply again. So far it's worked out real well, a couple of new yachts have adhered to the policy. Speed restrictions was touched on earlier in the harbor and the approach to San Diego Bay, the ships seem to have operating procedures from their port captain that are supposed to be adhered to and states the requirement or request of voluntary, semi-voluntary program. They are reducing speed on approach. I've only come across one vessel going faster than 10 knots out there, and that was a cruise ship leaving here that had to make it up the coast, they have some provision where they can deviate from policy 10% of the time. Last item, we've been concerned this past year regarding the wake issue. Where the merchant ships were giving problems to the aircraft carriers at North Island, upsetting the yachts in America's Cup Harbor, by going too fast. I

slowed down on my ships and I believe the other pilot's have also. I've been hoping to get some insight from anyone here who has heard about any ship/wake issues. Guyer: Unfortunately we just put another \$40,000 into our H dock at the Marriott. I would have to say the primary reason for that is Sea Tractors. They drag a ton of water with them and at least now they're on the far side, which doesn't affect us much but it affects the docks over there. I think at one time weren't we talking about a possible limit between the carrier basin and the bridge? Patricio: We had a couple of incidents between buoys 20 & 22 at the carrier basin. They were deeper draft commercial vessels. On the Navy side, it's mandated that our ships need to slow down. Bartsch: So do we send a letter a Chouest? Patricio: No, they work for me, and they're going to go 10 knots. Dolan: I think we all decided in previous conversations, that the key to this is to document these specific problems and specific ships if possible. Prescott: Is there a camera set up over there? Cummings: Yes. There's camera at 10th Avenue over there. There might be, I don't know what direction they're pointed at, but I'll check on that.

- Guyer: One question for Capt. Bill, the mega yacht pilotage agreement you have right here, do you know if Los Angeles has a similar program? Bartsch: They did request information from us, to review, and it may get to that point, but I don't think they have the same issues as us. Prescott: You say they have a six month window where they don't need pilotage services? Bartsch: I believe it's for six months. Prescott: How're you doing that? Bartsch: It's the Coast Guard and the Port District that have actually given, we've only given them a recommendation and the they get an exemption from the Port and the Coast Guard to proceed with a particular captain and a particular vessel, and if either one changes, they have to start all over again.

VIII. Public Comment

- Stires: I have a couple of things. I sent out an email, I've moved firms and if anyone needs my new contact info, let me know. I don't have business cards yet. Admiralty Law, and as some of you already know, the State Bar of California has made Admiralty / Maritime law a certified legal specialty in the State of California. Both myself and Phil Weiss, my alternate are advisors to the State Bar on those issues and in fact, we were involved in drafting the exam. The first sitting for the exam I think is in August and it's then every other year. By the end of the year or beginning of next, we'll have our first certified legal Maritime Law Certified Legal Specialists in California. But the fun announcement we

have is involving a case that went through the 9th Circuit of Appeals and a decision was issued on June 24th made official on July 15th, regarding Admiralty jurisdiction over the personal watercraft area in Mission Bay. The 9th Circuit has said indeed, that there is Admiralty jurisdiction over personal watercraft in Mission Bay, when a passenger of a personal watercraft falls off of or is thrown off a vessel and an injury is a result. Maritime Law is applied uniformly across the country, so this case has wide implications as to Admiralty jurisdiction in use restricted areas, non-commercial areas that are open to the ebb and flow of the tide and it's a big deal. Especially fun for me was that I was the successful attorney who argued before the 9th Circuit. I have the published decision. This will affect marinas and anybody who's renting out vessels.

- Patricio: The MSRC and the Coast Guard are doing an offshore drill on September 2nd and 3rd.

IX. Staff and Liaison Announcements

- Goben: I am on the Area Maritime Security Committee and there was just a Coast Guard security exercise operation Bay Shield that a number of us were at and one thing that comes out of operations like that is what if, what's the plan, things like. Now I won't get into the scenario, but one thing that I understood from the Captain, is that if there's a scenario where there was an incident in the Bay, regardless of the cause, and if that incident also turned into a casualty with potential oil spills then it would be important to have the input of the Harbor Safety Committee. So we said that I would be there by virtue of the Area Maritime Committee, but then he might also ask me at some point, to contact you all if there is a need for expertise and that sort of thing. Patricio: I think it's that connection, with all these plans in place and then how to deal with all the players out there. How they're going to direct them to go. The Harbor Safety Committee has a big influence with the marinas. Goben: That and also if whatever happened did cause a spill, or potential spill, because he was talking about the Oil Wildlife Network Care and all the other responders on sort of a trickle down have something to do with after the fact and I think we're definitely one of those.

X. Next Meeting

- Full Committee: September 23, 2009

XI. Adjourn

- Motion: Ken Guyer. Second: Jim Peugh.