



**OIL SPILL PREVENTION AND RESPONSE
TECHNICAL ADVISORY COMMITTEE (TAC)
DRAFT Meeting Minutes**



**California Department of Fish and Game
Executive Office Conference Room
1416 Ninth Street, Room 1206
Sacramento, California 95814**

February 26, 2008 9:30 a.m. – 5:00 p.m.

Attendance:

<i>Members</i>	<i>Agency Representatives</i>	<i>DFG/OSPR Participants</i>		<i>Guests</i>	
Stephen Ricks	Ellen Faurot-Daniels	Lisa Curtis	John McCammon	Bob Poole	Dan Chia
Jonna Mazet	Linda Scourtis	Steve Sawyer	Bud Leland	Doug Flaherty	Marcie Liu
Matt Rezvani	Kevin Mercier	Ryan Todd	Paul Hamdorf	Carlton Moore	Shannon McKinney
Linda Sheehan	Scott Schaefer	Carla Simmons	Dave Cornejo	Jordan Stout	Mike Ziccardi
Joan Lundstrom		Yvonne Addassi	Steve Edinger	Robin Dall	Norbert Dall
Sejal Choksi		Joy Lavin-Jones	Simone Dumas	John Berg	Robin Blanchfield
R. Mitchel Beauchamp		Lisa Vandenput	Marguerite Diaz		Chris Beck

The February 26, 2008, Oil Spill Technical Advisory Committee (TAC) meeting at the Department of Fish and Game, Sacramento, CA was called to order at 9:35 a.m. – Stephen Ricks, Chairperson, presiding.

I. INTRODUCTIONS

LISA CURTIS, OSPR

- ❖ Lisa introduced Mr. John McCamman, Acting Director for the Department of Fish and Game. Mr. McCamman thanked TAC for the important issues that are handled by the committee, assured the TAC that these matters are premiere to the Governor's Office and that the Governor believes environmental response is a key issue and is highly sensitive
- ❖ Self Introductions: TAC members, Agency representatives, and guests.

II. APPROVAL OF THE MINUTES

STEPHEN RICKS (CHAIRPERSON)/TAC

- ❖ The October 30, 2007 meeting minutes were not provided to the TAC for review prior to commencement of this meeting. Stephen Ricks recommended that approval of the October 30, 2007 minutes be postponed until after the morning break so TAC would have an opportunity to review for any edits that may be appropriate. Lisa Curtis assured the TAC that future minutes would be provided prior to the meeting and that they were delayed primarily due to Executive Assistant vacancies.
- ❖ TAC reviewed minutes during break. Edits necessary on page 1, 2, 3, 4, and 5.
- ❖ Joan Lundstrom motioned to approve the minutes with edits. Mitchel Beauchamp seconded. Sejal Choksi abstained.
- ❖ Unanimously approved by remaining TAC members.

III. OSPR UPDATE

LISA CURTIS, OSPR

- ❖ After Cosco Busan and some of the things that Mr. McCamman alluded to, there is a clear understanding of the program and the importance OSPR plays in environmental protection, so there is a lot more attention to what OSPR does. We are challenged on enhancing and operating differently in the way of internal communications.
- ❖ OSPR will be busy with commenting on many legislative proposals.
- ❖ General Fund restrictions, although OSPR is specially funded, does impact OSPR. OSPR is getting clarification on exemptions with hiring freezes, and still allowing OSPR to do their job when it comes to staffing and travel.
- ❖ Out-of-state travel for OSPR may be challenged if there is a perception that a conference or meeting is in a desirable location. International Oil Spill Conference, have three positions that OSPR is attempting to justify out-of-state travel for. TAC would like to support OSPR, SF Bay Conservation and Development Commission, and State Lands Commission's attendance at the conference by providing them with a recommendation letter to attach to the justification for out-of-state travel pertaining to the International Oil Spill Conference, BC States Conference, and other important conferences. Matt Rezvani motioned, Mitchel Beauchamp seconded, unanimous approved.
- ❖ Area Contingency Plan policy changes are in place for use of volunteers. OSPR is moving forward looking for augmentation opportunities, will implement into OSPR's strategic plan, and will update and share with the TAC by the end of the year some of the other conclusions that are coming out of the ISPR and other areas where there are recommendations for OSPR response.
- ❖ Volunteer issues: Two press releases (one from Karen Baker and one from the Governor's Office) with the desire to get more volunteers where citizens can play a role. The volunteer issue has been elevated to cabinet level (task force person will be assigned), to train and pre-train volunteers statewide. Jonna Mazet stated, "There needs to be a balance between the pre-identified and trained volunteers and the public's ability to pick up the phone and volunteering (i.e., the pre-trained volunteers get hazardous materials training, liability is in writing and signed, their safety is more assured)." Future expectation is to include public volunteers for cleanup – needs further discussion and work with federal partners. Ellen Faurot-Daniels is on a steering committee to take a statewide approach on volunteers. California Volunteers coordinates phone service to match volunteers, but will not address field based volunteer management,

staffing of volunteer reception centers. There are other models for the Bay area to deal with convergent volunteers and ongoing volunteers. OSPR will be more involved with the local agencies – to get local assistance with boom grant.

IV. 2007 ANNUAL REPORT

CARLA SIMMONS, OSPR

Carla Simmons provided a copy of OSPR's 2007 Annual Report to the TAC and other participants, then provided a presentation on what the report includes.

- ❖ Definition of an Incident: The report includes a dedicated page (9) to provide this definition and three types of spills are only represented (chemical, petroleum, sewage) – which will not add up to the total inland incidents because the other types of inland incidents were not significant enough to include multiple map pages on.
- ❖ Marine and Inland data is represented in the report. All of the marine data is provided by OSPR Oil Spill Prevention Specialists and has been entered into the database by them. The inland data is provided through the Office of Emergency Services reports. Therefore, there is a definite difference in the degree of what OSPR feels is accurate.
- ❖ There is no information in the report regarding quantification or significance. There is data for quantities; however, it may take some time to quantify an incident, so OSPR hopes to put this information in the report in the future once OSPR has more complete quantification data.
- ❖ List of contact and phone # to obtain more specific information is provided in the report. Welcome to contact anyone on that list, so they can supply you information on what is being represented in this report.
- ❖ The report will be published annually and refined as there are additional interests. OSPR will collect more data and accurate data as the annual report continues to be published. *Suggestion to include the source of an incident in the report.*
- ❖ Carla is working with the Enforcement Branch to get full commitment from them on reporting inland data.

TAC members, agency representatives and other participants posed questions to clarify how the data is provided to OSPR, the information captured in the report (including explanations on the individual maps), and OES reporting. *Suggestion to include data on fishing vessels and recreational vessels in the report – Carla indicated the data is collected; therefore, it could potentially be included in the annual report. Steve Ricks suggested an action item for the TAC members to provide Carla with any breakdown or other ways of reporting data that are not recorded in the report to discuss at the next meeting, so the data can be incorporated in the next report. Carla is to provide the TAC with a list of the fields of data captured.*

V. AGENCY REPORTS

CCC/BCDC/SLC

❖ **California Coastal Commission:**

Ellen Faurot-Daniels

Report provided. Ellen highlighted post Cosco Busan incident tasks CCC is working on

- ♦ Volunteer Program Coordination: Ellen is focused on local government and local group involvement aspects regarding the volunteer program and is coordinating with OSPR.
- ♦ Natural Resource Damage Assessment: Robin Blanchfield will be tracking NRDA and involved in the process.
- ♦ Harbor Safety Committees: Robin is working with the HSCs on best maritime practices.
- ♦ Legislation: Ellen and Robin are involved in tracking legislation as a result of the incident.

❖ **State Lands Commission:**

Kevin Mercier

Report was not provided.

- ♦ SLC is in the process of working on their strategic plans.
- ♦ SLC is working in conjunction with several other agencies on the Prevention First Symposium set for September 2008, which is taking a lot of staff effort.
- ♦ Cosco Busan: SLC is working on several committees which are looking at the Cosco Busan aftermath.
- ♦ MOUs: Discussions with U.S. Coast Guard and OSPR on updating.

❖ **SF Bay Conservation and Development Commission:**

Linda Scourtis

Report provided.

- ♦ Cosco Busan:
 - NTSB investigation is being tracked. There is a long time before the information from the NTSB report. Legal will draw from what is already out there. Is hoping to have within the next 60-90 days.
 - PORTS system was used during the incident.
- ♦ SF HSC:
 - Working with HSC on the response to the Governor's directive and has provided a list of issues of different support groups and committees are working to responding to any recommendations.
 - Dealing seriously with issues of navigational safety and how to prevent accidents.
 - PORTS: Has now been funded. The Governor directed the \$250,000 to support proposed permanent funding currently funded year-to-year.
 - NTSB investigation is being tracked by the HSC.
 - Tracking various legislation.
 - OSPR has tasked each HSC to look at what are best marine practices.

❖ **U.S. Coast Guard:**

Scott Schaefer

- ♦ Personnel:

- Captain Paul Gugg is relieved as Sector Commander in San Francisco. Captain John Caplis, who used to be Chief of Corps Operations in MSO San Francisco, will be the new Deputy in the Los Angeles/Long Beach areas.
- Commander Danny LaBlanc, is the Deputy in the San Diego area.
- Captain Doug Kaup, who is Chief of Incident Management, will now be Chief of Planning.
- Captain James Jewess will be the new Chief of Incident Management.
- ♦ USCG MOA of 1997: A project team is being set up to update the MOA and a meeting set up for March 11, 2008. The State of Washington just updated their MOA with District 13 last year, which will be used as a model for updating.
- ♦ Pacific States/BC Columbia meeting: This is a quarterly meeting, which was held in January 2008 in Hawaii.
- ♦ Cosco Busan:
 - Vessel Traffic Service: Followed protocol, notified pilot 2 minutes 20 second before the incident occurred to inquire on the pilots intentions. Many questions have come up on whether we wanted a VTS Operations Specialist (some have never been to a ship directing pilots and vessels).
 - OSPR/USCG collaboration: Meeting commenced within an hour of the incident at the Sector (Rob Roberts was there). Scott had discussions with Bud Leland approximately 2 hours into the incident. USCG provided updates every 4 hours to the USCG headquarters, OES and OSPR.
 - Issues: 1) The role of the agency executive; 2) COFR limits were exceeded; 3) Area Plan was used.
- ♦ NOAA (Jordan Stout):
 - Environmental Data collection: There is an interest in collection of data. NOAA, OSPR and other entities have been involved in trying to develop some standardized format for the collection of that data, particularly for oil spill response. One of the big focuses is to collect electronic SCAT data.
 - NOAA's modeling folks have been working closely with S.F. State and COCMP to improve the efficiency of pulling HR upgrade data into trajectory models. *Suggestion to include in the Prevention First Conference.*

VI. STATUS OF COSCO BUSAN INVESTIGATIONS

RYAN TODD, OSPR

Governor's Directive: Ryan has reviewed the directive to identify the specific topics that the Governor would like OSPR to investigate. These topics have been referred to the appropriate OSPR branches, and Ryan will be consolidating into a report.

- ❖ Criminal and Civil liability: The U.S. Attorney's Office/Department of Justice is conducting an investigation. Several OSPR personnel have been deputized as part of that investigation team (6E designation – sworn to secrecy). A couple of the Cosco Busan crew members have been detained. They have been looking at the master/pilot/bridge resource management, and hope that their investigation will come up with conclusions to have a preventative effect or component.
- ❖ Marine Casualty investigation: May also point out civil and criminal violations. The California Attorney General's Office will be representing DFG/OSPR mostly for damage assessment.
- ❖ SF Attorney's Office: Filed a suit asserting Lempert-Keene violations. Steve Sawyer met with the SF Attorney's Office, and has convinced them to amend their complaint for references to Lempert-Keene for natural resource damages, there is still an issue of loss recreational use, and OSPR will not allow the penalties under Lempert-Keene to be asserted (clearly under the Administrator responsibility). If they do not subsequently amend the complaint to delete the penalty, OSPR will ask the Attorney General's Office to intervene on our behalf to have that stricken. Richmond and Oakland joining in on SF's lawsuit.
- ❖ NTSB investigation:
 - ♦ Operational Cause Group: Will look at the root of the cause of incident and making recommendations. They will listen to more of the bridge tapes. There is a Public Hearing scheduled for April 8th and 9th in Washington DC. Rick Holly and Scott Schaefer are on that team. There will be a transcript published for release.
 - ♦ Engineering Group: Looking at ships equipment.
- ❖ Homeland Security investigation: A report is anticipated in April 2008.
- ❖ OSPR Internal investigation:
 - ♦ OSPR has conducted an internal hot wash.
 - ♦ Damage assessment will be led by OSPR. Will consider impacts to fisherman, local economy, state economy, and recreational fishing. Commercial fishing is a third party claim. OSPR will be entering into an MOU with the City and County of SF to coordinate with them on their components of these issues. Attempting to coordinate with others agencies to get their damage assessments. Who are the Trustee Agencies? State: Fish and Game (unsure about Parks) and possibly the SLC; Federal: NOAA, International Parks, and BCDC, Coastal Commission and SLC at the direction of Garmandia.
- ❖ Cota lawsuit (Pilot): Administrative law judge will give a recommendation to the Pilot Board. The Board has a navigation technology committee who is reviewing different types of navigation systems on ships in San Francisco. Preliminary report will be issued around June 1, 2008.
- ❖ HSC workgroups that Joan mentioned earlier.
- ❖ USCG internal investigation:
 - ♦ VTS programmatic review: Headquarters working with other VTS personnel to look at the authorities of VTS, how they acted, and training to ensure consistency with their duties.
 - ♦ Ready for operations review – to ensure that Sector SF was ready to respond to any future incidents.

Note: Compendiums are available. If you wish to order, please send Marguerite Diaz an email.

**VII. OSPAF – LEGISLATIVE RECOMMENDATION
TO SUPPORT ENFORCEMENT DIVISION (POSSIBLE VOTE)**

STEPHEN SAWYER, OSPR

Legislative Analyst Office (LAO) recommendation: Attempts to take \$2.6 million annually out of the Administrative fund for DFG enforcement. This will be an agenda item at the Legislature. The Budget Subcommittee will take action on budget proposals and any other items mentioned in the LAO. OSPR will be out of money within five (5) years if other proposals are approved; OSPR would be out of money sooner with this proposal -- surplus would be exhausted. It requires action from both houses.

❖ Discussion highlights include:

- ♦ OSPR pays for twenty (20) wardens, which no longer report to OSPR. This proposal is to fund an additional thirty (30) wardens from the OSPAF. DFG's budget reduction included funding for wardens. There is a concern because OSPR-funded wardens should be reporting to the Administrator.
- ♦ On paper OSPR would look like they have 300 positions for spill response.
- ♦ Part of a bigger picture for the TAC to consider is how important it is to have these DFG wardens as backup to OSPR wardens – is it worth funding these DFG wardens from the OSPAF? At the Cosco Busan spill there was a combination of both the DFG and OSPR wardens – good for site security.
- ♦ It is important for OSPR to look at where their resources are and how to appropriately fund OSPR's needs.
- ♦ BP comments and concerns:
 - BP would have significant concern that they have paid into a program that is effective, and now funding is being redirected and staff is being redirected.
 - If the law wanted DFG to be responsible for OSPR wardens, the Legislature would have placed them under the Fish and Game Director.
 - If there is more staff necessary, why are we looking at funding the position under DFG and not under OSPR? Recommend that there be a vote on the concept: Many of the TAC members, oppose the transfer of funds. If additional wardens are necessary – they should be under the Administrator. The Response fund has a cap on it – the Administrative fund does not have a cap on it. The barrel fee is activated when the Response fund goes below a set amount.
- ♦ TAC's role:
 - TAC recommends a letter be written to LOA, the Legislature, the Governor, and the Director of Fish and Game, opposing the transfer of funds to for additional wardens that report to DFG. If the wardens are doing OSPR work, they should be under the direction of the Administrator. A motion to draft the letter was made, seconded, and the TAC unanimously voted to draft a letter. Subcommittee: Matt Rezvani, Mitchel Beauchamp, Linda Sheehan. Will be drafted in the next two (2) days. No further vote necessary – Ricks will forward the signed letter.
 - TAC will review the recommendations from the ISPR report. *Task OSPR with developing a list of the recommendations to provide to the TAC.* Joan has recommendations from local government.
 - Local government and communities: There is a concern about engaging local government and communities. Recommended to utilize them during drills and exercises and during small spills. Meetings do not work – has to be more engaging. An agency hot wash is scheduled for March 2008. Joan Lundstrom and HSC are invited to attend. There is a need to get the local contingency plans aligned with the State contingency plans – local governments stopped coming to the table. In the incident response, local governments expect to be recognized. OSPR is looking at how to reconnect with them. TAC wants to be an avenue to use to connect to local government.

VIII. TAC'S ROLE IN INVESTIGATIONS

STEVE RICKS, CHAIRPERSON

OSPR will give results of the investigations recommendations, studies, or issues as received, and the TAC would provide comments, input, and the plan for addressing. OSPR will provide information and conclusions at the next meeting for the TAC to discuss. **TAC needs to hear what the priorities are for the fund from OSPR and OSPR's recommendations for the surplus clearly and concisely.** Goal is to look at how OSPR can improve upon spill response.

IX. COSCO BUSAN ISPR REPORT

CARLTON MOORE, USCG

Lt. Commander (executive assistant) Sergeant, Lisa Curtis, Paul Hamdorf, Linda Sheehan, John Birds PMSA, Steve Leeman, NOAA, Jean Camron, Rob Dudjen, Laura Phillips, Kelly Dedrich (established by USCG charter and the project was paid by the USCG) were tasked with doing an incident specific preparedness review pursuant to the Marine Safety Manual (*copy provided*) and to prepare an impartial ISPR report within 90 days. The ISPR report (Phase I) is available at www.uscg.mil/FOIA/Reading-Room.asp

- ❖ Charter: To conduct an objective review of the response actions taken by the Unified Command. ISPR is a fact finding body to review operations in connection with the Cosco Busan incident to identify strengths and weaknesses of the Area Contingency Plan, the Regional Contingency Plan, and overall preparedness system in effect at the time of the incident to may inform actions of the USCG and others to produce positive, effective preparedness improvements that would benefit SF Bay region and potentially other regions of the country.
- ❖ Phase I:
 - ♦ USCG and USEPA felt that the ACP had many things that were very similar to the national contingency plan, decided to extrapolate from the regional contingency plan.
 - ♦ The charter identified major gaps in the ACP and the regional plans, and identified the role of the responsible party, the State On-Scene Coordinator and the Federal On-Scene Coordinator.

- ♦ Total of 49 recommendations for preparedness, and 79 for response. Highlights of these recommendations are:
 - Better communications with local governments
 - Convergent volunteer coordination (not to be used for oil spill beach cleanup)
 - Priority protection for 200 sensitive sites - need better understanding of the Bay.
 - Look at the process that is used by OES and notification
 - USCG was not properly trained in spill response media relationships
 - Master was not drug tested as the media claimed
 - JIC was not established until the next day. Incident Command Post was moved twice. Second choice was Ft. Mason, where there was no facility. JIC had disability in terms of media relations. Cell phone dead zone. In Day 4, comprehensive JIC established.
 - COTP – Event took place in a low visibility environment (220 yards only)
 - Why was the responsible party in the Unified Command?
 - Federal/State Agreement between OSPR and USCG – District 11 and the signatures are Governor Arnold Schwarzenegger and Vice Admiral Ruth (who retired 6 years prior to the governor's election into office)
- ❖ There is a shared agency responsibility, which will be memorialized to the TAC.
- ❖ Phase II of the report is due on May 7, 2008.

X. REGULATIONS UPDATE/LEGISLATIVE PROPOSALS

JOY LAVIN-JONES, OSPR

Report provided. Deadline for new bills was Friday February 22.

- ❖ Cal Ports bill amended in January and was deadlocked in committee.
- ❖ SB 578: Did not make it out of committee and was replaced by 1739.
- ❖ AB 2031: Required OSPR to offer 4-hour Hazwoper to local volunteer coordinators, and grants to local governments for spill response equipment.
- ❖ AB 2032: Non tank vessel bill. All requirements of tank vessel will be shifted to non-tank as well.
- ❖ AB 2912: Define a spill or discharge to mean a release of oil into marine waters or into waters of the state. Inland spills would be deposited into the 207 fund through an administrative penalty action.
- ❖ AB 2911: Requires to the Administrator to enhance the OWCN from the OSPAF. OWCN network gets \$1.5 million in interest. This bill proposes that it will get entire interest.
- ❖ AB 1806: Tracking because of the contingency plan component.
- ❖ AB 2441: Same bill as SB 403 from 2006 — Tug escorts for vessels carrying hazardous cargo.
- ❖ AB 2547: This bill covers equipment locations and resources, criteria for OSRO rating program, Universal Mutual Aid Agreement, improve methods and technologies, and emerging technologies. The OSRTF to cover uncompensated response and cleanup costs, and adoption of regulations.
- ❖ AB 2935: See report.
- ❖ AB 1960; AB 2631: Spot bills.
- ❖ Federal bills: See report.
- ❖ PMSA bill sponsored: SB 1627 WIGGINS affects the SF Bar Pilot Commission, does not operate under agency or department. Does not have any incident reporting. Will list the code from the pilot commission under the Business and Professions Code and will be monitored by the Department of Consumer Affairs

TAC suggested members of the Assembly and the Senate be invited to a meeting.

XI. OSPR FUNDING REVIEW

DAVE CORNEJO/SIMONE DUMAS, OSPR

Report provided.

- ❖ PORTS: Administration added the \$250,000 in accordance with the Governor's Directive, which is a proposed permanent augmentation to extend PORTS to run as it is currently funded year-to-year.
- ❖ DFG inadvertently deleted \$600,000 from our marine invasive species fund. Legislation removed the sunset date indicating this money would be deleted from the fund. OSPR is working to get that money back.
- ❖ DFG worked with Department of Finance to eliminate the surplus reimbursement authority. DFG was not using a huge amount of reimbursement authority that DFG was not using and of that DFG took \$3.5 million from OSPR unilaterally without our support. OSPR is working with them and DFG understands that OSPR is committed to going directly to DOF to get the money back as part of a request if DFG does not free up the excess that are in other divisions.
- ❖ Fund 321: OSPR gets authority to pay the UC Davis OWCN from interest up to \$1.3 million. As part of AB 2030 – amount increased to \$1.5 million. U.C. Davis did not adjust their budget and cannot use more than \$1.3 million.
- ❖ Appropriations from Fund 207 and 320 to other departments (i.e., State Controllers, SLC)
- ❖ Fund 320: \$1.6 million additional that OSPR has authority for this budget year including increases in Bargaining Unit contracts, OE&E price increases, and PORTS.
- ❖ Current year budget review.
- ❖ At the end of this year, the surplus will be approximately \$2 million.

Suggest fund changes be included at each TAC meeting as an ongoing agenda item.

XII. PUBLIC COMMENT

STEPHEN RICKS (CHAIRPERSON)

Public Comment was received by the TAC members.

Recommendation that TAC review, comment, then discuss at next TAC meeting. Recommendation from TAC to provide the specific questions that they want Mike Ziccardi respond to.

XIII. OLD/NEW BUSINESS

STEPHEN RICKS (CHAIRPERSON)/TAC

- ❖ Economic interest reporting. All TAC members should fill out a Conflict of Interest Standard 700 form and forward to OSPR.
- ❖ Two regulations packages: 1) COFR streamlined their form. Notice to come out in a couple of weeks. 2) Emergency regulations for non-high volume ports. For Port Hueneme package to include the ships call in 24 hours before coming into port. Will not have another regulations package for at least a year.
- ❖ Is April soon enough to respond to the legislative proposals. No hearings until the end of March. Could be the third week of March. Some may fall off. March 20, 22, 24 committees meetings set.
- ❖ What are we going to do about the vacancies on the TAC? Have we submitted names? OSPR has not. Need to go through the application process through the Governor's appointments.
- ❖ **Date and location of next meeting (4th Tuesday of the first month of the quarter):**
 - April 22, 2008 - TBD
 - July 22, 2008 - TBD
 - October 21-22 (proposed two day meeting) - TBD

ADJOURN