

Headlines: DOJ – criminal investigation launched; DOI – guide to safe six-month moratorium on deepwater drilling; Unified Command – RADM Landry to focus on hurricane preparedness; NOSAC – teleconference meeting; Commencement Bay – proposed RNA; FWS & NOAA - proposed listing of loggerhead sea turtles; NOAA – take prohibitions for North American green sturgeon; House – hearing on liability issues surrounding Gulf of Mexico oil spill; Gulf of Aden – pirate attack disrupted; EMSA – June newsletter; Canada – report on passenger vessel striking island; Quebec – transfer of marine training facility; and UK – British beaches generally excellent.

June 2, 2010



Bryant's Maritime News

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Note: This newsletter is one section of the [Bryant's Maritime Consulting](http://brymar-consulting.com) website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining [Dennis Bryant](mailto:dennis.l.bryant@gmail.com) directly. Much of the highlighted text in this newsletter constitutes links to Internet sites providing more detailed information. Links on this page may be in PDF format, requiring use of Adobe Acrobat Reader. Comments on these postings are encouraged and may be made by email to the editor or by going to the blog page on the website and clicking the envelope that appears at the end of each posting. Be aware that the daily newsletter is a single posting, even though it contains a number of individual items. Bringing chaos out of order.

DOJ – criminal investigation launched



The Department of Justice released the **statement** of Attorney General Eric Holder in which he announced that an investigation has commenced to determine what federal laws may have been violated with regard to the events surrounding the Gulf of Mexico casualty and oil spill. Among the statutes under review are the Clean Water Act, the Oil Pollution Act of 1990 (OPA 90), the Migratory Bird Treaty Act, and the Endangered Species Act.

DOI – guide to safe six-month moratorium on deepwater drilling



The Department of the Interior issued a **press release** announcing that it has issued a **Guide** to operators for a safe six-month moratorium on deepwater drilling, along with a **table of affected activities**. (5/30/10).

Unified Command – RADM Landry to focus on hurricane readiness



The Unified Command issued a [news release](#) stating that Rear Admiral Mary Landry, who had been temporarily serving as the Federal on-Scene Coordinator (FOSC) for the Gulf oil spill, is returning to her permanent assignment as Commander, Eighth Coast Guard District so that she can focus efforts on preparing for the 2010 hurricane season, which commenced today. The position of FOSC will be assumed by Rear Admiral James Watson, with Rear Admiral Roy Nash serving as Deputy FOSC. (6/1/10).

NOSAC – teleconference meeting



The National Offshore Safety Advisory Committee (NOSAC), sponsored by the US Coast Guard, will conduct a teleconference meeting on July 1. Topics on the agenda include dynamic positioning (DP) systems, electrical hazards in explosive atmospheres, and safe lifting. [75 Fed. Reg. 30845](#) (June 2, 2010).

Commencement Bay – proposed RNA



The US Coast Guard is revising its proposal for a regulated navigation area (RNA) on portions of the Thea Foss and Wheeler-Osgood Waterways in Commencement Bay, Tacoma, Washington. Comments on the proposal should be submitted by August 2. [75 Fed. Reg. 30753](#) (June 2, 2010).

FWS & NOAA – proposed listing of loggerhead sea turtles



The Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) have extended until September 13 the period within which to submit comments on their proposed listing of nine distinct population segments of loggerhead sea turtles as endangered or threatened. They agencies will also host a public meeting on this proposal on June 16 in Berlin, Maryland. [75 Fed. Reg. 30769](#) (June 2, 2010).

NOAA – take prohibitions for North American green sturgeon



The National Oceanic and Atmospheric Administration (NOAA) established take prohibitions for the threatened southern distinct population segment of the North American green sturgeon. The final rule comes into effect on August 2. [75 Fed. Reg. 30714](#) (June 2, 2010).

House – hearing on liability issues surrounding Gulf of Mexico oil spill



The House Committee on the Judiciary conducted a hearing on **Liability issues Surrounding the Gulf Coast Oil Disaster**. **Keith Jones**, father of a deceased worker, testified regarding the losses suffered by the families of the eleven workers who died during the casualty. **Rachel Clingman**, Transocean, testified that liability for the casualty is controlled by the Oil Pollution Act of 1990 (OPA 90) and general maritime law. Transocean is committed to resolving these legal issues diligently, expeditiously, and fairly. **Douglas Brown**, Transocean, testified regarding the gradual reduction in personnel assigned to engineering duties on the *Deepwater Horizon*. **James Ferguson**, Halliburton, testified that the usual practice in offshore drilling operations is for the lease-holder to enter into mutually reciprocal hold-harmless agreements with each of its contractors. **Stephen Stone**, Transocean, testified that, in his opinion, the casualty was the result of a series of cost-cutting measures taken over recent years by the various companies involved. **William Lemmer**, Cameron, testified that each of the company's blowout preventer stacks to its customer's specific operating specifications and in accordance with industry standards and applicable regulations. **Byron Encalade**, Louisiana Oyster Association, testified regarding the spill's impact on the fishing industry. **Vincent Foley**, Holland & Knight, testified regarding the OPA 90 liability and compensation regime. **Jim Hood**, State of Mississippi, testified concerning oil spill liability under state law and made various recommendations for changes to federal law to enhance the rights of states to pursue such claims. **Tom Galligan**, Colby-Sawyer College, testified concerning liability for personal injury and wrongful death claims resulting from the casualty. **Daryl Willis**, BP America, testified that the company will be fair and expeditious in responding to claims arising from the casualty.

Gulf of Aden – pirate attack disrupted



The US Department of Defense (DOD) issued a **news release** stating that a merchant vessel came under attack by pirates while transiting the Gulf of Aden. The vessel implemented counter-piracy actions and called a nearby US Navy warship. The pirate skiff attempted to flee to the Somali coast, but was intercepted. The pirates threw weapons and paraphernalia overboard. The Navy/Coast Guard boarding team confiscated one outboard engine and some fuel, leaving one engine and enough fuel for the skiff to reach shore. (6/1/10).

EMSA – June newsletter



The European Maritime Safety Agency (EMSA) issued its **newsletter** for June 2010. This edition notes, among other things, that towards the end of 2011, EMSA will take over from the United States the hosting of the

International Data Exchange (IDE) for the Long Range Identification and Tracking (LRIT) system. (6/1/10).

Canada – report on passenger vessel striking island



The Canadian Transportation Safety Board (TSB) issued the **report** of its investigation into the August 16, 2007 striking of Entrée Island, Quebec by the passenger/cargo vessel *Nordik Express*. The vessel operated on a regular route along the north shore of the St. Lawrence River, carrying up to 268 passengers and 60 TEU containers. As the vessel was approaching the entrance of Harrington Harbour at night, the officer of the watch (who was new onboard) realized that the deck crew had not been called. He sent the helmsman below to awaken the deck crew and took over the steering himself. He overshot the turn, but did not notice because he could not see the radar from the helm position. When the helmsman returned, the officer of the watch checked the radar and realized that the vessel was rapidly approaching the island. By then, it was too late to avoid striking the island. The hull was breached, but the ship reached port safety. There were no personal injuries. The primary cause of the casualty was inattentiveness brought on by fatigue. (5/28/10).

Quebec – transfer of marine training facility



Transport Canada issued a **media release** stating that administrative control of the Marine Emergency Duties training facility in Saint-Romuald, Quebec is being transferred to the Government of Quebec. This action will ensure the facility continues to offer training for marine personnel in French. (5/28/10).

UK – British beaches generally excellent



The UK Environment Agency issued a **news release** stating that a recent survey of almost 500 bathing waters in England and Wales show that 97% are classified as excellent, which is the highest possible European standard for bathing water. (6/1/10).

If you have questions regarding the above items, please contact the editor:

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