

Headlines: DOT – ADA requirements to be extended to vessels; DOS – international assistance in Gulf of Mexico oil spill response; Australia – Montara Commission delivers its report; Juneau – oil removed from 1952 submerged wreck; Kennedy Space Center – restricted area; Port of Los Angeles – Pacific L.A. Marine Terminal; FMC – meeting; FMC – Senators urge action on delays for agricultural exports; Senate – bill introduced to terminate drilling moratorium; Senate – bill introduced to require emergency relief wells; Senate – bill introduced to require containment plans for offshore leases; House – hearing on MMS regulatory activity; House – hearing on the role of BP in the Gulf of Mexico oil spill; House – hearing on foreign vessel operations in US EEZ; Court – beach renourishment is not an unconstitutional taking; and Panama Canal – new pricing structure.

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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.

DOT – ADA requirements to be extended to vessels



The Department of Transportation (DOT) issued a **news release** stating that a federal rule is being promulgated to specifically provide Americans with Disabilities Act (ADA) protections to people with disabilities who travel on boats and ships. The Accessibility of Passenger Vessels to Individuals with Disabilities rulemaking should be published in the Federal Register shortly. (6/17/10).

DOS – international assistance in Gulf of Mexico oil spill response



The US Department of State issued a **news release** discussing the offers of assistance with regard to the Gulf of Mexico oil spill response made to date by 17 countries and four international bodies. Many of these offers have been

accepted by DOS on behalf of the National Incident Commander (NIC). (6/14/10).

Australia – Montara Commission delivers its report

The Australian Minister for Resources and Energy, the Honorable Martin Ferguson, AM MP, issued a [press release](#) stating that he has received the findings of the Montara Commission of Inquiry into the uncontrolled oil and gas release from the Montara Wellhead Platform, which occurred from 21 August to 3 November 2009. The inquiry focused on the likely causes, the adequacy of the response, and the effectiveness of regulatory regime, including any changes that may be required to further strengthen existing arrangements. Before the report is released publicly, the Minister will give consideration to advice from the Australian Government Solicitor to ensure that such release does not prejudice the conduct of further investigations for possible offenses or undermine any natural justice considerations. (6/18/10). *Note: Except for the difference in water depth, the Montara incident bears many similarities to the Gulf of Mexico incident. History repeats itself so that we can make the same mistake more than once.*

Juneau – oil removed from 1952 submerged wreck



The US Coast Guard issued a [news release](#) stating that an estimated 110,000 gallons of fuel oil has been removed from the submerged wreck of the passenger vessel Princess Kathleen off Lena Point near Juneau. The vessel ran around on September 7, 1952 and sank shortly thereafter. (6/17/10).

Kennedy Space Center – restricted area



The US Army Corps of Engineers (USACE) is establishing a restricted area in the Atlantic Ocean off the coast of the Kennedy Space Center in Florida. The regulation comes into effect on July 19. [75 Fed. Reg. 34643](#) (June 18, 2010).

Port of Los Angeles – Pacific L.A. Marine Terminal



The US Army Corps of Engineers (USACE) issued an announcement that the Final General Conformity Determination and Record of Decision for the Pacific L.A. Marine Terminal LLC Crude Oil Terminal Project, Port of Los Angeles, are available to the public. [75 Fed. Reg. 34708](#) (June 18, 2010).

FMC – meeting



The Federal Maritime Commission (FMC) issued an official notice stating that the Commission will meet in Washington, DC on June 23. In its open session, the FMC will consider complaints from individual shippers of household

goods and automobiles. In its closed session, the FMC will consider vessel capacity and equipment availability, as well as passenger vessel financial responsibility. [75 Fed. Reg. 34740](#) (June 18, 2010).

FMC – Senators urge action on delays for agricultural exports



The Senate Committee on Agriculture, Nutrition, and Forestry issued a [news release](#) stating that a letter to Richard Lidinsky of the Federal Maritime Commission (FMC) expressing concern that agricultural exporters are experiencing serious service issues with the foreign-flagged ocean carrier industry. The FMC is requested to identify steps it is taking to address these issues, including the ability to penalize carriers for egregious practices. (6/16/10).

Senate – bill introduced to terminate drilling moratorium



Senator Vitter (R-LA) introduced a bill ([S. 3489](#)) to terminate the moratorium on deepwater drilling issued by the Secretary of the Interior. (6/15/10).

Senate – bill introduced to require emergency relief wells



Senator Lautenberg (D-NJ) introduced the [Emergency Relief Well Act](#) (S. 3492) to amend the Outer Continental Shelf Lands Act to require the drilling of emergency relief wells, and for other purposes. (6/15/10).

Senate – bill introduced to require containment plans for offshore leases



Senator Brown (R-MA) introduced a bill (S. 3497) to amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, and for other purposes. Official text of this bill is not yet available. (6/16/10).

House – hearing on MMS regulatory activity



The Subcommittee on Energy and Mineral Resources of the House Committee on Natural Resources conducted a hearing on the [Deepwater Horizon Incident](#): Are the Minerals Management Service Regulations Doing the Job? [Subcommittee Chairman Jim Costa](#) (D-CA) made an opening statement. Mr. Bob Abby, Minerals Management Service, testified concerning MMS regulation of the offshore industry, but his written testimony is not currently available. [Ms. Mary Kendall](#), Department of the Interior, testified concerning challenges faced by

MMS in its regulatory activities. **Mr. Frank Rusco**, Government Accountability Office, testified concerning areas for improvement in the regulatory program. **Mr. Kenneth Abbott**, BP Atlantis, testified concerning paperwork deficiencies noted at that facility. **Mr. Christopher Mann**, Pew Environmental Group, testified that the offshore oil and gas program should be totally revised so as to reduce risk to personnel and the environment. **Mr. Alan Spackman**, International Association of Drilling Contractors, testified that his organization supports enhanced safety measures for offshore drilling. **Mr. Erik Milito**, American Petroleum Institute, testified that the oil and gas industry can contribute to US energy needs in a safe and environmentally sound manner. **Ms. Danielle Brian**, Project on Government Oversight, testified concerning the very close relationship between MMS and the industry it regulates. **Mr. Steve Maley**, Badger Oil Corporation, testified concerning the professional relationship between MMS and industry personnel in the Gulf of Mexico region. (6/17/10).

House – hearing on the role of BP in the Gulf of Mexico oil spill



The Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce conducted a hearing on the Role of BP in the Deepwater Horizon Explosion and Oil Spill. **Committee Chairman Henry Waxman** (D-CA) made an opening statement. **Subcommittee Chairman Bart Stupak** (D-MI) made an opening statement. **Mr. Tony Hayward**, BP, testified concerning BP's offshore oil and gas operations and its efforts to stop the ongoing spill and clean up the released oil. (6/17/10).

House – hearing on foreign vessel operations in US EEZ



The Subcommittee on Coast Guard and Maritime Transportation of the House Committee on Transportation and Infrastructure conducted a hearing on **Foreign Vessel Operations in the US Exclusive Economic Zone** (EEZ). **Committee Chairman James Oberstar** (D-MN) made an opening statement. **Subcommittee Chairman Elijah Cummings** (D-MD) made an opening statement. **Rear Admiral Kevin Cook**, US Coast Guard, testified concerning the role and responsibilities of the Coast Guard regarding foreign vessels operating in the EEZ. **Mr. David Matsuda**, Maritime Administration, testified concerning the process for granting waivers from requirements of the Jones Act. **Mr. Warren Weaver**, Transocean, testified concerning regulatory compliance by Transocean, but his written testimony is not currently available. **Mr. James Weakley**, Maritime Cabotage Task Force, testified that US-flag vessels operate to a more stringent standard than do foreign-flag vessels. **Mr. Ken Wells**, Offshore Marine Service Association, testified concerning safety problems on foreign vessels operating in the EEZ. (6/17/10).

Court – beach renourishment is not an unconstitutional taking



The US Supreme Court ruled that Florida's beach renourishment program did not unconstitutionally take the beachfront property of owners of littoral lands. Under Florida law, littoral owners receive accretions (gradual, natural additions to the beach). In the case of an avulsion (relatively sudden additions to the shore), the new land becomes the property of the State of Florida. Florida has a program for renourishment of beaches considered under threat of erosion. Under that program, the new land that has been added becomes property of the State. A group of littoral land owners sued, contending that the replenished beach should belong to them and allowing the land to be owned by the State constitutes a taking prohibited by the US Constitution. The Court disagreed. It noted that the submerged land is owned by the State and the State has authority to add soil to that submerged land so as to raise it above the water level. **Stop the Beach Renourishment v. Florida Department of Environmental Protection**, No. 08-1151 (June 17, 2010).

Panama Canal – new pricing structure



The Panama Canal Authority issued a **press release** stating that Panama's Cabinet Council has approved a new pricing structure for the Canal. Among other things, container segment tolls will include a price adjustment to the capacity charge and an additional charge will apply to the number of loaded containers aboard the vessel at the time of transit. Implementation of the reefer segment increase will be delayed until April 2011. All other changes will take effect in January 2011. (6/16/10).

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

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