

Headlines: New Orleans – towing company and owner charged in collision/spill; DOJ – US shipowner charged with dumping oil on the high seas; Boston – vessel grounds, passengers evacuated; St. Lawrence Seaway – laker aground; White House – Long-Term Gulf Coast Restoration Support Plan; NIC – sea turtle observer program; NOAA – long-term oil threat to shoreline; DOI/DOE – MOU re offshore renewable energy; DOT – transportation of individuals with disabilities; NOAA – nomination of existing marine protected areas; DOT – use of Alcohol Testing Forms – clarification; House – bill introduced to provide oil spill relief employment; House – bill introduced to protect OCS marine environment; House – SPILL Act adopted; House – hearing on BP claims fund; Alaska – settlement re 2006 Cook Inlet grounding and spill; Washington – arrangement with US Navy re deployment of skimming vessels; Red Sea – pirates hijack chemical tanker; ReCAAP – charts of piracy incidents; EMSA – newsletter; Australia – Maritime Security Identification Cards; Australia – marine rights of Torres Strait islanders; New Zealand – The Good Oil newsletter; and UK – cargo ship fire.

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Bryant's Maritime News

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*Note: This newsletter is one section of the **Bryant's Maritime Consulting** website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining **Dennis Bryant** 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. Exposure to this newsletter has been known to cause cancer in mice.*

New Orleans – towing company and owner charged in collision/spill



The Department of Justice issued a **news release** stating that a US towing company and its owner have been charged with violations of the Ports and Waterways Safety Act (PWSA) and the Federal Water Pollution Control Act (FWPCA). A co-owner of the company has been charged with obstruction of justice. The company is charged with assigning employees without proper Coast Guard licenses to operate vessels resulting in the manning levels on those vessels to be below mandated levels; paying licensed captains to operate vessels for 24 hours a day without relief captains resulting in fatigue; and negligent discharge of oil on July 23, 2008, when the towing vessel *Mel Carter* and its tank barge

collided with the tanker *Tintomara* on the Mississippi River. The co-owner of the company is charged with deletion of electronic payroll sheets in an effort to impede the Coast Guard investigation of the collision. The **Bill of Information** was also released. (7/2/10).

DOJ – US shipowner charged with dumping oil on the high seas



The Department of Justice issued a **news release** stating that the owner of a US-flag research vessel has been charged with discharging oily waste water on the high seas without the waste water first passing through the vessel's oily water separator. The **Bill of Information** was also released. (7/2/10).

Boston – vessel grounds, passengers evacuated



The US Coast Guard issued a **news release** stating that a 125-foot vessel with 168 passengers and six crewmembers ran hard aground near Deer Island, Massachusetts. The passengers are being evacuated. A **second news release** reports that everyone has been evacuated. There is a report of one back injury and one knee injury. A salvage plan is being developed. The incident is under investigation. (7/3/10).

St. Lawrence Seaway – laker aground



The US Coast Guard issued a **news release** stating that a laker has grounded in the St. Lawrence Seaway near Chippewa Bay, New York. There have been no reports of injury or pollution. The vessel is carrying Canadian corn. The incident is under investigation. (7/4/10).

White House – Long-Term Gulf Coast Restoration Support Plan



The White House released a **Presidential Memorandum** directing the Secretary of the Navy to develop a Long-Term Gulf Coast Restoration Support Plan to provide for recovery from the effects of the ongoing Gulf of Mexico oil spill. (6/30/10).

NIC – sea turtle observer program



The National Incident Command (NIC) issued a **news release** stating that it is enhancing its sea turtle observer program to reduce the risk of adverse impact on sea turtles due to the ongoing response to the Gulf of Mexico oil spill. The observer program focuses on controlled burn and skimmer fleet operations. (7/2/10).

NOAA – long-term oil threat to shoreline



The National Oceanic and Atmospheric Administration (NOAA) issued a **news release** stating that it has used modeling to project the likelihood of the impact of surface oil from the Deepwater Horizon oil spill impacting US shorelines. The shorelines with the highest probability of impact extend from the Mississippi River delta to the Florida panhandle. The area from the Florida Keys to Fort Lauderdale has a medium probability of impact. The Gulf coast of Florida has a low probability of impact. (7/2/10).

DOI/DOE – MOU re offshore renewable energy



The Bureau of Ocean Energy Management, Regulation, and Enforcement of the Department of the Interior (DOI) and the Office of Energy Efficiency and Renewable Energy of the Department of Energy (DOE) signed a **Memorandum of Understanding** (MOU) for coordinated deployment of offshore wind and marine and hydrokinetic energy technologies on the US outer continental shelf (OCS). The MOU is intended to facilitate the development of domestic energy resources by pursuing priority leasing and efficient regulatory processes for sites with high commercial-scale offshore wind and water power development potential. (6/29/10).

DOT – transportation of individuals with disabilities



The US Department of Transportation (DOT) issued its regulation making the Americans with Disabilities Act (ADA) applicable to passenger vessels operating in the United States. This rulemaking concerns service and policy issues and comes into effect on November 3. Issues concerning physical accessibility and standards will be addressed at a later time, in conjunction with proposed passenger vessel accessibility guidelines drafted by the United States Access Board. The Department is also seeking further comment concerning three issues: (1) emotional support animals; (2) mobility aids; and (3) the relationship between these rules and related rules issued by the Department of Justice. Comments on these issues should be submitted by October 4. [75 Fed. Reg. 38877](#) (July 6, 2010).

NOAA – nomination of existing marine protected areas



The National Oceanic and Atmospheric Administration (NOAA) is seeking comments on existing marine protected areas that have been nominated for inclusion in the National System of Marine Protected Areas. Comments should be submitted by August 5. [75 Fed. Reg. 38779](#) (July 6, 2010).

DOT – use of Alcohol Testing Forms - clarification



The Department of Transportation (DOT) amended a previous rule so as to authorize continued use of the earlier edition of Alcohol Testing Forms through December 31, 2010. Use of the new form is permitted now and will become mandatory on January 1, 2011. [75 Fed. Reg. 38383](#) (July 2, 2010).

Note: One of my long-suffering readers recommended that I clarify that alcohol testing under US Coast Guard requirements is to be documented using form CG-2692B.

House – bill introduced to provide oil spill relief employment



Representative McDermott (D-WA) introduced the [Gulf Coast Restoration Act](#) (H.R. 5654) to amend the Workforce Investment Act of 1998 to provide oil spill relief employment, and for other purposes. (6/30/10).

House – bill introduced to protect OCS marine environment



Representative Quigley (D-IL) introduced a bill ([H.R. 5657](#)) to amend the Outer Continental Shelf Lands Act to ensure that protection of the marine and coastal environment is of primary importance in making areas of the outer Continental Shelf available for leasing, exploration, and development rather than expeditious development of oil and gas resources, to prohibit oil and gas leasing, exploration, and development in important ecological areas of the outer Continental Shelf, and for other purposes. (6/30/10).

House – SPILL Act adopted



The [Securing Protections for the Injured from Limitations of Liability Act](#) (SPILL Act) (H.R. 5503) has been adopted by the House of Representatives. It now goes to the Senate for consideration. If enacted into law, this measure would, among other things: (1) amend the Death on the High Seas Act (DOHSA) and the Jones Act to allow recovery of nonpecuniary losses; (2) repeal major portions of the Limitation of Liability Act of 1851; (3) render unenforceable certain secrecy agreements relating to discharge into offshore waters of oil or hazardous material; and (4) place restrictions of the treatment of certain property in bankruptcy if the debtor is liable for claims arising from an oil spill. (7/1/10).

House – hearing on BP claims fund



The House Committee on Small Business conducted a hearing on [Recovery in the Gulf](#): What the \$20 Billion BP Claims Fund Means for Small Business. [Committee Chairwoman Nydia Velázquez](#) (D-NY) made an opening statement. [Mr. Kenneth Feinberg](#), Administrator, Gulf Coast Claims Facility, testified that he will build on the work already done by BP to process and pay

legitimate claims. He hopes to accelerate the process to consider claims for removal and cleanup costs by individuals, physical damage to real or personal property, lost profits and lost earning capacity, loss of subsistence use of natural resources, and claims for physical injury or death. (6/30/10).

Alaska – settlement re 2006 Cook Inlet grounding and spill



The Alaska Department of Environmental Conservation (ADEC) issued a **press release** stating that it reached a settlement with the owner of a tanker that grounded and spilled oil in Cook Inlet in February 2006 and with the oil handling facility involved. The state had alleged that the parties had violated the Cook Inlet winter ice rules. The companies have agreed to pay \$429,870 and to make operational changes to reduce the likelihood of a similar grounding and spill during ice conditions in Cook Inlet. (7/1/10).

Washington – arrangement with US Navy re deployment of skimming vessels



The Washington State Department of Ecology issued a **news release** stating that it has made arrangements with the US Navy regarding oil spill response capabilities in Puget Sound during the period in which five Navy oil-skimming vessels are deployed to outside the state to assist in the response to the Gulf of Mexico oil spill. Previously, the Department was concurred in the deployment of private sector response personnel and equipment to the Gulf. (7/2/10).

Red Sea – pirates hijack chemical tanker



The EU NAVFOR issued a **press release** stating that pirates have hijacked a chemical tanker in the northern Bab Al Mandeb area in the southern Red Sea. The tanker has a crew of 18 and is loaded with lubricant oil. (7/5/10).

ReCAAP – charts of piracy incidents



The ReCAAP Information Sharing Centre issued a **chart** showing the locations of incidents of piracy and armed robbery against ships in Asia during the first quarter of 2010. A **second chart** shows the locations of such incidents during 2009. A **third chart** shows the locations for 2008. (7/5/10).

EMSA – newsletter



The European Maritime Safety Agency (EMSA) released the **July 2010** edition of its newsletter. This edition includes a discussion and photograph of the high-capacity skimmer being loaned to the United States to assist in response to the Gulf of Mexico oil spill. (7/2/10).

Australia – Maritime Security Identification Cards



The Australian Department of Infrastructure, Transport, Regional Development and Local Government issued a [Fact Sheet](#) explaining recent enhancements to its Maritime Security Identification Card (MSIC) program. The number of criminal offenses that will preclude an individual from obtaining an MSIC has been increased. The validity period of an MSIC has been reduced from five to four years and an additional background check will be conducted after two years. New offenses have been created for MSIC holders who do not advise their card issuing body of additions to their criminal record and any sentence of imprisonment imposed as a result. (June 2010). *Note: This item was brought to my attention by my good friend John Bennett of Maritime Protective Services.*

Australia – marine rights of Torres Strait islanders



The Federal Court of Australia ruled that aboriginal Torres Strait Islanders have marine rights to waters of the Torres Strait based on their ages-old occupation and utilization of those waters. These marine rights, though, do not derogate modern national boundaries, navigation rights, or obligations relating to maritime safety or marine environmental protection. [Akiba on behalf of Torres Strait Islanders of the Regional Seas Claim Group v. State of Queensland \(No. 2\)](#) [2010] FCA 643 (2 July 2010).

New Zealand – The Good Oil newsletter



Maritime New Zealand posted the latest issue of its marine pollution response newsletter – [The Good Oil](#). This issue addresses, among other things, deployment to the Deepwater Horizon response and various oil spill response training exercises. (7/2/10).

UK – cargo ship fire



The UK Maritime and Coastguard Agency (MCA) issued a [press notice](#) stating that firefighters and salvors are responding to a fire on a cargo ship moored at Glensandra Quarry, Lochaber in northern Scotland. A [second press notice](#) states that the fire is under control and salvage operations have commenced. (7/3/10).

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

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