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NOAA – humpback whale;  
Illinois River – allision with dam;  
GAO – counterpiracy efforts; and  
Texas – The Responder newsletter.

June 26, 2014



# Bryant's Maritime News

Bryant's Maritime Consulting - 4845 SW 91<sup>st</sup> Way - Gainesville, FL 32608-8135 - USA

Tel: 1-352-692-5493 – Email: [dennis.l.bryant@gmail.com](mailto:dennis.l.bryant@gmail.com) – Internet: <http://brymar-consulting.com>

*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. Schrödinger had two cats, calling them a paradox.*

## **Port Arthur – waterway suitability assessment**



The US Coast Guard issued a notice stating that it received a Letter of Intent and Preliminary Waterway Suitability Assessment from Enterprise Terminalling LLC regarding the company's plans to construct, own, and operate a waterfront facility handling liquefied hazardous gas (LHG) at its Vidor, Texas facility within the Captain of the Port (COTP) Port Arthur Zone. Comments on the proposal must be received by 24 July. [79 Fed. Reg. 35766](https://www.federalregister.gov/documents/2014/06/24/79-fed-reg-35766) (June 24, 2014).

## Texas City – safety zone removal



The US Coast Guard promulgated a final rule removing the Snake Island Safety Zone, also known as Shoal Point, within the Texas City Channel. The change comes into effect on 14 July. [79 Fed. Reg. 35687](#) (June 24, 2014).

## USACE & EPA – waters of the United States



The US Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) have extended, through 20 October, the period within which to submit comments on the proposed definition of “waters of the United States” under the Federal Water Pollution Control Act (FWPCA, also known as the Clean Water Act). [79 Fed. Reg. 35712](#) (June 24, 2014).

## MARAD – CVS&S Training Provider Certification



The Maritime Administration (MARAD) issued a notice providing stakeholders with its final policy regarding Cruise Vessel Security and Safety (CVS&S) Training Provider Certification as provided for in the Cruise Vessel Security and Safety Act of 2010. [79 Fed. Reg. 36125](#) (June 25, 2014).

## CBP – NCAP ACE document image system



The US Customs and Border Protection (CBP) issued a notice announcing that it plans to modify the National Customs Automation Program (NCAP) for the Automated Customs Environment (ACE) test concerning the Document Image System (DIS) to allow participants to submit electronic images of a specific set of CBP and Partner Government Agency (PGA) forms and supporting information via a CBP-approved Electronic Data Interchange (EDI). The test will commence no earlier than 10 July and will continue until concluded by way of announcement in the Federal Register. [79 Fed. Reg. 36083](#) (June 25, 2014).

## USCG – PREP cycle change



The US Coast Guard issued a notice stating that it is changing from a three-year to a four-year cycle for conducting the National Preparedness for Response Exercise Program (PREP). This change has been coordinated with the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Bureau of Safety and Environmental

Enforcement (BSEE) through the National Schedule Coordination Committee (NSCC). Comments must be submitted by 5 September. [79 Fed. Reg. 36328](#) (June 26, 2014).

### **USCG – members sought for NAVSAC**



The US Coast Guard seeks applications for membership on the Navigation Safety Advisory Council (NAVSAC). Applications should be received by 30 July. [79 Fed. Reg. 36327](#) (June 26, 2014).

### **FWS & NOAA – critical habitat**



The Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) have extended until 9 October the period within which to submit comments on their proposed changes to the definitions and regulations for designating critical habitat under the Endangered Species Act (ESA). [79 Fed. Reg. 36284](#) (June 26, 2014).

### **FWS & NOAA – ESA policy**



The Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) have extended until 9 October the period within which to submit comments on their draft policy regarding implementation of section 4(b)(2) of the Endangered Species Act (ESA). [79 Fed. Reg. 36330](#) (June 26, 2014).

### **DOI – DWH early restoration PEIS**



The Department of the Interior (DOI) issued a notice announcing availability of the Final Programmatic and Phase III Early Restoration Plan and Final Early Restoration Programmatic Environmental Impact Statement relating to the Deepwater Horizon oil spill. [79 Fed. Reg. 36328](#) (June 26, 2014).

### **NOAA – humpback whale**



The National Oceanic and Atmospheric Administration (NOAA) issued a notice stating that it received a petition to identify the Central North Pacific population of the humpback whale as a distinct population segment (DPS) and delist the DPS under the Endangered Species Act. Information and comments

relating to this petition must be received by 28 July. [79 Fed. Reg. 36281](#) (June 26, 2014).

### Illinois River – allision with dam



The National Transportation Safety Board (NTSB) issued the report of its investigation of the allision of the tow of the towing vessel Dale A. Heller with the Marseilles Dam on the Illinois River on 18 April 2013. The probable cause of the allision was the decision of all involved parties to proceed with the passage of the tow during a period of record-high water and significant risk. Contributing to the allision was the failure of the Marseilles Dam lockmaster and the towboat master to communicate effectively about the actual positioning of the dam’s gates before and during the transit. [MAB 14/11](#) (6/25/14).

### GAO – counterpiracy efforts



The Government Accountability Office (GAO) issued a report regarding the ongoing US counterpiracy efforts, primarily off the Horn of Africa and in the Gulf of Guinea. The report recommends that the National Security Council Staff (NSCS), with the Secretaries of Defense and State, collaborate with the involved agencies to assess their efforts and to determine whether additional actions are needed to guide efforts in the Gulf of Guinea. [GAO-14-422](#) (6/23/14).

### Texas – The Responder newsletter



The Texas General Land Office (GLO) posted the June 2014 edition of [The Responder](#) newsletter. This edition has articles regarding the Texas City Y oil spill, as well as one on the scrapping of USS Forrestal in Brownsville. (6/23/14).

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## **Dennis L. Bryant**

Bryant's Maritime Consulting  
4845 SW 91<sup>st</sup> Way  
Gainesville, FL 32608-8135  
USA

1-352-692-5493  
[dennis.l.bryant@gmail.com](mailto:dennis.l.bryant@gmail.com)  
<http://brymar-consulting.com>

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