

Headlines:

Lake Tahoe – sternwheeler refloated;
USCG – VGP Job Aid;
USACE – procedure for processing requests;
EPA – Waukegan Harbor cleanup completed;
House – bill introduced re LNG transport on US vessels;
Court – USCG recommendation not final agency action; and
Court – conflict of laws re FFAs.

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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. The search for intelligent life on the third planet continues.

Lake Tahoe – sternwheeler refloated



The US Coast Guard issued a [news release](#) stating that the sternwheeler Tahoe Queen has been refloated. The vessel, with 296 passengers aboard, grounded in Lake Tahoe on Monday. There were no reports of injury or pollution. All the passengers and non-essential crew were brought ashore before salvage efforts commenced. Water levels in the lake on the California-Nevada border are lower than normal due to the ongoing drought in the region. The incident is under investigation. (8/5/14).

USCG – VGP Job Aid



The US Coast Guard issued an updated version of its [Job Aid](#) to assist its inspectors and port state control (PSC) boarding officers in verifying compliance

with the requirements of the Environmental Protection Agency (EPA) Vessel General Permit (VGP). (7/15/14).

USACE – procedure for processing requests



The US Army Corps of Engineers (USACE) issued a notice announcing availability of Engineering Circular (EC) 1165-2-216, titled “**Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 U.S.C. 408**”. 79 Fed. Reg. 45790 (August 6, 2014).

EPA – Waukegan Harbor cleanup completed



The Environmental Protection Agency (EPA) issued a **news release** announcing completion of all cleanup work required to remove Waukegan Harbor from the binational list of Great Lakes Areas of Concern. Waukegan Harbor was one of 43 contaminated sites on the Great Lakes designated as an Area of Concern by the United States and Canada under the 1987 Great Lakes Water Quality Agreement. (8/5/14).

House – bill introduced re LNG transport on US vessels



Representative Garamendi (D-CA) introduced the **Growing American Shipping Act of 2014** (H.R. 5270) to promote the transportation of liquified natural gas from the United States on United States flag vessels, and for other purposes. Representative Garamendi issued a **press release** explaining the measure. (7/30/14).

Court – USCG recommendation not final agency action



The US Court of Appeals for the Ninth Circuit ruled that it lacks jurisdiction to review a US Coast Guard letter of recommendation to the Federal Energy Regulatory Commission (FERC) regarding the suitability of the Columbia River for vessel traffic associated with a proposed liquefied natural gas (LNG) facility because such a letter does not constitute final agency action regarding the siting, construction, and operation of such facility. **Columbia Riverkeeper v USCG**, No. 12-73385 (9th Cir., August 5, 2014).

Court – conflict of laws re FFAs



The US Court of Appeals for the Fourth Circuit affirmed the denial by a district court of a motion to vacate a writ of maritime attachment previously issued to plaintiff trading company for the purpose of satisfying an English judgment. Plaintiff had entered into certain Forward Freight Swap Agreements (FFAs) with defendant shipowner. When defendant defaulted on the FFAs, plaintiff obtained a default judgment in the English court for its losses. Plaintiff then obtained a judgment in federal district court in New York recognizing and enforcing the English judgment. Plaintiff then obtained the writ of maritime attachment in federal district court in Virginia providing for arrest and attachment of a vessel owned by defendant then within the jurisdiction of the court. Defendant moved to vacate the writ, contending that a dispute over an FFA is not maritime in nature under English law, although it is in American law. The appellate court concluded that its jurisdiction is determined by reference to federal law and that FFAs are maritime contracts under federal law. **Flame SA v. Freight Bulk Pte. Ltd**, No. 14-1189 (4th Cir., August 5, 2014).

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

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