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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. Stupidity is a gift of God, but I try to not misuse it.*

Jacksonville – safety & security zones



The US Coast Guard promulgated a final rule consolidating and clarifying its safety and security zones within the Jacksonville Captain of the Port (COTP) Zone. The rule comes into effect on 1 April. **80 Fed. Reg. 11128** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-02/pdf/2015-04280.pdf>] (3/2/15).

Jacksonville – Eagle LNG Partners EIS



The Federal Energy Regulatory Commission (FERC) issued a notice stating that it intends to develop an environmental impact statement (EIS) examining the potential environmental effects of the Eagle LNG Partners Jacksonville LLC project. A public scoping meeting will be held in Jacksonville on 12 March. The scoping period will close on 26 March. **80 Fed. Reg. 11189** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-02/pdf/2015-04206.pdf>] (3/2/15).

HSRP – meeting



The Hydrographic Services Review Panel (HSRP), sponsored by the National Oceanic and Atmospheric Administration (NOAA), will meet in Long Beach, California on 8-10 April. Topics on the agenda include: the LB-LA and California marine transportation system; regional efforts to improve shipping efficiencies; the NOAA Precision Navigation project; and geospatial data and tools. **80 Fed. Reg. 11175** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-02/pdf/2015-04249.pdf>] (3/2/15).

MPAFAC – teleconference meeting



The Marine Protected Areas Federal Advisory Committee (MPAFAC), sponsored by the National Oceanic and Atmospheric Administration (NOAA), will conduct a teleconference meeting on 6 April. **80 Fed. Reg. 11175** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-02/pdf/2015-04246.pdf>] (3/2/15).

Alaska – strip club sewage dumped into harbor



The Department of Justice (DOJ) issued a **news release** [located at <http://www.justice.gov/usao-ak/pr/owners-floating-kodiak-strip-club-indicted-federal-grand-jury>] stating that the owners of a floating strip club near Kodiak, Alaska have been indicted for violating the Refuse Act of 1899 by dumping raw sewage into the navigable waters of the United States and for making false statements to the US Coast Guard. The owners allegedly told the Coast Guard several times that the sewage was being disposed of ashore or on the high seas. Instead, the sewage was being pumped directly overboard. (2/23/15).

NTSB – fire on fish processing vessel



The National Transportation Safety Board (NTSB) issued the report of its investigation of a fire on board the fish processing vessel Juno while moored at a pier in Westport, Washington on 28 December 2013. The fire caused extensive damage to the vessel. The master incurred minor injuries. The probable cause of the fire was a short circuit in a space heater, combined with improper stowage of flammable materials in the vicinity, the vessel's lack of structural fire protection, and the use of combustible materials in interior finishes. [MAB 15-05](#) [located at <http://www.nts.gov/investigations/AccidentReports/Reports/MAB1505.pdf>] (2/27/15).

House – bill introduced re aquatic nuisance species



Representative Miller (R-MI) introduced a bill (H.R. 1135) to provide an immediate measure to control the spread of aquatic nuisance species from the Mississippi River basin to the Great Lakes basin and to inform long-term measures to prevent the Interbasin transfer of aquatic nuisance species. Official text of the bill is not yet available, but Representative Miller issued a [press release](#) [located at <http://candicemiller.house.gov/media-center/press-releases/senator-stabenow-congresswoman-miller-introduce-bipartisan-bills-to-stop>] explaining the measure. (2/26/15).

Senate – bill introduced re natural gas export



Senator Markey (D-MA) introduced a bill (S. 585) to amend the Natural Gas Act with respect to the exportation of natural gas, and for other purposes. Official text of the bill is not yet available. (2/26/15).

Senate – bill introduced re aquatic nuisance species



Senator Stabenow (D-MI) introduced a bill (S. 589) to provide an immediate measure to control the spread of aquatic nuisance species from the Mississippi River basin to the Great Lakes basin and to inform long-term measures to prevent the Interbasin transfer of aquatic nuisance species. Official text of the bill is not yet available, but Senator Stabenow issued a [press release](#) [located at http://www.stabenow.senate.gov/?p=press_release&id=1605] explaining the measure. (2/26/15).

Court – scope of employment



In an unpublished opinion, the US Court of Appeals for the Ninth Circuit affirmed the grant of summary judgment to defendant ship owner in an action brought by plaintiff, who alleged that she was the victim of a sexual assault by a crew member of defendant's ship. The incident occurred at an entry gate facility at the Port of Oakland. Because the alleged tort occurred on land, the court ruled that state law, not maritime law, applied. The claims rested on a theory of vicarious liability through respondeat superior. The court held that there was no evidence that the crew member was acting within the scope of his employment at the time. Rather, his actions were "the result of only propinquity and lust" rather than his work as a sailor. **Ferguson v. Horizon Lines**, No. 12-17748 (9th Cir., February 26, 2015) [located at <http://cdn.ca9.uscourts.gov/datastore/memoranda/2015/02/26/12-17748.pdf>].

Court – longshoreman injury



In an unpublished opinion, the US Court of Appeals for the Eleventh Circuit affirmed the grant of summary judgment against a longshoreman who brought suit against a ship owner and against a container owner for injuries incurred when a twist-lock fell onto his neck. The appellate court ruled that the district court applied the correct legal standard; did not err in excluding certain testimony; and did not err in denying plaintiff's request for an adverse inference. **Horton v. Maersk Line, Limited**, No. 14-14450 (11th Cir., February 27, 2015) [located at <http://media.ca11.uscourts.gov/opinions/unpub/files/201414450.pdf>].

China – AIS placed online



The Chinese Maritime Safety Administration (MSA) issued a **news release** [located at <http://en.msa.gov.cn/index.php?m=content&c=index&a=show&catid=336&id=148>] stating that the information service platform for the Automated Identification System (AIS) for China's coastal and inland waterways and relevant waters has been placed on line and is available in real time. (2/27/15).

India – vessel sharing agreements



The Indian Directorate General of Shipping (DGS) issued a **notice** [located at <http://dgshipping.gov.in/WriteReadData/News/201502271155465992008Notifi>]

ation_vsa_msl_270215.pdf] announcing that, until 5 February 2016, Vessel Sharing Agreements of the Liner Shipping Industry will be exempt from provisions of Section 3 on the Competition Act, 2002. (2/27/15).

Panama Canal – public hearing on new toll structure



The Panama Canal Authority (ACP) issued a **press release** [located at <http://www.pancanal.com/eng/pr/press-releases/2015/02/27/pr542.html>] stating that it conducted a public hearing to receive industry feedback on the proposal for a new toll structure. Comments made during the hearing, as well as those submitted in writing, will be analyzed and taken into account before a final proposal for approval is submitted to the Canal Board of Directors and the Cabinet Council. (2/27/15).

UK – tug owner jailed after crew man dies



The UK Maritime and Coastguard Agency (MCA) issued a **press release** [located at <https://www.gov.uk/government/news/tug-boat-owner-jailed-after-crew-man-dies>] stating that a tug boat owner was given an eight-month custodial sentence after his crew member died trying to reattach a tow line in a violent storm. The owner pleaded guilty to being the captain of a vessel and putting his crew at risk of serious injury/death and as the owner undertaking unsafe operations. (2/27/15).

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

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