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Anniversary.

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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. Human beings are remarkable for their disinclination to learn from the experience of others.

NTSB – mission to recover El Faro VDR



The National Transportation Safety Board (NTSB) issued a **press release** stating that, in cooperation with the US Navy Supervisor of Salvage, the mission to recover the voyage data recorder (VDR) from the cargo ship El Faro will be launched in early July. El Faro sank during Hurricane Joaquin on 1

October 2015 with the loss of all 33 persons on board. The wreck was located on 1 November. The VDR was located on 26 April, but could not be recovered at that time. (6/6/16) [<http://www.nts.gov/news/press-releases/Pages/PR20160606.aspx>].

FMC – service contract inventory



The Federal Maritime Commission (FMC) issued a notice announcing the availability of its FY 2015 Service Contract Inventory and Inventory Summary. [81 Fed. Reg. 36540](#) (6/7/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-06-07/pdf/2016-13337.pdf>].

BOEM – renewable energy offshore California



The Bureau of Ocean Energy Management (BOEM) issued a [press release](#) stating that it will initiate planning with the State of California to establish an Intergovernmental Renewable Energy Task Force to examine opportunities for offshore renewable energy development along the California coast. (5/31/16) [<http://www.boem.gov/press05312016/>].

Supreme Court – judicial review of USACE JD



The Supreme Court of the United States ruled that parties may seek judicial review of a jurisdictional determination (JD) issued by the US Army Corps of Engineers (USACE) analyzing whether a particular property contains waters of the United States for purposes of the Clean Water Act. The court determined that a JD is a final agency action and that there are no adequate alternatives to judicial review. [Army Corps of Engineers v. Hawkes Co.](#), No. 15-290 (May 31, 2016) [http://www.supremecourt.gov/opinions/15pdf/15-290_6k37.pdf].

Court – admiralty tort jurisdiction



The US Court of Appeals for the Second Circuit ruled that admiralty tort jurisdiction extends to a case involving a recreational vessel anchored in shallow but navigable lake waters. The court conceded that this ruling conflicts with the Supreme Court precedent in that the incident does not bear a substantial relationship to traditional maritime activity. Rather, the court ruled that ordinarily every tort involving a vessel on navigable waters falls within the scope of admiralty jurisdiction. [In re Petition of Bruce Germain](#), No. 15-665 (2nd Cir.,

June 1, 2016) [http://www.ca2.uscourts.gov/decisions/isysquery/063b2ed5-ee43-4e2f-819f-e95b3fe2a731/6/doc/15-665_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/063b2ed5-ee43-4e2f-819f-e95b3fe2a731/6/hilite/].

Court – LHWCA determination upheld



In an unpublished decision, the US Court of Appeals for the Eleventh Circuit denied a petition for review of a decision of the Benefits Review Board in a matter under the Longshore and Harbor Workers' Compensation Act (LHWCA). The employee suffered a back injury while working for petitioner maritime company. After undergoing surgery, the employee was prescribed narcotic medications for pain-management. After four years of such treatment, petitioner sought review of whether such long-term treatment was medically reasonable and necessary. The court ruled that the determination upholding such treatment was supported by substantial evidence and was based on correct legal standards. **Federal Marine Terminals v. Schofield**, No. 15-14115 (11th Cir., June 3, 2016) [<http://media.ca11.uscourts.gov/opinions/unpub/files/201514115.pdf>].

California – marine invasive species proposal



The California State Lands Commission (SLC) issued a **notice** proposing adoption of regulations relating to the Marine Invasive Species Act enforcement and hearing process. Comments on the proposal must be received by 5 July. (5/20/16) [<http://www.slc.ca.gov/Laws-Regs/Proposed-MISP4-9.html>].

California – ballast water management reporting



The California State Lands Commission (SLC) posted a copy of the current USCG **Ballast Water Management Report** (BWMR) form, which may be used to meet California ballast water management reporting requirements. As of 1 July, the SLC will no longer accept ballast water management reports utilizing the old USCG form. (6/1/16) [<http://www.slc.ca.gov/Forms/MISP/BallastWaterForm.pdf>].

EC – passenger ship safety rules



The European Commission (EC) issued a **press release** stating that it has adopted proposals to simplify and improve passenger ship safety rules.

(6/6/16) [http://ec.europa.eu/transport/modes/maritime/news/2016-06-06-passenger_ship_safety_rules_en.htm].

Paris MOU – CIC to focus on MARPOL Annex VI



The Paris MOU issued a **press release** stating that its Concentrated Inspection Campaign (CIC) for the period 1 September through 30 November 2016 will address compliance with MARPOL Annex VI (air emissions). (5/30/16) [<https://www.parismou.org/paris-mou-agrees-concentrated-inspection-campaign-marpol-annex-vi-2018>].

Sarawak – hijacking and cargo theft



The ReCAAP Information Sharing Centre issued an **incident alert** concerning the hijacking and theft of oil cargo from the tug Ever Prosper and tank barge Ever Dignity off Bintulu, Sarawak on 3 June. The perpetrators robbed the crew and pumped out 3,000 liters of crude palm kernel oil. (6/6/16) [http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=447&PortalId=0&TabId=78].

New Zealand – VGM implementation



Maritime New Zealand issued a **media release** stating that flexibility will be utilized during the transition period for implementation of the verified gross mass (VGM) requirement for shipment of maritime containers. (6/2/16) [<http://www.maritimenz.govt.nz/news/media-releases-2016/20160602a.asp>].

Panama Canal – suspension of second draft restriction



The Panama Canal Authority (ACP) issued an advisory stating that it has suspended the second draft restriction. Therefore, the maximum authorized transit draft for vessels transiting the Panamax locks has been increased to 11.39m (39.0 feet) Tropical Fresh Water (TFW). **Advisory 29-2016** (5/31/16) [<https://www.pancanal.com/common/maritime/advisories/2016/a-29-2016.pdf>].

Panama Canal – transit draft for new locks



The Panama Canal Authority (ACP) issued an advisory stating that, beginning 27 June, the maximum authorized transit draft for vessels transiting the Neopanamax locks will be 13.11m (43.0 feet) Tropical Fresh Water

(TFW). **Advisory 30-2016** (5/31/16)
[<https://www.pancanal.com/common/maritime/advisories/2016/a-30-2016.pdf>].

Panama Canal – Safe Boarding Week



The Panama Canal Authority (ACP) issued an advisory stating that Safe Boarding Week will be observed on 4-8 July, emphasizing and encouraging safe boarding practices on vessels transiting the Canal. **Advisory 31-2016** (6/1/16)
[<https://www.pancanal.com/common/maritime/advisories/2016/a-31-2016.pdf>].

Panama Canal – functional completion of third set of locks



The Panama Canal Authority (ACP) issued a **press release** stating that its contractor has advised that the Third Set of Locks have officially passed all performance tests and are now functionally completed to allow a safe, efficient, and reliable operation of the new locks in accordance with the provisions of the contract. The ACP will conduct a detailed review of the submitted report in order to proceed with appropriate action and respond to the contractor, symbolizing an important milestone towards the inauguration of the new lane on 26 June. (6/2/16) [<https://www.pancanal.com/eng/pr/press-releases/2016/06/02/pr589.html>].

Singapore – persons authorized to supply water



The Singapore Maritime and Port Authority (MPA) issued a circular reminding masters that ocean-going ships in the Port of Singapore may only receive water from licensed and authorized persons. **Port Marine Circular 8-2016** (6/6/16) [<http://www.mpa.gov.sg/web/portal/home/port-of-singapore/circulars-and-notices/detail/d231d7c8-459e-49de-b755-97dcaaofd29e>].

Anniversary



Last week, my bride and I went away to celebrate the 48th anniversary of our wedding. (I will leave it to you to do the math.) I don't know whether the luckiest day of my life was when we got married or today, when she continues to put up with me. Our love continues to grow and mature.

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

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