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Baton Rouge – rescue efforts in the flood waters;  
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FMC – OCC and MTO agreements proposal;  
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USCG – cold weather oil response technology;  
Court – liability to seafarers for piracy;  
California – SIP Strategy workshop;  
Australia – TSS off SW coast; and  
Opening of the Panama Canal – 15 August 1914.

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## Bryant's Maritime News



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## Baton Rouge – rescue efforts in the flood waters



The US Coast Guard issued a **news release** stating that rescue of persons in distress due to flooding in the Baton Rouge area continues. Coast Guard aircrews were the only search and rescue resources flying continuously overnight. (8/14/16) [<http://www.uscgnews.com/go/doc/4007/2874794/>].

## Columbia River – bulker grounds twice



The US Coast Guard issued a **news release** stating that the bulk carrier Rosco Palm grounded twice in the Columbia River near Skamokawa, Washington. There are no reports of injury or pollution. The incident is under investigation. (8/13/16) [<http://www.uscgnews.com/go/doc/4007/2874546/>].

## NTSB – El Faro VDR initial audition to begin



The National Transportation Safety Board (NTSB) issued a **press release** stating that work will commence on Monday, 15 August to conduct the initial audition of the data on the El Faro voyage data recorder (VDR). (8/12/16) [<http://www.nts.gov/news/press-releases/Pages/pr20160812.aspx>].

## FMC – OCC and MTO agreements proposal



The Federal Maritime Commission (FMC) proposes to amend its regulations governing agreements by or among ocean common carriers (OCC) and marine terminal operators (MTO) subject to the Shipping Act. Comments on the proposal must be submitted by 14 September. **81 Fed. Reg. 53986** (8/15/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-18805.pdf>].

## Corpus Christi – waterway suitability assessment



The US Coast Guard seeks comments on a letter of intent (LOI) and waterway suitability assessment (WSA) for a project to expand the liquefied natural gas (LNG) facility in Ingleside, Texas. Comments must be received by 14 September. **81 Fed. Reg. 54107** (8/15/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-19282.pdf>].

## USCG – commercial fishing vessels



The US Coast Guard has extended, until 18 December, the period within which to submit comments on its proposed rulemaking to implement the 2010 and 2012 legislation concerning commercial fishing vessels. **81 Fed. Reg. 53986** (8/15/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-19272.pdf>].

## DOC – foreign trade zone application



The Department of Commerce (DOC) seeks comments on an application on behalf of Huntington Ingalls Industries requesting an expansion of its foreign trade subzone in Pascagoula. Comments must be received by 26 September. **81 Fed. Reg. 54041** (8/15/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-19412.pdf>].

## FWS – headwater chub and roundtail chub



The Fish and Wildlife Service has reopened, until 14 September, the period within which to submit comments on its proposal to add the headwater chub and a distinct population segment of the roundtail chub to the list of threatened species. **81 Fed. Reg. 54018** (8/15/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-19340.pdf>].

## Coral Reef Task Force – meetings on 22-23 September



The US Coral Reef Task Force, sponsored by the Department of the Interior (DOI), will meet on 22 September in Garapan, Saipan, Commonwealth of the Northern Mariana Islands (CNMI) and on 23 September in Tumon, Guam. **81 Fed. Reg. 54123** (8/15/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-19202.pdf>].

## EPA – GHG emissions from aircraft



The Environmental Protection Agency (EPA) issued a finding that greenhouse gas (GHG) emissions from aircraft cause or contribute to air

pollution that may reasonably be anticipated to endanger public health and welfare. **81 Fed. Reg. 554421** (8/15/16) [<https://www.gpo.gov/fdsys/pkg/FR-2016-08-15/pdf/2016-18399.pdf>]. *Note: This item obviously has no maritime aspect, but does help put the GHG emissions issue in context.*

### Offshore North Carolina – wind energy lease sale



The Department of the Interior (DOI) issued a **press release** announcing the proposed lease sale of over 122,000 acres of the US outer continental shelf (OCS) offshore North Carolina for wind energy development. Responses must be received by 17 October. (8/12/16) [<https://www.doi.gov/pressreleases/interior-announces-milestone-wind-energy-development-offshore-north-carolina>].

### USCG – cold weather oil response technology



The US Coast Guard issued a **news release** stating that it demonstrated and evaluated new technologies for use when responding to oil spills in harsh cold weather environments. (8/12/16) [<http://www.uscgnews.com/go/doc/4007/2873946/>].

### Court – liability to seafarers for piracy



In an unpublished decision, the US Court of Appeals for the Fifth Circuit reversed the district court's denial of plaintiff seafarer's motion to amend his pleadings and remanded the matter for further proceedings. Plaintiff had sued an international oil company under the Jones Act and for maintenance and cure after his vessel was attacked by pirates off Nigeria and he was held captive for 18 days. Defendant oil company filed a motion to dismiss as it was not plaintiff's employer. Plaintiff moved to amend his complaint to assert claims under general maritime law. That motion was denied and summary judgment was entered in favor of defendant. The appellate court held that the plaintiff gave sufficient notice of the nature of the proposed amended complaint and those claims would not have been futile as a matter of law. **Thomas v. Chevron USA**, No. 15-20490 (5th Cir., August 11, 2016) [<http://www.ca5.uscourts.gov/opinions/pub/15/15-20490-CV0.pdf>]. *Note: An interesting case with potentially far-reaching consequences – it should have been published.*

## California – SIP Strategy workshop



The California Air Resources Board (ARB) issued a **notice** stating that it will hold a workshop on 1 September in Sacramento regarding the proposed 2016 State Strategy for the State Implementation Plan (State SIP Strategy) for federal ozone and PM<sub>2.5</sub> standards. (8/12/16)  
[<http://www.arb.ca.gov/planning/sip/2016sip/2016sip.htm>].

## Australia – new TSS off SW coast



The Australian Maritime Safety Authority (AMSA) issued a **notice** stating that the IMO has adopted two new Traffic Separation Schemes (TSS) off the south-west coast of Australia. The TSS enter into effect on 1 December. (8/12/16) [<https://apps.amsa.gov.au/MOReview/MarineNoticeExternal.html>].

## Opening of the Panama Canal – 15 August 1914



The Panama Canal opened to traffic on 15 August 1914 with passage of the SS Ancon (pictured). First conceived in the 1600s, actual construction work was first begun by a French company in 1880. That attempt was defeated primarily by malaria and yellow fever. Work began on the present-day Panama Canal in 1904, success due in large part to wide-scale eradication of the mosquito discovered to carry yellow fever. The first major change to the Canal in over 100 years, the Canal Expansion Project to allow for transit by larger vessels, has been recently completed and is in operation, heralding a new era for the venerable Canal.

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