

## Headlines:

New York – ferry aground;  
DOE – Sabine Pass Liquefaction;  
MPAFAC – meeting on 17-19 January;  
Beaufort Sea- new well spudded;  
NTSB – cruise ship allision;  
Court – a win for sea turtles; and  
Court – hybrid power system fire.

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# Bryant's Maritime News

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## **New York – ferry aground**



The US Coast Guard issued a [news release](#) stating that an 80-foot New York City Ferry grounded on a sandbar after departing the Rockaway terminal en route Wall Street. The 23 passengers and one crewmember have been evacuated. The remaining crew will stay on board as efforts are made to refloat the vessel. (12/27/17)

[<https://content.govdelivery.com/accounts/USDHSCG/bulletins/1cf2409>].

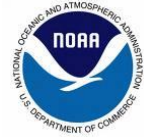
## **DOE – Sabine Pass Liquefaction**



The Department of Energy (DOE) issued a notice stating that it received an application from Sabine Pass Liquefaction, LLC for an extension of its current authorization to export liquefied natural gas (LNG) through 15 January

2020. Comments on the application must be received by 29 January 2018. **82 Fed. Reg. 61555** (12/28/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-12-28/pdf/2017-27970.pdf>].

### MPAFAC – meeting on 17-19 January



The Marine Protected Areas Federal Advisory Committee (MPAFAC), sponsored by the National Oceanic and Atmospheric Administration (NOAA), will meet on 17-19 January 2018 in San Francisco. Topics on the agenda include refining its work plans for 2018-19 and exploring common approaches to emerging issues at the various MPAs. **82 Fed. Reg. 61543** (12/28/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-12-28/pdf/2017-28108.pdf>].

### Beaufort Sea – new well spudded



The Bureau of Safety and Environmental Enforcement (BSEE) issued a **press release** stating that a new oil well has been spudded on an artificial island in the Beaufort Sea. (12/27/17) [<https://www.bsee.gov/newsroom/latest-news/statements-and-releases/press-releases/bsee-oversees-spudging-of-new-oil-well>].

### NTSB – cruise ship allision



The National Transportation Safety Board (NTSB) issued the report of its investigation of the 3 June 2016 allision of the Malta-flag cruise ship *Celebrity Infinity* with berth 3 in Ketchikan, Alaska. No one was injured and no pollution occurred. The vessel sustained a 9-inch-diameter hole on the forward port side, about 12 feet above the waterline. The berth suffered extensive damage to the catwalks and pilings. The cost of repairs was about \$1.15 million. The probable cause of the allision was the master's failure to plan, monitor, and execute a safe docking evolution. **MAB 17-36** (11/22/17) [<https://www.nts.gov/investigations/AccidentReports/Reports/MAB1736.pdf>].

### Court – a win for sea turtles



The US Court of Appeals for the Ninth Circuit affirmed in part and reversed in part the district court's judgment in favor of defendant federal agencies in an action brought by environmental advocacy groups challenging the

decision to allow a Hawaii-based swordfish fishery to increase its fishing efforts, which may result in the unintentional deaths of endangered sea turtles. The court held that the decision of the Fish and Wildlife Service (FWS) to issue a special purpose permit to the National Marine Fisheries Service (NMFS) on behalf of a commercial fishery was arbitrary and capricious. The court also held that the ‘no jeopardy’ finding of the NMFS as to loggerhead sea turtles was arbitrary and capricious because it ignored without explanation evidence in the record predicting that the proposed action would exacerbate the loggerhead’s decline. **Turtle Island Restoration Network v. Department of Commerce**, No. 13-17123 (9th Cir., December 27, 2017) [<http://cdn.ca9.uscourts.gov/datastore/opinions/2017/12/27/13-17123.pdf>].

### **Court – hybrid power system fire**



In a brief opinion, the US Court of Appeals for the Ninth Circuit affirmed the district court’s grant of summary judgment in favor of defendant power system integrator in a third party contribution and indemnification action concerning fire damage to a tugboat. Foss Maritime had hired appellant hybrid power system company to design, build, and install a battery-based hybrid power system for a Foss tugboat. Foss also contracted with defendant to integrate the hybrid power system into the existing diesel power system. The tug suffered a battery fire in one of the modules provided by appellant. Appellant alleged that the fire occurred because defendant disregarded instructions regarding the proper charging algorithm. Defendant countered that appellant wrote a defective software algorithm for its battery system. Foss settled with both the defendant and the appellant. **Corvus Energy v. 1169997 Ontario**, No. 15-35859 (9th Cir., December 27, 2017) [<http://cdn.ca9.uscourts.gov/datastore/opinions/2017/12/27/15-35859.pdf>].  
*Note: I find this case more interesting for revealing the complexities of hybrid power systems on vessels than for the legal issues.*

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