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USCG – hearing re tank barge explosion and fire;  
OMB – maritime regulatory reform;  
FWS – double-crested cormorants;  
COAC – webinar meeting on 1 August;  
BOEM – New York Bight wind power leasing;  
Court – maritime lien extinguished by laches; and  
Court – competing liens.

July 16, 2018



# 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. 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. One must learn the rules in order to properly break them.*

## **USCG – hearing re tank barge explosion and fire**



The US Coast Guard issued a [bulletin](#) stating that, beginning 16 July, a formal public hearing will be held at Sector Houston-Galveston to consider evidence related to the explosion, fire, and subsequent loss of life that occurred aboard the tank barge Bouchard No. 255 off the coast of Texas on 20 October, 2017 (7/13/18) [<http://mariners.coastguard.dodlive.mil/2018/07/13/07-13-2018-public-hearing-being-held-july-16-in-houston-texas-for-bouchard-no-255-tank-barge-incident/>].

## **OMB – maritime regulatory reform**



The Office of Management and Budget (OMB) has extended, through 30 August, the period within which to submit comments regarding its Maritime

Regulatory Reform proposal. [83 Fed. Reg. 32689](#) (7/13/18) [<https://www.gpo.gov/fdsys/pkg/FR-2018-07-13/pdf/2018-14958.pdf>].

### FWS – double-crested cormorants



The Fish and Wildlife Service (FWS) promulgated a final rule, effective immediately, removing regulatory provisions that allowed take of double-crested cormorants at aquaculture facilities and to protect public resources without the need for a permit. [83 Fed. Reg. 32805](#) (7/16/18)

[<https://www.gpo.gov/fdsys/pkg/FR-2018-07-16/pdf/2018-15103.pdf>].

### COAC – webinar meeting on 1 August



The Commercial Customs Operations Advisory Committee (COAC), sponsored by the US Customs and Border Protection (CBP), will meet via webinar on 1 August. Topics on the agenda include a discussion of the work of the Export Manifest Working Group and the Regulatory Reform Working Group. [83 Fed. Reg. 32885](#) (7/16/18) [<https://www.gpo.gov/fdsys/pkg/FR-2018-07-16/pdf/2018-15107.pdf>].

### BOEM – New York Bight wind power leasing



The Bureau of Ocean Energy Management (BOEM) has reopened, through 30 July, the period within which to submit nominations describing interest in one or more of the call areas for commercial leasing for wind power on the OCS in the New York Bight. [83 Fed. Reg. 32896](#) (7/16/18) [<https://www.gpo.gov/fdsys/pkg/FR-2018-07-16/pdf/2018-15133.pdf>].

### Court – maritime lien extinguished by laches



Over a strong dissent, the US Court of Appeals for the Second Circuit affirmed a declaratory judgment in favor of plaintiff vessel operator that defendant fuel supplier's maritime lien had been extinguished by laches. The dissent contended that the court did not have subject matter jurisdiction to hear the case since jurisdiction over the *res* (the vessel) is a prerequisite and was not present here. [Leopard Marine v Easy Street](#), No. 16-1356-cv (2nd Cir., July 13, 2018) [[http://www.ca2.uscourts.gov/decisions/isysquery/5b1dd7f1-3835-43d6-8d4a-23f9b84c530b/2/doc/16-1356\\_complete\\_pdf.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery](http://www.ca2.uscourts.gov/decisions/isysquery/5b1dd7f1-3835-43d6-8d4a-23f9b84c530b/2/doc/16-1356_complete_pdf.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery)].

/5b1dd7f1-3835-43d6-8d4a-23f9b84c530b/2/hilite/]. *Note: This matter was brought to my attention by my good friend Keith Heard of **Burke & Parsons**.*

## Court – competing liens



Getting way down in the weeds and over an equally obtuse dissent, the US Court of Appeals for the Fifth Circuit upheld a state lien against a cargo of pig iron onboard a vessel over a maritime lien against the same cargo. **Daewoo International v ThyssenKrupp Mannex**, No. 16-30984 (5th Cir., July 11, 2018) [<http://www.ca5.uscourts.gov/opinions/pub/16/16-30984-CV1.pdf>]. *Note: This matter was brought to my attention by my good friend Don Haycraft of **Liskow & Lewis**.*

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