

STATE LANDS COMMISSION

TRANSCRIPTS

AUGUST 22, 1990

AND

SEPTEMBER 27, 1990

BEFORE THE STATE LANDS COMMISSION
OF THE
STATE OF CALIFORNIA

IN THE MATTER OF)
CALIFORNIA'S OFFSHORE) Public Hearing
FIREFIGHTING CAPABILITY) and Meeting

TRANSCRIPT OF PROCEEDINGS

August 22, 1990

Burton Chase Park Auditorium
13650 Mindanao Way
Marina Del Rey, California

1:30 p.m.

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A P P E A R A N C E S

STATE LANDS COMMISSION

Leo T. McCarthy
Gray Davis - Chair
James S. Dwight
Kim Cranston

STAFF

Rick Frank
Robert Hight
Charles Warren
James Trout
Sharon Shaw
Gail Moore

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2
1 BEFORE THE STATE LANDS COMMISSION

2 Marina Del Rey, California

3 August 22, 1990

4
5 -- P R O C E E D I N G S --6
7 CHAIR DAVIS: Call the meeting to order. This is a
8 Lands Commission hearing and meeting scheduled for August 22nd
9 in Marina Del Rey. The secretary will call the roll.

10 COMMISSION SECRETARY MOORE: Gray Davis?

11 CHAIR DAVIS: Present.

12 COMMISSION SECRETARY MOORE: Lec McCarthy?

13 COMMISSIONER MCCARTHY: Here.

14 COMMISSION SECRETARY MOORE: James S. Dwight?

15 COMMISSIONER DWIGHT: Here.

16 CHAIR DAVIS: Today's hearing is for the purpose of
17 examining the state's preparedness to fight fires at sea,
18 principally fires caused by tankers be they at port or in sea.19 It is my hope that we can learn from the
20 experience in Galveston, and we are fortunate to have the
21 Executive Assistant to the Lands Commission present with us,
22 the Lands Commission in Galveston, as well as representation
23 from the Coast Guard and from the City and County of Los
24 Angeles.

25 The purpose of today's hearing is to avoid having

1 to reinvent the wheel, try to learn from the experiences that
2 professionals have undergone in this state and others so that
3 we can by regulation adopt measures to prepare and protect
4 California's coastline.

5 I am assuming that a bill carried by Senator Keene
6 and Assemblyperson Lempert gets to the Governor's desk and that
7 he acts favorably on that. If he does we'll then be in a
8 position to fill in the blanks and flesh out some of the detail
9 that will be required as a result of what we learn in today's
10 meeting.

11 I'm going to ask if either of my colleagues would
12 like to make an opening statement.

13 With that I'd like to begin by calling the author
14 of a report, excellent report under the auspices of the entire
15 Oil Spill Contingency Group. some -- is it 17 agencies,
16 Charlie? -- I think some 17 different agencies in the state of
17 California are on this task force, and Mr. McPolin prepared an
18 excellent document as to the status of California's readiness
19 to respond to a Mega Borg-like disaster or frankly to respond
20 to a much smaller disaster which may well occur.

21 As I think most of you know, we've had two fires
22 in California in the decade of the '80s, both were in port and
23 both were on ships that were not loaded with oil. One was in
24 either L.A. or Long Beach and one was in Northern California.

25 So with that I would like to call Mr. McPolin to

1 the stand and ask him to give us a summary of his report and
2 respond to any questions that the Commissioners may have.

3 Just come up and sit at the table and state your
4 name and occupation for the record.

5 MR. MCPOLIN: Jim McPolin, Marine Fire Specialist,
6 downtown Bonsall, California.

7 CHAIR DAVIS: Downtown what?

8 MR. MCPOLIN: Bonsall.

9 CHAIR DAVIS: Where is Bonsall?

10 MR. MCPOLIN: You're kidding. Right next to Fallbrook,
11 inland from Oceanside. Just over the border.

12 CHAIR DAVIS: Thank you.

13 MR. MCPOLIN: This overview which I will read so I don't
14 miss anything, this report is a long time, as you stated, in
15 coming. And it's here. It was recently completed.

16 It's an evaluation of firefighting capability for
17 coastal transportation and storage disasters in California
18 waters. It's an effort to characterize the marine firefighting
19 along the California coastline.

20 The report contains an evaluation of the
21 capabilities of individual counties and recommendations for
22 contingency plans and training for both state and local
23 agencies.

24 The focus of recommendations is plan to mitigate
25 the general inadequacy of marine firefighting response and to

1 increase and maintain marine firefighting capability. Current
2 marine firefighting capability in California was evaluated by
3 carrying out a comprehensive survey of those organizations and
4 agencies with firefighting responsibilities.

5 The entire California coastline was surveyed using
6 personal interviews with responders in each of the original
7 thirteen counties, and the additional counties just completed,
8 the three U.S. Coast Guard and Marine Safety Offices and key
9 industry contacts in the state.

10 The survey was initiated in March of 1988 with
11 letters sent out and telephone calls made to briefly explain
12 Senate Bill 2495 and the intent of the survey. A letter of
13 introduction from the State Department of Fish and Game was
14 also provided.

15 The Office of Emergency Services Fire and Rescue
16 Coordinators provided the names of initial emergency response
17 contacts in each of the designated counties. U.S. Coast Guard
18 11th District Commander supplied contacts of the three Marine
19 Safety Offices located within the state. These in turn
20 supplied copies of their firefighting contingency plans.
21 Initial contacts were supplied by S.L. Ross Environmental
22 Research Limited.

23 Industry was very helpful in arranging inspections
24 and demonstrations on their vessels and facilities both onshore
25 and offshore, allowing me to observe operations and fire drills

1 and so forth in the very sensitive southern part of the state.
2 Cooperation from the survey participants for the most part was
3 quite good and provided the basis for a comprehensive and
4 honest analysis of firefighting capabilities.

5 The survey indicates that a marine firefighting
6 capability offshore of the state of California is lacking
7 statewide. Firefighters with marine firefighting training are
8 the exception rather than the rule. In many ports harbor
9 police have taken on the task of fighting marine fires with
10 varying degrees of training and experience.

11 Basic resources such as training and commercial
12 marine firefighting services are available locally and
13 regionally, but for various reasons these are not recognized or
14 utilized.

15 During offshore fires the point is often reached
16 when the fire is beyond the capability of the crew and local
17 assistance is needed. When and to whom the call for assistance
18 is made may very well determine the outcome. At this point the
19 answer to the question "who fights the fire?" is frequently
20 unknown.

21 The organization most frequently named by the
22 personnel interviewed in this survey, the United States Coast
23 Guard, states that it will not assume responsibility for
24 firefighting.

25 Ports must be made available to vessels in

1 distress. Some ports have the expertise to handle vessel
2 fires. In many ports this expertise is not immediately
3 available but can be acquired on short notice. An example of
4 this occurred off the coast of Santa Barbara in 1983.

5 The Char Mou, a cargo vessel enroute to Taiwan,
6 with a well-involved cotton fire, requested assistance. A
7 civilian crew firefighter -- a civilian marine firefighter was
8 placed onboard to direct the ship's crew in firefighting
9 operations, and to maintain communications with port officials
10 regarding the vessel's conditions and any special needs while
11 the ship sailed for the Port of Long Beach for complete
12 extinguishment and overhaul.

13 The main recommendation this report is that
14 planning and training must first be accomplished in order to
15 provide a basis for further evaluation and action. The
16 existing manpower and equipment are not being fully utilized.
17 The current state of preparedness would benefit from planning
18 and training.

19 As a consequence, further recommended solutions to
20 marine firefighting inadequacy which may involve an expensive
21 commitment to additional dedicated manpower and equipment are
22 not appropriate at this time. Specific recommendations are as
23 follows:

24 The U.S. Coast Guard Marine Safety Office should meet
25 with all firefighting agencies in their zone and explain the

1 Coast Guard's position regarding firefighting as reported in
2 the U.S. Coast Guard and Marine Safety Manual, Volume 6,
3 Chapter 8;

4 Identify the ports of San Diego, Los Angeles, Long
5 Beach, Port Hueneme, San Francisco, and Eureka as posts of
6 refuge for vessels stricken with fire; train these port fire
7 departments as described in this report; increase the size of
8 boat crews engaged in firefighting; establish marine
9 firefighting contingency plans; have industry and local
10 government add input to the Coast Guard Marine Firefighting
11 Contingency Plan; have industry and government agencies
12 cross-trained and exercise contingency plans annually; upgrade
13 fire inspections and firefighting capability at industry
14 facilities where necessary.

15 No one individual needs to know it all in a marine
16 fire emergency. This should be recognized and incorporated in
17 the various contingency plans. The critical initial response
18 action is to establish who is in charge, who fights the fire.
19 Only in this way can the fire suppression activity be a joint,
20 federal, local, and industry operation with all available
21 resources effectively applied.

22 With regards to firefighting training, the
23 interaction of government and industry responder suggests that
24 an approved standard course of instruction be applied so that
25 all firefighters receive the same training nationwide.

1 CHAIR DAVIS: Let me just ask you a couple questions.
2 When you said early on that existing manpower and equipment is
3 not being fully utilized, could you elaborate on that? What
4 specifically were you referring to?

5 MR. MCPOLIN: The training -- That comes under the
6 category the training, and as far as the -- we have salvage
7 people, we have professional marine firefighters. A few who do
8 are on call as consultants and/or whatever. For example, one
9 of them went on this fire that I addressed in this Char Mou
10 fire.

11 The training is available within the state, in
12 Oakland, and there's talk of training in L.A. County, with the
13 state. Whether they've gotten together or not I'm not aware
14 of.

15 I hope that answered -- it might not have answered
16 you specifically or what you needed to know, and I can get into
17 more depth, but there are commercially available salvage and
18 firefighters available, and also again, the training to
19 upgrade.

20 My ultimate -- what I'd really like to see, and
21 hopefully we'll get into that, is let the firemen do their job.
22 And it's structured, it's there, and they're in place. And
23 bring the training up, upgrade the training and go from there.

24 CHAIR DAVIS: Do you envision the firefighters being
25 people who serve the geographical communities where these ports

1 are located, or do you envision them coming from some other
2 place? In other words --

3 MR. MCPOLIN: What I would like to see ultimately and
4 what's in this report -- this has been addressed. The studies
5 have been done. Hundreds of thousands of dollars in the last
6 decade have been spent on studies like this throughout the
7 country.

8 What I would like to see specifically is again
9 train -- let's use an example: L.A./Long Beach. Let's train
10 the two fire departments, bring them up to speed in marine
11 firefighting. Send out the chief, a chief picked by the chief
12 of the fire department, to go to marine fire school, find out
13 what's going on, learn some terminology, see what's out there,
14 what's available. Come back and look at his own city, his own
15 county, his own port.

16 I see some needs here. Send some fire officers.
17 Send some captains to this school. Because I've addressed in
18 this report, in my opinion a California state fireman who meets
19 minimum state certification, in one week's time can be way
20 ahead in marine firefighting ability.

21 I'm getting ahead of myself going beyond if I may,
22 the -- what we're learning, a vessel whether it be a tank ship
23 at sea, in port; on the freeway a tanker, a railroad tank car,
24 it's a different size of vessel.

25 Sure you have some different problems, stability

1 and things like that. But all in all it's pretty basic. Think
2 of the advantage to the fireman. He's just increased his
3 knowledge. He's learned more. Some of them will fit right
4 into something else. Basic structure is there. I don't want
5 to create an empire. We have some of the best fire departments
6 in the nation right here in the state of California. It's
7 there, the structure's there. Let the chiefs pick their
8 people, let the chiefs go and get the training, but the
9 training nationwide that I stressed here is what I really
10 found, throughout this nation, that there are so many different
11 schools, so many thoughts, that people get confused as to what
12 the proper way is.

13 We've addressed it in the report. National Fire
14 Protection Association has come up with some training. There
15 are some things to look at in there that are a little off base,
16 but all in all if we come up with the same training and use the
17 people that we have, like the ones in this room, we're in good
18 shape.

19 CHAIR DAVIS: Okay.

20 Leo?

21 COMMISSIONER MCCARTHY: Does the L.A. fire department
22 have a specific section where they train their people in marine
23 firefighting, or do they send them elsewhere too?

24 MR. MCPOLIN: That would be a question you would have to
25 ask the fire chief. When I was there doing the survey,

1 everything was within the harbor. There are a few people that
2 have marine firefighting training they picked up in the Coast
3 Guard Reserve. What their --

4 COMMISSIONER MCCARTHY: Is there any educational unit in
5 the state of California which trains people to fight marine
6 fires?

7 MR. MCPOLIN: There is a federal agency in the state of
8 California that trains people to do that, it's in Oakland, the
9 Military Sea Lift Command. There is marine firefighting
10 training.

11 COMMISSIONER MCCARTHY: Is that available to any local
12 government fire department that wants to send men there?

13 MR. MCPOLIN: When I talked to them a couple months ago,
14 they said they could work it out. It's available for merchant
15 seamen. There's a lot of involvement there, but I'm convinced
16 that it could be arranged. And I talked to one of the
17 instructors up there, and he said, yeah, it could be.

18 There is also training if I might add, in Orange
19 County for small boat harbor training, Captain Gage down there
20 with the Harbor Master's Office, Orange County sheriff's
21 department. By just a little scratching there's an awful lot
22 of expertise in this state, plus the training that's the
23 official schools.

24 And as you know we have a problem with burning.
25 We don't want to make smoke. But there's some talk of L.A.

1 County and the state of California getting together and running
2 a school right here at Val Verde.

3 COMMISSIONER DWIGHT: Two questions, both clarification.
4 You mentioned the ports of refuge and you suggested a list.
5 Oakland was fairly conspicuous by its absence. Was that an
6 oversight or is there a reason for that?

7 MR. MCPOLIN: No, definitely not an oversight. Where do
8 you want to have your -- how far into the bay do you want to go
9 with your burning vessel? That's wherever the Coast Guard --
10 if the Coast Guard comes up with a -- and I would say the Coast
11 Guard would be the primary along with the fire department, and
12 so where are we going to put this fire berth, if you want to
13 call it that?

14 Obviously a concrete structure or someplace in the
15 bay that you'd want to put a ship on the bottom. And you'd
16 have to know its bottom and what the characteristics were. How
17 far in do you want to go with the ship? If the ship is in
18 Oakland, then again, they have the capability. They have the
19 boat, they have the people.

20 No, they weren't left out, believe me. But it's a
21 matter of bringing the ship in from sea, then where are you
22 going to take it? Hopefully not too far in.

23 COMMISSIONER DWIGHT: Second question. I got the sense
24 when you were presenting your formal comments that the training
25 that you were talking about was universal training, or at least

1 it sounded that way, for all firemen.

2 MR. MCPOLIN: My belief is that all firemen should get
3 universal training, the same training, in marine firefighting.
4 For your information if you don't know it, there's an awful lot
5 of out of the hip pocket, off the wall, throughout this nation.
6 And I've been to a lot of training in this nation and some of
7 it is totally off the wall. It's something they heard and it
8 sounded good and they are teaching people to use it.

9 And I use an example, earlier this afternoon on
10 one ship that I was training on, the chief mate was upset and
11 wrote a memo to the other officers that the seamen couldn't get
12 out the door, through the water-tight door or into it, because
13 they didn't know what side of the hose to stand on.

14 That's my example of too much training. There is
15 a proper side to stand on the hose, there is a reason for doing
16 it. And everybody should get that same training.

17 COMMISSIONER DWIGHT: But that's not unique to marine
18 firefighting, is it?

19 MR. MCPOLIN: That's true. By the basic training, the
20 structured basic training that our fire departments are -- and
21 I use the examples, if they meet state certification NFPA
22 Firefighter I, II, or III, whatever -- 1001, that will put them
23 on the right side of the hose.

24 COMMISSIONER DWIGHT: So your report goes well beyond
25 the needs of marine firefighting.

1 MR. MCPOLIN: No, it just is an example that we have
2 firefighters. All we're going to do is fine-tune them into
3 marines, those that need it, those that can use it. And
4 believe me, there's a lot of firemen out there -- you show me
5 where, you give me the address and I'm going.

6 My opinion -- you mentioned Oakland and we'll go
7 to Treasure Island, the Military Sea Lift Command which its
8 base is in Oakland -- in my opinion their fire school in marine
9 firefighting with a proper instructor is second to none in the
10 United States.

11 COMMISSIONER McCARTHY: I have a question.

12 CHAIR DAVIS: Yes.

13 COMMISSIONER McCARTHY: As you know the Sheriff's
14 Department in Los Angeles County contracts with maybe 22 cities
15 to provide law enforcement help. The cities are of such a size
16 that it doesn't make sense fiscally for each of them to try to
17 do this.

18 Isn't there some way we can envision having the
19 expertise that exists, like the L.A. City Fire Department,
20 really sign contracts with other jurisdictions that are at
21 least proximate enough so that they could get there to service
22 a marine fire fairly quickly? Isn't there a way we could do
23 that?

24 We don't need to train every fire department to
25 have expertise. There might be some basic knowledge that's

1 appropriate, but not everyone has to be brought up to the skill
2 of fighting marine fires, do they? Isn't there a way we can
3 try to approach this economically in these days of very tough
4 local and state budget problems?

5 MR. MCPOLIN: If you see something coming from the back
6 of the room from the firemen then you'll know I'm out of line,
7 but I -- mutual aid, that should answer your question. We're
8 all familiar with mutual aid. They come across. They don't
9 need -- for the most part they don't need anything written,
10 they just do it. If there is written agreement, that's so much
11 better. Then you have a known, a given.

12 This training, I don't say bang. Again, we start
13 up with one man. Let's take one of these assistant chiefs
14 here -- or I hope I didn't shortchange anybody -- let's send
15 them to Oakland, with the instructors up there. And they might
16 spend one to two weeks up there. Maybe they should go to
17 another school and come back and look and see. This is, look,
18 we already have this. They might. But where is there
19 something else? But you come back and you evaluate your need.
20 What is there to burn in the Port of Los Angeles? What's there
21 to burn in Long Beach? Then the fire chief, he's going to tell
22 you what he needs to put the fire out.

23 So we've done the virtually no-cost training.
24 We've really brought our professionalism up to speed, and we
25 haven't really spent any money. Now we go to you or whoever

1 and say this is what we need. But if you're looking at -- and
2 I don't think you are, this study has already been done and it
3 was shot down -- having this universal group that runs around
4 and puts out ship fires and that type of thing, that was shot
5 down a long time ago.

6 If you -- and another thing, and I don't want to
7 take up a lot of time on this, but it was also brought out that
8 if you take a city such as Los Angeles City, if the guy only
9 works in the harbor, he doesn't get enough fires. So you get
10 someone who moves around, do promotion or details or whatever.
11 He gets his fires, he gets his action, he gets his harbor, he
12 stays tuned to all the fire situation.

13 COMMISSIONER MCCARTHY: Thank you.

14 CHAIR DAVIS: If there are no other questions, thank you
15 very much, Mr. McPolin. We appreciate your report and your
16 being here.

17 Next I'd like to ask Blanton Moore who is the
18 Executive Assistant of the Texas State General Land Office to
19 come forward.

20 Mr. Moore, we would be particularly interested in
21 your observations of what happened with the Mega Borg off the
22 coast of Galveston and any recommendations you would have for
23 California to enhance its preparedness should a similar event
24 occur.

25 MR. MOORE: Thank you. My name is Blanton Moore. I'm

1 here today representing Texas Land Commission, with Gary Morrow
2 who would like to have been here however he had some scheduling
3 problems.

4 The Texas General Land Office is responsible for
5 the management of approximately 20.4 million acres of
6 state-owned land in the state of Texas.

7 Most of that land is submerged lands and it
8 includes the bays and estuaries and out to approximately 10.3
9 miles in the Gulf of Mexico.

10 We were able to keep our old designation when we
11 entered the Union and the limit I believe at that time was the
12 three marine league line, and somehow the federal government
13 didn't want to take our state land, so we retained it and kept
14 everything, which for the most part very much helped us on the
15 revenue side in that those lands are dedicated to public
16 education in the state.

17 As the Commissioner's Executive Assistant, I have
18 served as his -- quote for lack of a better term "on-scene
19 coordinator" of the two recent oil spills near Galveston.

20 The first involved the Mega Borg, the second was
21 the recent Apex Barge spill in Galveston Bay, that spill
22 accounting for roughly 700,000 gallons of oil, 300,000 of which
23 no one seems to be able to find, so we're still working on
24 that.

25 The Mega Borg was perhaps as the commissioner has

1 been quoted as saying, "our worst nightmare." We had a
2 foreign-flagged ship outside the jurisdiction of both the state
3 and the federal government, burning pretty much out of control,
4 carrying roughly 38 million gallons of light in-going crude
5 oil, and nobody seemed to know how you deal with that.

6 We were candidly very lucky. We had a shipowner, a
7 Norwegian company that immediately took responsibility for the
8 spill. They contracted with Schmidt America who conducted the
9 salvage operations and also the cleanup operations. What could
10 have been a very bad situation was for the most part taken care
11 of through some luck and through a lot of hard work on the part
12 of the Coast Guard and the salvage company.

13 The Mega Borg spilled approximately 4.3 million
14 gallons of crude oil. Over half of that evaporated or was
15 consumed in the fire. But from a firefighting standpoint we
16 believed at the time and still contend that we have the
17 necessary resources to combat a major marine tanker fire off
18 the Gulf of Mexico.

19 Our petrochemical industry is similar to
20 California's and our offshore oil industry, that expertise has
21 been developed over the years. However, what Mega Borg really
22 showed is that the system that we have in place to fight a fire
23 doesn't necessarily use the resources to its best potential in
24 a very prompt manner.

25 The Norwegian company, the incident occurred on a

6
1 Saturday. The engine room fire, pump room fire, occurred on a
2 Saturday and then the explosion occurred and that occurred on a
3 Saturday.

4 On Sunday the company had contracted with Schmidt
5 America, and on Monday Schmidt America had assembled roughly
6 five firefighting boats, six skimmers, several aircraft for
7 possible use of dispersants on the oil slick.

8 On Monday they had planned to try and apply a foam
9 to put out the fire. However, they were delayed from doing
10 that because they had to bring the foam in from Norway. Also
11 some of the skimmers and support operation for the firefighting
12 effort had to be brought in from Louisiana and Alabama.

13 We found that to be a little strange. Although
14 the company had exercised, we thought, a good faith effort to
15 pay for the response and direct the response, particularly from
16 the firefighting side.

17 The fact that we had to ask for foam to be brought
18 in from Norway is a little disheartening. We have Boots and
19 Coots and they are a major company along the Gulf Coast. And
20 we have Red Adaire of infamous firefighting fame and several
21 other companies with great expertise that could have supplied
22 the necessary men and equipment to get the job done on a more
23 timely manner.

24 Unfortunately our system right now seems to give
25 leeway to the companies that are involved in these accidents

1 and especially out there when you're out of everyone's
2 jurisdiction. The Coast Guard seemed and elements of the state
3 government seemed to give them a good deal of leeway.

4 Because of the delays in applying foam, several
5 other explosions occurred, and we were forced with the
6 possibility or the situation of having to wait basically until
7 Friday to apply foam to the barge.

8 The main concern at that time was a possibility of
9 reflashes, that if you don't apply the foam in a blanket, some
10 of the oil or oil fumes could hit the hot hull and other
11 explosions could occur. I believe the temperatures averaged
12 somewhere around the neighborhood of 900 degrees Fahrenheit,
13 and my hat goes off to the people from Schmidt and the Coast
14 Guard that went on to take those readings, on several occasions
15 by the way.

16 The firefighting response was for the most part
17 very good. We seem to believe that no one can protect the
18 state's resources better than the state itself, and there's a
19 tendency to let the Coast Guard and let the responsible party
20 take most of the lead, and the states don't really participate
21 that much at the decision-making stage.

22 We are going to propose legislation in January
23 that will increase that role, that will among other things
24 follow Florida's lead, and purchase some state-owned equipment
25 and give a single agency the authority to go out and hire

1 whatever equipment is available and whatever resources are
2 needed to respond very quickly to a spill.

3 The important thing or the important lesson that
4 we learned from the Mega Borg, I suppose, is that oil spill
5 preparedness is a 365-day-a-year job, not only oil spill
6 preparedness but marine firefighting preparedness.

7 With our inability to adopt at the federal level
8 what we consider a comprehensive national energy policy, all we
9 have to look forward to is increased littering off the Texas
10 coast right now in that 60-mile area. And with increased
11 littering and more foreign oil coming in, the possibility of
12 these events happening are increased exponentially.

13 We're working with the Coast Guard and in federal
14 level to see what we can do about that, but in the meantime we
15 want to empower the state with the ability to go and hire the
16 necessary resources and go for it and respond as quickly as
17 possible.

18 I'd be happy to answer any questions that you have
19 at this time.

20 CHAIR DAVIS: I wanted to ask why you think the state is
21 better off in Texas by kind of assuming or gathering the
22 expertise and the equipment necessary to fight these fires, and
23 having it under its own ambit. I guess at first blush that
24 would seem to be reinventing the wheel if those resources and
25 expertise resided someplace else.

1 MR. MOORE: Okay. The state-owned equipment I
2 mentioned was strictly from the oil spill response side and it
3 doesn't include the firefighting side.

4 With respect to simply firefighting, it is not our
5 intention to go out and buy fire boats, et cetera, et cetera.
6 We know that that equipment exists. We know that there is the
7 expertise there to handle a Mega Borg type situation.

8 Our emphasis will be simply on making sure that
9 that expertise and that equipment is used as quickly as
10 possible and it can be responded to -- we don't have to depend
11 on the responsible party to come up -- and make sure that they
12 can get the best equipment out there available at the time. We
13 don't have to wait three days, for example.

14 CHAIR DAVIS: So you -- under your procedures, the State
15 Lands Commissioner or the board that the Commissioners are part
16 of has the responsibility to immediately take reactive measures
17 to an oil spill so that you don't have to ask the offending oil
18 company to do it first?

19 MR. MOORE: No, we don't presently have that authority
20 right now, and we're not proposing that we would -- no one is
21 going to take away the Coast Guard's role as the on-scene
22 coordinator, and under the National Contingency Plan right now,
23 if the responsible party is acting responsibly, the Coast Guard
24 sort of backs off.

25 The responsible party is responsible for cleaning

1 up the spill. What we want to do is make sure that we have a
2 response effort in place that if and when that does break down
3 we are there to protect the state's resources and respond
4 accordingly and make sure that that plan is in place.

5 CHAIR DAVIS: So that's a backup as opposed to --

6 MR. MOORE: As a backup, as a safety net.

7 CHAIR DAVIS: Leo?

8 COMMISSIONER McCARTHY: Have you drafted any legislation
9 yet?

10 MR. MOORE: We're working on bill drafts right now. The
11 legislature convenes in January of '91. We hope to have that
12 introduced as one of the first bills up for consideration.

13 COMMISSIONER McCARTHY: But it won't be limited to
14 marine firefighting, it will be a broader approach giving the
15 state some jurisdiction and in helping to shape contingency
16 plans for oil spills?

17 MR. MOORE: Yes, it will cover the entire oil spill
18 issue; yes, sir.

19 COMMISSIONER McCARTHY: Have you had a chance to look at
20 what we did here in California, and what's --

21 MR. MOORE: Yes, I have. We used several of your
22 approaches as a matter of fact, especially with respect to Mr.
23 Trout sent me a copy of the legislation that is now pending I
24 believe, especially with respect to the assessment of the fee
25 on marine terminals and oil that is processed.

1 We like your approach a lot better than Florida's.
2 We think that it can pass the muster a little bit better, from
3 our standpoint.

4 COMMISSIONER MCCARTHY: If you see any shortcomings in
5 ours as far as marine firefighting is concerned, we would
6 welcome any comment from you in writing after this hearing is
7 over.

8 MR. MOORE: Certainly.

9 CHAIR DAVIS: I just want to elaborate on the Lieutenant
10 Governor's request.

11 Our legislation, the pending legislation, just
12 includes the necessity to think through the problem of
13 firefighting and fire prevention; that's about it. It's just a
14 general statement, and so I would be interested in any specific
15 recommendations that you think the respective agencies should
16 take through their regulatory powers, because really the whole
17 issue will get fleshed out as regulations issue pursuant to
18 that overall charge.

19 So, you know, I don't know if the legislation
20 is -- I don't think it's written with enough specificity that
21 you can find fault with it, but I'm sure we can learn from your
22 experience.

23 MR. MOORE: I'd be more than happy to do it.

24 CHAIR DAVIS: Thank you very much for making the trip
25 down.

1 MR. MOORE: Thank you.

2 COMMISSIONER MCCARTHY: We want to keep taking good
3 ideas from Texas, you know, any time that --

4 MR. MOORE: I'm sorry?

5 COMMISSIONER MCCARTHY: We want to keep taking good ideas
6 from Texas every time we get the opportunity.

7 MR. MOORE: Thank you very much.

8 CHAIR DAVIS: The next witness is Captain George
9 Casimir, the Chief of Marine Safety Division, Eleventh Coast
10 Guard District.

11 And this is Captain Robinson with you?

12 MR. CASIMIR: That is correct. Captain Robinson is the
13 Commanding Officer, Marine Safety Officer for the Coast Guard
14 for San Francisco Bay. And Commander Gary Gregory from the Los
15 Angeles/Long Beach office and Lieutenant Commander Schilland
16 from my office.

17 CHAIR DAVIS: Oh, good.

18 MR. CASIMIR: I'm Captain George Casimir, Chief of the
19 Marine Safety Division, Eleventh Coast Guard District, and I
20 have with me Captain Robinson who is Commanding Officer of
21 Marine Safety Office in San Francisco, and as I mentioned,
22 Commander Gregory from Los Angeles/Long Beach.

23 I would like to start by going over the Coast
24 Guard's policy relative to firefighting: That we clearly have
25 an interest in firefighting involving vessels of waterfront

1 facilities.

2 Local authorities are principally responsible for
3 maintaining necessary firefighting capabilities in U.S. ports
4 and harbors. The Coast Guard renders assistance as available,
5 based on the level of training and the adequacy of equipment.

6 The commandant intends to maintain this
7 traditional assistance as available posture without conveying
8 the impression that the Coast Guard is prepared to relieve
9 local fire departments of their responsibilities.

10 Captain of the Ports will work closely with the
11 municipal fire departments, vessel facility owners and
12 operators, mutual aid groups, and other interested
13 organizations. The Captain of the Ports shall develop a
14 Firefighting Contingency Plan addressing firefighting in each
15 of the Captain of the Port zones.

16 Generally our people will not actively engage in
17 firefighting other than the Coast Guard units, except in the
18 support of regular firefighting agencies under the supervision
19 of qualified fire officers.

20 Coast Guard people shall not engage in independent
21 firefighting operations except to save a life or in the early
22 stages of a fire to avert a significant threat without undue
23 risk. Coast Guard personnel who are employed in firefighting
24 operations have to be properly equipped and trained to the task
25 or for the task that they're assigned.

1 And I would like to have Captain Robinson briefly
2 go over the situation in the San Francisco Bay Area and
3 Commander Gregory do similarly for the Los Angeles/Long Beach
4 area.

5 MR. ROBINSON: Thank you very much.

6 I'm Captain Tom Robinson, the Commanding Officer
7 of the Marine Safety Office, San Francisco Bay. My area of
8 responsibility within the Coast Guard stretches all the way
9 from San Luis Obispo up to the Oregon border.

10 Within the San Francisco Bay local area we have an
11 organization called the Bay Area Waterfront Safety Forum to
12 which all of the local fire departments, police departments,
13 port authorities, and interested state agencies are invited.

14 That organization or forum meets on a quarterly
15 basis. One of the primary functions of the Waterfront Safety
16 Forum is to ensure good liaison between the fire departments
17 and the police departments, and for the fire departments, the
18 area of waterfront fires or vessel fires is one of the primary
19 areas that we discuss and that we carry out our assignments in.

20 We hold regular drills on about an annual basis.
21 I believe three years ago we had an exercise or drill involving
22 a passenger ship simulated fire in San Francisco. Two years
23 ago we held a drill involving a tanker at the Chevron facility
24 in Richmond.

25 In 1989 because of the Exxon Valdez situation we

1 did not have an exercise, but this September one is planned for
2 the Exxon Refinery in Benecia.

3 At each one of these exercises which the Coast
4 Guard acts as the coordinator for, all of the local
5 firefighters who would normally respond to an incident in
6 whatever area it is, do respond. It's a hands-on training and
7 exercise to exercise not only our communications with each
8 other but for some familiarity training for the firefighters in
9 working onboard a vessel or/and at the facility.

10 The State Department -- or Office of Emergency
11 Services has the lead in bringing state agencies into this
12 exercise, and that's taking place in September of this year.

13 Most of the activities of the Waterfront Safety
14 Forum are geared toward San Francisco Bay as that is the area
15 that we consider at highest risk within Northern California for
16 a marine fire.

17 A firefighting plan called the "Marine Terminal
18 and Vessel and Accident Plan" has been developed by the Coast
19 Guard with the assistance through this Waterfront Safety Forum
20 of all of the Northern California fire departments that have a
21 waterside or marine involvement.

22 And they have agreed to this plan, and it sets
23 forth that the local fire departments do have the lead as the
24 incident commander under the state of California's incident
25 commander system.

1 Within the Bay Area there are a number of
2 resources available, and many of them are outlined in the study
3 that was done for the state by the earlier speaker, Mr.
4 McPolin.

5 There are some that he did not mention and I might
6 quickly mention those. San Francisco now has three fireboats
7 of various sizes. Oakland has a fireboat. The city of Alameda
8 has a small fireboat. The City of Eureka up on the North Coast
9 does have a medium size fireboat.

10 The Navy has resources that again like the Coast
11 Guard's position on firefighting, those resources would be made
12 available from both Treasure Island in the middle of San
13 Francisco Bay, Mayor Island, and at the Naval Weapons Station
14 in Concord, California, up in Contra Costa County. They all
15 have tugboats that are capable of fighting fires.

16 The Coast Guard has in Northern California a
17 number of vessels that have limited firefighting equipment
18 onboard, primarily for fighting fires onboard their own vessel
19 or at their Coast Guard moorings or facilities, but as
20 available, if available and not already involved in higher
21 priority activities of law enforcement or search and rescue,
22 would and could be used in fighting the fire on a commercial
23 vessel or a private vessel. And many times are.

24 And those facilities, Coast Guard facilities are
25 located all along the coastline. But as I said, most of them

1 are rather small vessels used for search and rescue along the
2 coast, and would not really be suitable for fighting a major
3 fire like the Mega Borg, being a large tanker offshore.

4 In addition, it was mentioned about the
5 availability of foam for firefighting. There are 22 sources of
6 supply in the Northern California San Francisco Bay Area for
7 firefighting foam. And this is the same type of foam that's
8 used at airports for fighting an aircraft fire. And those
9 sources of supply range from a minimum of 250 gallons available
10 onhand all the way up to 10,000 gallons.

11 This information is all included in our
12 Firefighting Contingency Plan that all of the fire departments
13 have and that all of them have agreed to and that we keep up to
14 date year by year.

15 We have not concentrated in the past and I don't
16 think we will in the future on maintaining or developing an
17 offshore capability, but most of our activity of coordinating
18 through the mutual aid system has been within the Bay Area and
19 then one-on-one cooperation with places like Monterey and
20 Eureka and Crescent City.

21 Thank you very much.

22 CHAIR DAVIS: Before we continue, let me just ask
23 anybody who cares to answer this, What does the Coast Guard
24 recommend if a tanker say going from Long Beach to Valdez
25 catches fire as it passes, you know, through Ventura County.

1 Let's say by then it is presumably 10 or 20 miles
2 off the coast and no longer in state waters, what
3 recommendations would you have for how that fire should be
4 fought, and similarly what recommendations would you have for a
5 tanker in state waters on its way say to Alaska?

6 MR. CASIMIR: It would depend on the situation. You
7 were saying 10 to 20 miles offshore?

8 Generally speaking the tank vessels have been
9 built designed such that the potential for fires has been
10 minimized. For instance the -- most of the tank vessels have
11 their holds or tanks inerted such that there is no potential
12 for oxygen being in tanks to permit a fire.

13 They have a variety of different firefighting
14 systems onboard, foam systems that cover the entire cargo area,
15 CO2 systems or Halon systems or even foam systems within the
16 engine room and the tank room. They also have just general
17 firefighting capability with water from a variety of different
18 locations onboard.

19 And from your question I would presume you are
20 asking the question in the context of that it went beyond the
21 potential capability of the vessel to fight the fire there?

22 CHAIR DAVIS: Right.

23 MR. CASIMIR: We would obviously ascertain from the
24 owner what actions he was going to be taking, determine which
25 direction the vessel would potentially be going in, if it was

1 under power or not under power; and from that try to preclude
2 it from impacting the shoreline as much as possible -- and then
3 surveying the various different organizations, companies, the
4 Navy, Supesalve, or whatever is available to provide whatever
5 assistance would be necessary.

6 But out that far we do not specifically have
7 jurisdiction. It's not within our Captain of the Port zone, so
8 we have no specific responsibility other than search and rescue
9 in that case.

10 CHAIR DAVIS: Well, the Mega Borg was 50 miles offshore.

11 MR. CASIMIR: Yes, sir.

12 CHAIR DAVIS: So I assume that was beyond your
13 jurisdiction as well?

14 MR. CASIMIR: Yes, sir.

15 CHAIR DAVIS: I guess what I'm looking for is your
16 professional judgment as to what entity if not the Coast Guard
17 is in the best position to respond to that kind of a problem.

18 MR. CASIMIR: I honestly don't know. But the company
19 would have primary interest or responsibility in the context of
20 saving their equipment, their cargo.

21 There are various firefighting organizations
22 primarily on the Gulf Coast that are available. You have them
23 in Europe also. So it would be a question of contacting those
24 organizations to -- through the owner, because the Coast Guard
25 does not have authority, is not funded to do that type of a

1 response. If it were, the only way we'd do it, truly get
2 involved in it, is if it were a potential pollution case.

3 CHAIR DAVIS: Well that was.

4 MR. CASIMIR: And that's how the Mega Borg came about is
5 that as a consequence of the spill and its potential for
6 impacting the shoreline, we became involved and interested.

7 CHAIR DAVIS: But wouldn't that almost always be the
8 case with a loaded tanker, because if it was burning there was
9 always the capacity that it will break up or there will be a
10 major oil spill which would contaminate the marine environment?

11 MR. CASIMIR: I wouldn't say so, if it's a tank fire,
12 for instance in the Seawitch vessel Brussels fire. The
13 Seawitch granted was a container ship, but there the fire
14 involved the cargo area and the deckhouse was safe.

15 If you had a fire entirely contained within the
16 engine room, you could put out the fire in the engine room and
17 not impact the cargo area.

18 So just because there is a fire onboard a ship
19 does not mean that there will be a catastrophic explosion
20 that's going to destroy the integrity of the hull itself.

21 CHAIR DAVIS: All right, let's switch to a vessel within
22 the three-mile limit, and give us any recommendations you might
23 have for fighting that fire if the Coast Guard chooses not to
24 do that.

25 MR. CASIMIR: Our responsibility within the three-mile

1 area is associated with the safety of the port, and in that
2 area we can take whatever action would be necessary to protect
3 the port, but we have no specific responsibility or
4 jurisdiction to fight fires per se.

5 CHAIR DAVIS: Who then would you --

6 MR. CASIMIR: In the LA/LB area you've got the fire
7 departments there, and San Francisco Bay you also have the fire
8 departments there, but that's within the port confines.

9 CHAIR DAVIS: Would you recommend that groups develop
10 some mutual aid or contractual relationship with let's say in
11 the case of L.A. the L.A. fire department?

12 MR. CASIMIR: I'm not in a position to make that kind of
13 a suggestion or recommendation, but as I understand their
14 operation now, they don't have any firefighting capability
15 other than what's internal to their own vessels.

16 But that type of operation would be adding a
17 significant expense or responsibility to them that they are not
18 set up for now, so I don't think that is a viable alternative.

19 CHAIR DAVIS: Yes, sir.

20 MR. GREGORY: Let me make a comment on your earlier
21 question about a hypothetical offshore tanker on fire.

22 If the vessel owner requested permission, for
23 example, to come into San Francisco Bay where there was
24 firefighting capability so it could get the fire out, depending
25 on the circumstances, I may very well as Captain of the Port

1 deny that vessel permission to come in if the fire is not under
2 control. Because I am increasing the risk to the Port of San
3 Francisco or to San Francisco Bay and to the resources that we
4 have there.

5 I would -- it depends on the fire and what
6 condition it's in. If it's out of control I probably would
7 deny the vessel entry and make them stay offshore, and the
8 further offshore the better, as Captain Casimir said.

9 If the vessel fire was under control or was small
10 enough that I felt it was safe that the vessel was not going to
11 break in two once it got into the bay or was not going to
12 explode once it got into the Bay, then I may very well let it
13 come in to where the firefighting capabilities were more
14 available.

15 One comment I didn't make earlier on the
16 capabilities, a couple of the fireboats in San Francisco Bay
17 can go offshore. The city of San Francisco has said, yes, if
18 the Coast Guard requested them to go offshore to fight a vessel
19 fire, they would go outside the Golden Gate, depending on the
20 weather conditions and so on.

21 And if something came up back in the city that
22 they had to go back, then they would leave and go back to fight
23 a fire inside the bay. Or if the weather got bad they would go
24 back in. They are not -- none of the boats up there are
25 designed for really offshore type of firefighting.

1 CHAIR DAVIS: So we're basically out of luck if there's
2 a major fire in state waters.

3 MR. GREGORY: The same situation exists basically in the
4 Los Angeles/Long Beach area. We don't have offshore
5 capabilities and it is a concern.

6 I'd like to make one statement first. I'm
7 Commander Gary Gregory. I'm the Chief of the Port Operations
8 Department at the Marine Safety Office in Los Angeles/Long
9 Beach.

10 I certainly hope that you don't have the sense
11 that the Coast Guard is not concerned and not interested in
12 firefighting and fire-fighting capabilities and overseeing an
13 incident when an incident occurs.

14 Simply stated, the Coast Guard has no
15 firefighting -- intrinsic firefighting capabilities and
16 capacity. However, we are in contact when incidents occur with
17 the owners and with other agencies that may have firefighting
18 capabilities, such as the local fire departments or the
19 companies that have been contracted for by the owner.

20 So it isn't that the Coast Guard has turned its
21 back and walked away, but we do not have the equipment and the
22 people and the training to place people onboard a burning
23 vessel and try to extinguish a fire. It's the capabilities
24 that we're lacking.

25 CHAIR DAVIS: In the main are you thinking of private or

1 public response teams? In other words, are they local fire
2 departments or are they just people who do this for a living?

3 MR. GREGORY: In an offshore situation we're looking at
4 private assets. In a very close-in coastal situation, as far
5 as perhaps a mile or two offshore, depending on weather
6 conditions in our area the local fire departments can provide
7 services.

8 But typically we're looking at the public
9 capabilities in close, inside the harbor or in close to the
10 harbor, and private capabilities offshore.

11 I will say too that our studies of what's
12 available coastally, there is a significant portion of offshore
13 firefighting capabilities on the West Coast that's available in
14 the Seattle area. So we would look at the transit time from
15 the Seattle area to whatever part of California you're looking
16 at.

17 CHAIR DAVIS: Why is that so? Is that because the Coast
18 Guard is stationed at those --

19 MR. GREGORY: No, this is private, I'm talking private
20 offshore capabilities. Major companies have placed their major
21 assets in the Seattle area.

22 CHAIR DAVIS: Is that warranted by the --

23 MR. GREGORY: I think that is just purely an economic
24 decision on their part. I don't know exactly.

25 CHAIR DAVIS: I just want to say for the record that the

1 experience of the Lands Commission, certainly my own experience
2 with the Coast Guard at, well specifically Huntington Beach,
3 but more generally in their assistance on -- the Keene/Lempert
4 bill has been really more than satisfactory. People have done
5 a very good job, and from your former commandant to your
6 current commandant to a lot of people who work with us, have
7 been very, very helpful.

8 So I don't mean to suggest anything but a very
9 high regard for your professionalism, I'm just trying to
10 identify a hole in the net here and I don't know what to fill
11 in either.

12 But I look upon you as I think everyone else does
13 as the professionals, and so that's why I'm following this line
14 of inquiry.

15 Was there some more formal testimony?

16 MR. CASIMIR: No.

17 CHAIR DAVIS: I want to thank the Coast Guard again for
18 coming here en masse and for its continued assistance in our
19 efforts to try to enhance the protection of the California
20 coastline.

21 You are an integral part of anything that gets
22 done, and from California to Washington you people have been
23 very good, and if you could just reflect further on what might
24 be done to fill in these holes -- and maybe it is just
25 contracting with private agencies and looking at the logistics

1 of getting them to California. I don't know how long it would
2 take to get people from Seattle down, it would certainly take a
3 day, maybe longer.

4 But if you have any further thoughts I would
5 invite you just to communicate them in writing, because in the
6 best-case scenario we wouldn't begin issuing regulations on
7 this until probably next year.

8 Thank you very much, gentlemen.

9 Our next and I believe final scheduled speaker is
10 Captain Rement -- excuse me, Commander Edwin Allen of the L.A.
11 Fire Department.

12 MR. WARREN: Mr. Chairman, I would suggest that perhaps
13 you could have Chief Gary Olsen from Long Beach join Commander
14 Allen for a presentation.

15 CHAIR DAVIS: Fine, if that's satisfactory.

16 MR. ALLEN: My name is Ed Allen. I'm an Assistant Chief
17 of Los Angeles City Fire Department. I am in charge of what we
18 refer to as Division II, that's the bottom third of the city
19 and it comes to the harbor. In addition to that I am Chairman
20 of the Harbor Fire Protection Committee.

21 MR. OLSEN: I am Deputy Chief Gary Olsen, Long Beach
22 Fire. I'm the Operations Chief. I am responsible for all
23 firefighting activity in the city, as well as the emergency
24 medical response personnel.

25 CHAIR DAVIS: I would appreciate any thoughts or

1 observations you have about our preparedness in port and at-sea
2 and any recommendations you might have for the Lands
3 Commission.

4 MR. ALLEN: Certainly, Mr. Davis. We have five fire
5 boats as it talks about in the report. Two of those are large
6 boats. One of them is not seaworthy outside of the harbor so
7 we wouldn't want to send it out. It happens to be the largest
8 boat, but it's not -- it's very top-heavy.

9 And we have another boat that is on the drawing
10 boards, it's a large one that should be built within about a
11 year and a half, that will have a large pumping capacity.

12 In addition in the report it talks about
13 helicopters, and that's a great asset to rescue crew members
14 that might be at risk. We have repelling teams that can repel
15 down out of these helicopters, and they have paramedic
16 capabilities. So we have an ability to get people out there.

17 In Los Angeles we have responsibility for the
18 harbor and that's our primary responsibility as the citizens of
19 Los Angeles have, you know, have dictated through the charter.

20 But as any situation on mutual aid, if a formal
21 request is made then our deputy department commander, who we
22 always have one available each day, would make that decision,
23 and they would give what resources we could give to the agency
24 that requested it, still trying to maintain adequate resources
25 to protect the harbor. Basically that's it.

1 I wanted to clarify something now, because you
2 mentioned mutual aid earlier, and I thought of something when I
3 was in the audience, is we have agreements right now in the
4 city that we call automatic aid. That's a phrase that we use,
5 I'm not sure if you're familiar with that statewide.

6 There are places in the city where we interface
7 with another city, for instance Santa Monica comes to mind,
8 where looking at those areas we can more quickly get a
9 paramedic ambulance into that area to protect their citizens.

10 And we will get into formal agreements with those
11 cities and we will provide the paramedic ambulance to that
12 particular area where we're closer to, and in turn Santa Monica
13 would provide something else to us, another area that might be
14 a little more difficult to respond to.

15 And the idea of that is to give the maximum
16 service to the citizens -- because they don't care about the
17 jurisdiction, that's not the important factor.

18 So that's automatic aid. That happens immediately
19 when the telephone rings, someone calls 911, automatically
20 between those jurisdictions that that's been worked out, they
21 get that resource.

22 A mutual aid is a little different, and that's a
23 situation where certain resources are sent based upon
24 agreed-upon numbers, or in cases like I said before, you know,
25 if there's something out in the channel and they requested help

1 because there's a crew ship burning, then obviously the city of
2 Los Angeles would give what we possibly could at that time.

3 CHAIR DAVIS: Do you have any existing relationships
4 with the co-ops stationed in Long Beach? Do either of the two
5 departments have any understandings with the co-ops, which are
6 I think it's Clean Bay or Clean Seas?

7 MR. GREGORY: Coastal Clearwaters. Yes, City of Long
8 Beach is also a producer of oil products with our offshore
9 drilling, so we are a member of the original group and tied in
10 with that as one of the supporting agencies.

11 So in many of our drills -- as a matter of fact I
12 believe it was about a year ago April, we had a citywide drill
13 coordinated by the Coast Guard in which we had a simulated
14 spill within the area.

15 Of course we recently had the Orange County spill
16 that actually did bring product up into our area. We
17 interfaced with the Coast Guard and the Clean Coastal Water
18 people at that time.

19 One of the things I'd like to point out and Ed
20 just mentioned, on automatic aid and mutual aid, firefighters
21 are ready to go anytime. I just brought back a strike team
22 from El Tunas. We sent -- eight days, we had five engines in
23 Northern California. That was an 18-hour drive.

24 When we stop and look at a mutual aid response for
25 a fire boat, we're looking at vessels -- my department has

1 three fireboats, two that are 88-feet long, one that's 36-foot
2 long. The 36-foot one can go 30 knots. The other two do 14
3 knots.

4 So if you're looking at situations where we are
5 providing mutual aid firefighting equipment, it's going to take
6 a considerable amount of time to get it there.

7 It's very difficult too for firefighters who have
8 been trained on the fireboat say in Long Beach to go over and
9 work on L.A. City. There are no standard designs on fire
10 boats. Yes they are boats, yes they pump water, but there are
11 quite a few changes when you get inside the wheelhouse or you
12 get down into the pump room. So it would be a difficult
13 situation to mutual aid.

14 What comes to mind is the most recent Redondo
15 Beach fire where the pier burned. By the time we could have
16 gotten a vessel up there the pier was fully lost.

17 In regards to training I'd like to thank Larry
18 McPolin for what he said about the Long Beach/LA area in that
19 we're second to none in our capabilities.

20 I know that we have just gone through an extensive
21 training where we utilized a local marine surveyor who brought
22 in retired personnel from the Navy. We put our people through
23 a six-month program on vessel recognition. Eighty of our
24 personnel who work in and around the harbor were all trained to
25 a level where if they had the sea time, they could take the

1 100-ton operator's license examination.

2 So when we look at our particular area, Ed and I
3 respond back and forth on an automatic aid agreement. If they
4 have a problem their dispatch has a ring down to ours. We move
5 into the L.A. area and assist them.

6 We have two vessels that are capable of putting
7 out 10,000 gallons of water per minute each. They also carry
8 extinguishing agent, a thousand gallons. That extinguishing
9 agent is used at the proportion of 3 to 6 percent depending
10 upon what's burning, so we have quite a bit of capability for
11 extinguishment.

12 You mentioned the fact of fires here recently that
13 come to mind. The ones that come to my mind are the ones that
14 really never make the newspaper. We've had in the last four
15 months probably two or three good-going boat fires that no one
16 ever hears about because of our response in our area, immediate
17 attack to the seed of the fire, it doesn't become a national
18 headline. You might pick up a paper and they have a section
19 that states "what was that siren?" and it says "boat fire."
20 And that's all you'd see.

21 CHAIR DAVIS: How long does it take for your two large
22 ships if you deployed them to go up to L.A.?

23 MR. GREGORY: We share a boundary line, so when we say
24 "go up to L.A." it's just from one channel to another. It's
25 depending upon what portion of the L.A. Harbor it would be or

1 our particular harbor. But I would imagine 10 to 15 minutes
2 response time once we get the call.

3 CHAIR DAVIS: Do you have any thoughts on the question I
4 posed to the Coast Guard, which is a tanker moving through
5 state waters on its way to Alaska?

6 MR. GREGORY: I do. It would probably be better for a
7 city manager or port operator to answer that, because basically
8 when you bring a vessel like that into port, as the Coast Guard
9 pointed out, you're endangering the economic stability of that
10 community.

11 The city of Long Beach annually receives or
12 exports in excess of 30 million metric tons of petroleum
13 product. That's probably the most interesting fire because
14 it's the biggest, but what you stop and look at all the sulfur,
15 magnesium, cotton, lumber, et cetera that comes in, all of
16 those things burn.

17 So to bring in a vessel, I'm sure that the city
18 manager would make that decision along with the harbor
19 commissioner or his appointee.

20 We do have explosive basins. The last fire that
21 we fought aboard a tanker was actually three-quarters of a mile
22 out within the breakwater of the city of the Long Beach, and if
23 we did decide to bring it in, you know, after conferring with
24 the Coast Guard -- they are excellent resource.

25 They provide us with all types of fact-filled

1 information. Even though they don't have the physical
2 capability to do the firefighting, they have the expertise
3 aboard the vessel to make certain decisions based upon a
4 history that they can pull up on that vessel, as well as other
5 information that we may not have at our finger tips.

6 Basically it would be a city manager and a harbor
7 decision. If we felt with the conference with the Coast Guard
8 that that vessel could be brought in, we'd be willing to fight
9 it.

10 CHAIR DAVIS: Again, thank you very much for your
11 interest and your attendance, and if you have any further
12 thoughts on what we should do with a burning tanker, not
13 necessarily one wanting to come into port but just a fire that
14 has to be put out say two miles off, two-and-a-half miles off,
15 if you could either contact Charlie Warren our Executive
16 Officer or write the Lieutenant Governor or I, the Finance
17 Director, we would appreciate it.

18 MR. ALLEN: Thank you.

19 MR. GREGORY: Thank you.

20 CHAIR DAVIS: Thank you.

21 CHAIR DAVIS: I believe our next two guests -- and I
22 apologize if this schedule is incorrect -- are Commander --
23 excuse me?

24 (Conference with staff.)

25 CHAIR DAVIS: All right, now unless I'm corrected from

1 the staff again, I think it's time for Mr. Rement, Captain
2 Rement who is Port Superintendent for Chevron Shipping in
3 Richmond. Thank you for coming.

4 MR. REMENT: Good afternoon. My name is Dennis Rement
5 and I'm a Port Superintendent for Chevron Shipping Company in
6 Richmond, California.

7 I'd like also to introduce Bruce Hartman who is
8 from the Chevron Corporation. He can introduce himself.

9 MR. HARTMAN: I'm Bruce Hartman from the Chevron
10 Corporation fire protection staff.

11 MR. REMENT: Today I'm here representing the Western
12 States Petroleum Association whose members are responsible for
13 the majority of petroleum exploration, production,
14 transportation, and marketing of oil and natural gas in the
15 western states.

16 My comments, prepared comments, are very brief but
17 I'll be happy to answer any questions you might have later to
18 help your Commission's study.

19 Generally speaking my background is in oil tanker
20 operations, and having had 22 years in the business I feel that
21 oil tankers are very well equipped to deal with onboard fires,
22 especially these days.

23 Firefighting equipment now includes powerful
24 firefighting pumps and piping with fog nozzle applicators for
25 general purpose throughout the ship, high pressure monitors and

1 fire nozzels are positioned to cover the entire expanse of the
2 deck. Engine room and living quarters are abundantly covered
3 with fire hose stations and portable fire extinguishers.

4 Also available are foam carbon dioxide fixed and
5 portable systems for more specific applications. This arsenal
6 of firefighting equipment has been developed over many years
7 with the experience and assistance of the best experts in the
8 field.

9 The overall guiding principles for maintaining oil
10 tanker firefighting capability are found in the International
11 Convention for Safety of Life at Sea which prescribes minimum
12 standards. These standards are enforced in the United States
13 by the United States Coast Guard and there a reference is Title
14 46 in the CFRs.

15 Contingency Plans for various fire incidents,
16 scenarios are maintained on the ships and in our company
17 offices, along with rigorous training programs held weekly
18 onboard with hands-on drills as well as stringent procedures to
19 be followed.

20 Immediate and effective response to a fire
21 emergency is essential in preventing the spread of an onboard
22 fire. Contingency Plans include utilization of shore-based
23 resources if the emergency occurs in a port or reasonably close
24 to shore. In the unlikely event of a shipboard fire these
25 resources are brought to bear. However more importantly, all

1 tanker firefighting philosophy is based more on prevention than
2 response.

3 One of the mainstays of firefighting prevention is
4 the utilization of inert gas in the tanker cargo compartments.
5 History indicates that most shipboard fires are small and break
6 out in either the engine room or living quarters. These types
7 of fires are easily put out by the ship's crew.

8 However, perhaps one of the most dangerous aspects
9 of tanker cargo fires is the flammable mixture of oil vapors
10 and oxygen inside cargo compartments. Ignition of these fumes
11 has been the cause of marine disasters in the decade past, thus
12 adding a combustible or inert gas to the noncombustible or
13 inerted gas to the cargo compartment eliminates the threat of
14 ignition by eliminating the oxygen.

15 Effectiveness of inerting tankers has been
16 demonstrated by the small number of serious casualties that
17 industry sustained during the Iran/Iraq war for instance, in
18 spite of shelling and bombardment and other drastic measures
19 taken by the belligerents to stop each other's tanker trade.

20 Over the years fire prevention and firefighting on
21 board tankers has been given a great deal of attention, with
22 the result that serious tanker fires have become relatively
23 rare.

24 Having briefly addressed our prevention approach
25 and response capability of firefighting, I will close now and

1 respond to any questions that you have.

2 CHAIR DAVIS: When you talk about the capabilities of
3 new vessels, you're talking about vessels that were built how
4 long ago? Last five years, ten years?

5 MR. REMENT: With the inert gas systems since 1983 any
6 crude oil carriers greater than 20,000 tons are required to
7 have inert gas blanketing, and product carriers greater than
8 40,000 tons -- but since 1983.

9 CHAIR DAVIS: Since '83, all right. And how many
10 vessels would you estimate are at-sea that were built before
11 1983?

12 MR. REMENT: Well, that's not built before, that's a law
13 now for since 1983, any vessels larger than 40,000 tons must
14 comply, must have inert gas -- not built by that date, but if
15 they are in existence by 1983.

16 CHAIR DAVIS: Nobody was grandfathered in?

17 MR. REMENT: No. Well, if there were, there are a few
18 instances, but it would have to be a unique case and it would
19 have to be approved by the Coast Guard. They would be the ones
20 that could address that question.

21 CHAIR DAVIS: And how does -- do you have any
22 observations as to what caused the Mega Borg fire and how that
23 raged on for some nine days?

24 MR. REMENT: I don't have enough information to know
25 definitively what caused the Mega Borg incident. It would be

1 pure speculation and I'd just as soon not do that until I hear
2 the official reports.

3 CHAIR DAVIS: I guess I'm always a little suspect when
4 industry represents that everything is fine, not to worry about
5 it. But I remember there were some similar representations
6 made about the pipeline in Alaska, and all the ships were
7 modern -- there would never be a real problem, they had
8 American crews and all that.

9 We're sort of in the business of preparing for the
10 worst scenario and so we always assume something can go wrong.
11 My experience in government over the last 20 years is that
12 generally something does go wrong.

13 Let me ask you this. Notwithst. ding the
14 precautions taken on vessels since 1983, what capability is
15 there to beat back a fire or snuff out a fire if the tanker
16 spills oil on the waters and that oil ignites somehow? In
17 other words, if oil on the water is burning?

18 MR. REMENT: Are you talking about --

19 CHAIR DAVIS: Let's say there's an accident, a tanker
20 goes aground for some reason -- the oil spills out and for some
21 reason it ignites.

22 What capability if any do ships since 1983 have to
23 respond to that contingency?

24 MR. REMENT: The ships themselves, once the oil has
25 escaped from the compartments and is on the water, would not

1 have capability to extinguish a fire of that nature.

2 Then we would have to rely on outside assistance
3 depending on where the vessel was to, one, secure salvage tugs
4 of enough horsepower to bring the vessel into the right
5 orientation, the wind and so forth, so that the fire could be
6 addressed, to maybe bring the ship further away from the coast
7 to avoid impact of pollution.

8 The spectrum would range from calling in the Red
9 Adaire types, to any local firefighting boats that could reach
10 the vessel, to aircraft drops of material that could snuff out
11 the fire. It's very difficult to say specifically what you're
12 going to do under a broad spectrum of incidents because you
13 don't know all the circumstances.

14 CHAIR DAVIS: Well, just let me ask Chevron as a
15 company -- and by the way I was pleased to see your CEO go on
16 radio the other day, I thought that was kind of gutsy --

17 MR. REMENT: Good, thank you.

18 CHAIR DAVIS: -- good to do.

19 Do you have for your own vessels, I mean, do you
20 have contingency plans let's say, you know, for some reason you
21 go aground or catch fire and you're two miles off the coast.
22 Is there any operating procedure that your captains follow in
23 that kind of situation?

24 MR. REMENT: Yeah, each vessel has a -- this is just
25 speaking for Chevron now. We do have contingency plans onboard

1 each of our vessels plus a contingency plan within Chevron
2 Shipping that's linked very closely with the overall
3 corporation worldwide response -- this is Chevron Corporation's
4 worldwide response unit.

5 So if we have an incident onboard the ship that it
6 becomes obvious that it's beyond the control of the people on
7 the ship, then that sets in motion a contingency plan that
8 connects the operators -- which is Chevron Shipping -- of the
9 vessel to the corporation that basically brings to bear then
10 other parts of the corporation, no matter where it is in the
11 world, whether it's a production outfit or a refinery or
12 whatever, there's resources and manpower and firefighting
13 equipment that they can lay their hands on.

14 CHAIR DAVIS: So initially you look within your own
15 resources to see if you have --

16 MR. REMENT: Well, the chain of action starts in that
17 way, and then it spreads out and we go to co-operatives,
18 contractors, state and local firefighting agencies. It's
19 basically, you know, a wishbone type flow chart and it spreads
20 out from there.

21 CHAIR DAVIS: And do you have existing relationships
22 with private or public firefighting organizations?

23 MR. REMENT: Yes, we do. We are involved in the San
24 Francisco Bay area in the Clean Bay which is tied closely with
25 the state and local firefighting organizations, as well as

1 Coast Guard, you know, if we need to activate some kind of call
2 out procedure. And I know in the past the Coast Guard has been
3 very helpful in that area to assist us in finding the right
4 resources.

5 But we have in our Contingency Plan pages and
6 pages, it must be a thousand pages of resources for various
7 equipment and personnel, contractors that are available
8 worldwide.

9 CHAIR DAVIS: Well, whatever aspect of that that's not
10 proprietary that you would care to share with us, we would
11 appreciate it. Because again, I don't believe in reinventing
12 the wheel if there's something in place that seems to work,
13 that's satisfactory to the Commission or in their judgment
14 seems to work, there is no need for us to impose on industry
15 things that are superfluous if you have in place what is
16 necessary to do the job.

17 MR. REMENT: Okay, I'll try to obtain a list and then
18 forward that to you then, okay?

19 CHAIR DAVIS: Yes, and the other Commissioners as well,
20 or I'll make a copy.

21 MR. HARTMAN: On the shoreside, at terminals such as
22 Richmond they also have firefighting, in the ability to lay
23 down foam.

24 We have two tugs at Richmond, both of which have
25 substantial pumping capabilities, firefighting capabilities,

1 and I believe one of the boats has twenty minutes of foam
2 capacity. So in the Bay Area those would certainly respond as
3 a first priority if there was a ship type problem.

4 We also have at each berth where the ships would
5 be, we have the ability to put water over the top and onto some
6 of the more sensitive areas like the manifolds onboard the
7 ship.

8 In some cases we have elevated monitors that can
9 spray large volumes of water over the top of the -- over the
10 edge of the ship into the manifold areas. So we do have
11 substantial shoreside capabilities.

12 And we certainly agree that there's a need for
13 contingency plans. Knowing who's in charge, as with an
14 incident command system of firefighting, knowing what the
15 resources are can greatly cut down the time of response and cut
16 down the overall damage in the event of a fire. And we agree
17 with that approach and are approaching from that standpoint of
18 the company.

19 ACTING COMMISSIONER CRANSTON: Would the standards
20 you've described for prevention and being prepared, do they
21 apply industrywide and not just to Chevron?

22 MR. REMENT: Yeah, the standards that are -- as far as
23 required in the industry are laid out in the Code of Federal
24 Register Coast Guard Regulations for all shipping.

25 ACTING COMMISSIONER CRANSTON: Would the Mega Borg have

1 been subject to those?

2 MR. REMENT: The Mega Borg being an international vessel
3 would be subject to the International Safety of Life at Sea
4 Convention which has regulations that are very, very similar to
5 the United States Coast Guard requirements. So they would have
6 had inert gas and those types of things.

7 Like I say, I wish I knew more about the Mega
8 Borg, but at this stage I haven't read anything definitive on
9 it, it's just been a lot of discussion of rumors.

10 ACTING COMMISSIONER CRANSTON: Something went wrong.

11 MR. REMENT: Something definitely went wrong.

12 CHAIR DAVIS: I just want to ask one other question of
13 the Coast Guard.

14 Is the Coast Guard conducting a review of what
15 happened to the Mega Borg, or is the Texas Lands Commission?
16 Is someone doing an after-action report as it were?

17 MR. CASIMIR: I am not sure if the Coast Guard is doing
18 one specifically themselves. The Coast Guard is involved in
19 that process. I'm not familiar with exactly who is -- The
20 Norwegian government held hearings and we were part and parcel
21 of that. I don't know if EFSP was involved in that or not.

22 But a report will be generated, and if the
23 Norwegian government did it -- I am sure they did something on
24 it -- that should be available at some time in the future when
25 it's completed.

1 CHAIR DAVIS: Well, maybe we could ask Mr. Moore,
2 wouldn't someone in Texas want to take a look at that from --

3 MR. MOORE: Yes. Actually I wanted to bring the
4 published report that the Coast Guard conducted in conjunction
5 with the Norwegian officials. That's not finished yet. I
6 called them in Galveston last week and they don't have that
7 published yet.

8 However, we at the state level are preparing a
9 report also on Mega Borg. The problem was that we had another
10 oil spill in the meantime, and all the people that were working
11 on that report were back in Galveston dealing with the Apex
12 Barge spill at Galveston Bay. But I'll be happy to forward
13 that to you also.

14 CHAIR DAVIS: And you would anticipate that report on
15 the Mega Borg would be completed when?

16 MR. MOORE: Within the next 30 days.

17 CHAIR DAVIS: Well that would be terrific.

18 MR. MOORE: The reason it's going to take so long is
19 it's a comprehensive thing that not only deals with the tanker
20 explosion itself but also natural resource damages to the
21 state.

22 CHAIR DAVIS: That would be terrific if you could send
23 that on.

24 Well I want to thank Mr. Rement, is it?

25 MR. REMENT: Rement.

1 CHAIR DAVIS: Rement, the accent on the second -- and
2 Mr. Hartman for your participation today and for coming down,
3 and all the witnesses that testified today.

4 And before we adjourn this hearing for about five
5 minutes and then start our formal meeting, I want to invite
6 anyone from the public that would like to offer any comment

7 Did you want to speak again, Mr. McPolin?

8 MR. MCPOLIN: In the public answer to your question, the
9 three-mile incident or whatever, I think I could do it if I
10 come up with the state of Hawaii so we won't be getting into
11 anything in particular that would cause an argument.

12 But in the state of Hawaii several times they've
13 had fires coming into Honolulu, ships on fire. And they called
14 their attorneys and the attorneys had called marine surveyors
15 McGee and Associates -- and one of that company was here,
16 Captain McGee and Associates -- and they in turn called me or
17 someone else and we had gone to the state of Hawaii and we
18 fought the fire and on a basis we put together as needed.

19 California. The PacTow in Long Beach, they don't
20 have a lot of capability for pumping, but they told me that
21 they would grab McGee and Associates and me and we'd go from
22 there and we'd build it.

23 I kept hearing would could happen. And as I
24 stated in the report -- if it's here in the state of
25 California, if you want it aided, it's also going to take time.

1 The largest salvage vessel on the West Coast is the Salvage
2 Chief on the Columbia River. If it's available it's going to
3 take a while to get down here.

4 But there are -- by the time it got here, God only
5 knows. But without going to the Columbia River we had within
6 the state the Coast Guard, I believe in their Contingency Plan
7 which I'm a firm believer of it, has just about anything you
8 want to know, who's who.

9 Again, we don't have to go out of the state to get
10 it, but it has to be, "who fights the fire?" Name the person,
11 name the company, and put the plan in action.

12 In answer to your question, we've taken care of
13 the first part of the problem.

14 Thank you.

15 CHAIR DAVIS: Thank you.

16 Yes, sir.

17 MR. COPPOLA: My name is Tony Coppola from Captain McGee
18 and Associates, and I've been involved in pollution incidents
19 and firefighting and major oil spills, starting with the
20 Sansinena in 1976 and recently the American Trader.

21 One of the things I wanted to say is that if you
22 have a vessel that's a foreign-owned vessel off the shore, say
23 20 miles, we've heard it today that not many people have
24 jurisdiction over that.

25 You've got a master out there who has a major

1 problem on the ship. First thing he's going to do is call his
2 owners and get advice from his P&I Club, which is protection
3 and indemnity. It goes with your liability insurance for the
4 vessel.

5 Now, he's sitting out there and there's also
6 salvage companies that are going to get wind of this and
7 they're out there with an open form saying we want this signed
8 so that we can assist you.

9 This I believe happened on the Mega Borg. I
10 believe it took a day or so to get somebody to sign an open
11 form for help. And that's why paperwork was taking place in
12 Norway and not right off the coast of Louisiana, people are
13 looking to their home office. Luckily for the Mega Borg you
14 had a responsible company that responded.

15 If you have a small company that flew a flag of
16 convenience, maybe a one-ship tanker company, and they have a
17 major problem, you may have a long wait before somebody makes a
18 decision about what to do, from the company.

19 And if nobody has jurisdiction what's going to
20 happen? I mean you have a ship out there. You have a major
21 catastrophe. You're waiting for the company to do something.
22 Now we're going to get real concerned when it comes to a
23 pollution incident. That's where people start looking up
24 okay, is that thing coming in?

25 The first thing the Coast Guard says is the

1 farther offshore the better, which is good, but what if the
2 ship's disabled -- say the captain's incapacitated or
3 something? Who is going to take charge? You have to fly
4 people from London P&I Clubs to come there and run the damn
5 thing. In Hawaii Captain McGee and Jim McPolin had to go out
6 there and fight the fire, and here they are right back in this
7 state.

8 So we've got some major things to look at with --
9 you know, everybody says that with the tankers -- American
10 tankers I don't think we have any problem at all. We've got
11 people right there, responsible companies. But you get a flag
12 of convenience tanker out there with not much of a backup, you
13 have a big problem, and everybody's going, well, if I put a
14 line on that ship or if I fight the fire and major pollution
15 results from that, then am I responsible? And then the lawyers
16 talk to them. And it's a difficult situation and I think it's
17 something to be addressed.

18 One other thing I'm not sure if you're aware, but
19 the Department of Fish and Game just put out a bid for a
20 comparison of a Mega Borg type incident off the coast of
21 California in five different locations.

22 I think the bid opening is today and it's going to
23 take about two or three months to do, but it will be a critique
24 of the Mega Borg, how it was handled by other people and a
25 contingency plan, evaluation of what's available along the

1 coast here and how we would handle a similar situation.

2 And that's going to be a report that's going to be
3 coming to the Fish and Game in two or three months from the
4 winning bid person.

5 CHAIR DAVIS: Good. Thank you very much.

6 ACTING COMMISSIONER CRANSTON: Excuse me, do you have
7 any thoughts on what should be done about the
8 flag-of-convenience problem you identified, any potential
9 solutions?

10 MR. COPPOLA: Well, the point I addressed is that with a
11 very small operation, in the hands of say the American Trader
12 oil spill, you had American Trading and Transportation which
13 owned the tanker, but you had BP oil on there. Now BP came in
14 and jumped right in and took over. American Trading and
15 Transportation had eleven people in their office in New York.
16 They were out here, but BP came in and helped out.

17 If you had, you know, a Kenyan ship out there with
18 the owner insulated by another owner insulated by another
19 owner, the entity you're going to have to look to, or the
20 entities, is the P&I Club for the vessel. Those are the
21 liability carriers for the vessel. And that's where you've got
22 some substantial people.

23 But they are going to have to assemble some kind
24 of group and get them out there. You don't have BP Oil,
25 Chevron Oil, ARCO, having this response group, and until that

1 happens I'm not sure what will happen if we have a major
2 catastrophe.

3 You'll get the Coast Guard, I mean, they'll save
4 the lives, but when you have a burning ship is Long Beach Fire
5 Department going to go out? Is one of the local fire agencies?
6 It's going to be difficult.

7 ACTING COMMISSIONER CRANSTON: Thank you.

8 CHAIR DAVIS: Yes, sir.

9 MR. COPPOLA: This is not my area of expertise, but it
10 reminds me of a situation we had in the city, somewhat the
11 same. If you have local carriers carrying tankers of flammable
12 liquids, if it was a large company we'd have no problem at all
13 coming back to that company and they take responsibility
14 handling the situation and cleaning up the pollution spill.

15 Occasionally we have smaller companies that are
16 difficult to get a hold of owners. In situations like that
17 then we could go ahead and have the authority, or the County
18 Health and the City of Los Angeles -- the County of Los Angeles
19 has the authority to go ahead and authorize the cleanup, and
20 then they'll chase down who's going to pay for it later. But
21 at least you solve the problem.

16
22 So even though it's a different -- you may want to
23 consider that parallel. You may want someone from the State to
24 step in and say it appears that this company is acting in an
25 irresponsible manner, is not acting quickly enough to solve the

1 problem and protect our coastline, we're going to step in.
2 We're going to identify the resource, we're going to solve the
3 problem, and we'll take care of the paperwork later. But I
4 think that would have to be at the state level.

5 CHAIR DAVIS: Well, I want to thank everyone for
6 participating in this hearing and again invite all of you if
7 you have further thoughts on this, to either write me or the
8 Lieutenant Governor, the Finance Director, or Charlie Warren,
9 our Executive Officer, because as I said, we probably won't get
10 into this in earnest until the tail end of this year at the
11 earliest. But I think it's an important area to examine and to
12 see what we can do to tighten up our procedures and use our
13 existing resources more efficiently.

14 So with that let me just adjourn this hearing --
15 or conclude the hearing, and we'll recess for five minutes and
16 then we'll convene the meeting which will take about -- How
17 long do you think, Charlie?

18 MR. WARREN: Fifteen minutes.

19

20 (Whereupon this portion of the proceedings concluded.)

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1 MEETING OF THE STATE LANDS COMMISSION

2 Marina Del Rey, California

3 August 22, 1990

4

5 CHAIR DAVIS: Let's reconvene the hearing and meeting of

6 the State Lands Commission. We will take the roll again.

7 COMMISSION COMMISSION SECRETARY MOORE MOORE: Gray

8 Davis?

9 CHAIR DAVIS: Present.

10 COMMISSION COMMISSION SECRETARY MOORE MOORE: James S.

11 Dwight?

12 COMMISSIONER DWIGHT: Present.

13 COMMISSION COMMISSION SECRETARY MOORE MOORE: Kim

14 Cranston?

15 ACTING COMMISSIONER CRANSTON: Present.

16 COMMISSION COMMISSION SECRETARY MOORE MOORE: This

17 constitutes a quorum.

18 CHAIR DAVIS: All right, let's deal with Item 1 which is

19 confirming the minutes of the June 11th meeting.

20 Is there any objection to approving those minutes?

21 If not we'll deem all these members as voting "Aye."

22 Charlie, you want to take up the issue of the

23 consent calendar?

24 EXECUTIVE OFFICER WARREN: Yes, Mr. Chairman. On the

25 consent calendar we have two items which are to be removed,

1 Items C-14 and C-52.

2 On Item 21, Mr. Chairman, that is to be modified
3 by deleting the references to the existing pipeline. The
4 existing pipelines will have to be dealt with by another
5 application inasmuch as a negative declaration needs to be
6 determined. So references to existing pipelines should be
7 deleted from Item C-21.

8 I would just like to make a brief reference to
9 Item C-37 which is a report of the coastal hazards removal.

10 CHAIR DAVIS: Could you again address that Item C-21.
11 What did you say there?

12 EXECUTIVE OFFICER WARREN: The Item 21 is to be amended
13 by deleting references to an existing pipeline.

14 ACTING COMMISSIONER CRANSTON: So it would then just
15 apply to a proposed pipeline?

16 EXECUTIVE OFFICER WARREN: Exactly.

17 CHAIR DAVIS: Okay. Any other changes or modifications?

18 EXECUTIVE OFFICER WARREN: No other changes, Mr.
19 Chairman.

20 CHAIR DAVIS: Is there anyone here that wants to testify
21 against any items on the consent calendar? Or any objection
22 from any member of the Commission?

23 (No response.)

24 CHAIR DAVIS: Hearing none, do I have a motion?

25 MR. FOLGER: I am not sure whether we're on the consent

1 calendar or not, number 71 on the calendar.

2 EXECUTIVE OFFICER WARREN: That's regular calendar.

3 CHAIR DAVIS: That's not on the consent calendar.

4 MR. FOLGER: Fine, thank you.

5 CHAIR DAVIS: But we have your -- you're Mr. Folger?

6 MR. FOLGER: Yes.

7 CHAIR DAVIS: We will call you when we get to Item 71.

8 Do we have a motion to approve the consent
9 calendar?

10 ACTING COMMISSIONER CRANSTON: So moved.

11 COMMISSIONER DWIGHT: Second.

12 CHAIR DAVIS: All right.

13 COMMISSIONER DWIGHT: But I would like to request that I
14 be recorded as an abstention on Item 17, Item 49, Item 53, and
15 Item 59.

16 CHAIR DAVIS: All right, the secretary will so note and
17 will record that the Commission is unanimous on all items on
18 the consent calendar save for those four, which the director
19 abstains. So the consent calendar is approved.

20 Now, Mr. Warren, the next item is?

21 EXECUTIVE OFFICER WARREN: The first item on the regular
22 calendar, Mr. Chairman, is Item 70, and the party here is the
23 State Lands Commission.

24 Staff has filed an indemnity selection application
25 with the Bureau of Land Management to acquire federal land

1 which is adjacent to a school lands parcel apparently needed by
2 the Castle Mountain Goldmining Project for access to water and
3 storage.

4 This action by the staff anticipates this need and
5 it is felt that in order to enhance the Commission's position
6 with respect to this project itself, that these acquisitions
7 should be obtained, and we recommend approval.

8 CHAIR DAVIS: All right, is there anyone here that
9 objects to the approval of this item?

10 (No response.)

11 CHAIR DAVIS: Any comments or questions from the
12 members?

13 (No response.)

14 CHAIR DAVIS: Is there a motion to approve?

15 COMMISSIONER DWIGHT: So moved.

16 ACTING COMMISSIONER CRANSTON: Second.

17 CHAIR DAVIS: All right, that item is unanimously
18 adopted.

19 EXECUTIVE OFFICER WARREN: Item 71, Mr. Chairman, the
20 applicant is the city of Huntington Beach, and it seeks an
21 amendment to a general lease which would authorize it to
22 demolish and reconstruct the Huntington Beach pier which was
23 severely damaged a few years ago in a major storm.

24 The restoration would be by concrete and it would
25 closely approximate the configuration of the old pier except

1 that there are minor variations which are noted in the lease.

2 We recommend approval. There is a representative
3 from the City, however who would like to address the item.

4 CHAIR DAVIS: All right, fine.

5 Mr. Folger, could you just come here to one of
6 these microphones and state your name and affiliation.

7 MR. FOLGER: Arthur Folger, Deputy City Attorney, the
8 city of Huntington Beach.

9 One thing which I would like to make clear because
10 my principal engineer for the city says for God's sake don't
11 let this item be continued. We don't want it continued.

12 The problem we have, we are in a position where we
13 have let the contract to demolish and rebuild the pier -- they
14 have not started work of course.

15 This amendment before you was proposed by your
16 staff and we received a copy yesterday morning. We have some
17 major objections to it, the major objection being that our
18 current lease, you know, allows us all the money from any
19 commercial use that does not exceed the cost of maintaining the
20 pier.

21 The new lease simply deletes that provision and
22 simply states that they will have the ability to charge the
23 city whatever they wish to. We would certainly like to
24 negotiate that item.

25 There are some other minor items I'd like to work

1 with your attorneys on, on this amendment. What I would
2 request of this Commission if it can be done, is that they by
3 minute action approve the demolishing and reconstruction of the
4 pier, and then we will commit to negotiate a new lease within
5 90 days.

6 CHAIR DAVIS: Do we have the -- can we legally do that,
7 Mr. Hight?

8 MR. HIGHT: Yes, you can legally do that, Mr. Chairman.
9 The issue before the Commission is the authorization to build
10 the pier, and then it reserves to the Commission the issue of
11 future rents. So I think that we're at the same place, and I
12 don't quite understand what their problem is.

13 CHAIR DAVIS: You're saying that the action as proposed
14 by the staff does not commit the city of Huntington Beach to
15 any specific rent?

16 MR. HIGHT: That is correct.

17 CHAIR DAVIS: And that as a matter of ordinary course
18 that is subsequently negotiated?

19 MR. HIGHT: Correct.

20 CHAIR DAVIS: Which is what you want?

21 MR. FOLGER: Well, yes, we would like to negotiate it,
22 but what the amendment says is lessor reserves the right to set
23 a monetary agreement. It doesn't say --

24 CHAIR DAVIS: But doesn't that have to be approved by
25 subsequent Commission action?

1 MR. HIGHT: That is correct, Mr. Chairman. That would
2 be an item that would come back before you.

3 MR. FOLGER: It would come back before you, but the city
4 people, like they're in a rather precarious position because we
5 have no ability, you know, if we sign this lease, to fight
6 whatever the Commission says.

7 MR. HIGHT: This is standard language and we normally
8 sit down with any applicant and negotiate the rental formula,
9 and if the two parties can't agree upon a ultimate rent, the
10 Commission is the ultimate arbitrator. I don't anticipate, you
11 know, I don't see --

12 MR. FOLGER: Well, I don't anticipate any problems
13 either, but you know, the city will be spending 12 to 14
14 million dollars to build this pier, and to leave an item
15 open-ended like this does bother us.

16 CHAIR DAVIS: Well it seems what you're requesting of us
17 is exactly what the staff is requesting of us also. You don't
18 want us to delay it, you want us to approve the demolition
19 and --

20 MR. FOLGER: Approve the demolition, but I'd like the
21 opportunity to work with your staff on coming up with a new
22 amendment.

23 CHAIR DAVIS: Fine. Well, let's deem that the issue
24 before the Commission is to approve the demolition and
25 construction of a new pier, with the understanding that the

1 rent will be negotiated later and brought back to the
2 Commission for final decision.

3 Is that satisfactory to you?

4 MR. FOLGER: Thank you very much.

5 COMMISSIONER DWIGHT: That's the motion.

6 CHAIR DAVIS: Is there a second?

7 ACTING COMMISSIONER CRANSTON: Second.

8 CHAIR DAVIS: Record the three members as unanimously
9 supporting the motion.

10 Item 72.

11 EXECUTIVE OFFICER WARREN: Item 72, Mr. Chairman, is
12 staff approves that you approve by endorsement three tenancies
13 between Riverbank Holding Company and the parties specified.

14 This is a marina project on the Sacramento River.
15 All the lessees are engaged in water-oriented activities as
16 required, and we recommend approval.

17 COMMISSIONER DWIGHT: So moved.

18 ACTING COMMISSIONER CRANSTON: Second.

19 CHAIR DAVIS: All right, that item is unanimously
20 approved.

21 EXECUTIVE OFFICER WARREN: Item 73, Mr. Chairman, the
22 applicant is Riverview Marina, and proposes to refinance its
23 current operations which would require a Consent to
24 Encumbrancing Agreement.

25 The staff has seen the encumbancing agreement and

1 recommends that it be approved.

2 CHAIR DAVIS: Any opposition to this item?

3 (No response.)

4 CHAIR DAVIS: Is there a motion?

5 COMMISSIONER DWIGHT: I move the recommendation.

6 ACTING COMMISSIONER CRANSTON: Second.

7 CHAIR DAVIS: All right, that's unanimously approved.

8 Item 74?

9 EXECUTIVE OFFICER WARREN: The applicant is the city of
10 Long Beach and seeks approval of specifications and form for
11 inviting bids of the city's share of crude oil produced from
12 certain tracts, and the staff recommends approval.

13 CHAIR DAVIS: Anyone from the audience care to comment
14 on this item?

15 (No response.)

16 ACTING COMMISSIONER CRANSTON: Move the recommendation.

17 COMMISSIONER DWIGHT: Second.

18 CHAIR DAVIS: All right, that it is approved with
19 three votes.

20 EXECUTIVE OFFICER WARREN: Item 75, Mr. Chairman, the
21 city the Long Beach again is the applicant. And on this it
22 proposed a bid on another segment of its royalty share of oil
23 production from certain tracts.

24 The bids were less than the required 50 cents per
25 barrel above base, and accordingly we recommend that the bids

1 be rejected.

2 CHAIR DAVIS: Okay, does anyone want to be heard on Item
3 75?

4 (No response.)

5 COMMISSIONER DWIGHT: So moved.

6 ACTING COMMISSIONER CRANSTON: Second.

7 CHAIR DAVIS: It's been seconded and the Commission will
8 be recorded as unanimously approving the staff recommendation.

9 EXECUTIVE OFFICER WARREN: Item 76, the applicant is the
10 State Lands Commission which recommends approval of proposed
11 sale of royalty crude oil.

12 We recommend approval.

13 CHAIR DAVIS: All right, does anyone want to be heard on
14 this item?

15 (No response.)

16 CHAIR DAVIS: Is there a motion?

17 ACTING COMMISSIONER CRANSTON: Moved.

18 COMMISSIONER DWIGHT: Second.

19 CHAIR DAVIS: That item is -- we unanimously approve the
20 staff recommendation on Item 76.

21 EXECUTIVE OFFICER WARREN: Item 77 is the award of the
22 royalty oil sales contract on the Huntington Beach field to the
23 highest responsible bidder, Texaco.

24 We recommend approval.

25 CHAIR DAVIS: Does anyone care to be heard on this item?

1 (No response.)

2 COMMISSIONER DWIGHT: So moved.

3 CHAIR DAVIS: All right, there's a motion --

4 ACTING COMMISSIONER CRANSTON: Second.

5 CHAIR DAVIS: -- and second. That item is unanimously
6 approved.

7 EXECUTIVE OFFICER WARREN: Item 78 is similar to Item 77
8 with the responsible bidder in this instance being Golden West
9 Refining.

10 We recommend approval.

11 CHAIR DAVIS: Okay, the staff recommends approval. Is
12 there anyone who wants to be heard on this item?

13 (No response.)

14 ACTING COMMISSIONER CRANSTON: So moved.

15 COMMISSIONER DWIGHT: Second.

16 CHAIR DAVIS: That's unanimously approved.

17 EXECUTIVE OFFICER WARREN: Item 79, Mr. Chairman,
18 involves the execution of a boundary line agreement between the
19 State Lands Commission and a Charles Graper and others on
20 portions of the Colorado River at Needles. This settles a
21 longstanding discussion of where the actual boundaries are and
22 establishes those boundaries. We recommend approval.

23 CHAIR DAVIS: Does anyone care to be heard on this?

24 (No response.)

25 CHAIR DAVIS: Is there a motion?

1 COMMISSIONER DWIGHT: So moved.

2 ACTING COMMISSIONER CRANSTON: And seconded.

3 CHAIR DAVIS: That item is unanimously approved.

4 EXECUTIVE OFFICER WARREN: Item 80, Mr. Chairman, is an
5 item by State Lands Commission and A.G. Spanos, and it seeks to
6 approve a tidal settlement agreement involving tide and
7 submerged lands in and adjacent to the Spanos Park Development
8 Company in the city of Stockton in San Joaquin County.

9 The agreement provides for an exchange of lands,
10 the preservation and creation of additional mitigated wetlands,
11 relocation of the public trust for the mitigated weapons and
12 for required flood control.

13 We recommend approval.

14 CHAIR DAVIS: Didn't the applicant there as I recall
15 agree to our -- didn't they voluntarily agree to do this?

16 EXECUTIVE OFFICER WARREN: Yes.

17 CHAIR DAVIS: All right. Is there anyone who objects to
18 this?

19 (No response.)

20 CHAIR DAVIS: Is there a motion?

21 COMMISSIONER DWIGHT: So moved.

22 ACTING COMMISSIONER CRANSTON: Second.

23 CHAIR DAVIS: Motion and second, that's unanimously
24 approved.

25 EXECUTIVE OFFICER WARREN: Item 81, Mr. Chairman,

1 Lighthouse Marina. This item is to request approval of
2 agreement to extend time for recording of the Lighthouse Marina
3 boundary line and exchange agreement.

4 This agreement was to have been concluded by
5 August 1. This request would extend it two months to October
6 1.

7 In exchange for the extension we've received
8 \$35,000 to our River Parkway -- Riparian Parkway Trust Fund and
9 we receive transfer to all the land which was involved in the
10 original agreement, plus an additional 24 acres of riparian
11 land waterward of the levy.

12 On October -- the reason for the delay is that the
13 project developer was unable to reach an agreement with the
14 Alaskan -- What are they called?

15 CHAIR DAVIS: The Alaskan Native American.

16 EXECUTIVE OFFICER WARREN: The Alaskan Native American
17 Tribe which owns a small segment of the riverfront property
18 that is proposed to be in the development.

19 So they have asked for an extension of our
20 agreement, and we recommend agreeing to do so in exchange for
21 the consideration we specified.

22 CHAIR DAVIS: Anyone care to be heard on this?

23 (No response.)

24 COMMISSIONER DWIGHT: Move the recommendation.

25 ACTING COMMISSIONER CRANSTON: Second.

1 CHAIR DAVIS: All right, that is unanimously approved.

2 EXECUTIVE OFFICER WARREN: The last item. Mr. Chairman,
3 is Item 82. State Lands Commission is the party and it seeks
4 approval of adding old abandoned wells that are seeping oil
5 within the tidal area located in Summerland, Santa Barbara
6 County, to the Commission's list of hazards.

7 If approved this hazard will be referred to the
8 Joint Legislative Budget Committee for its approval, and when
9 it's approved it will then become eligible for funding under
10 the hazard removal program.

11 We have received correspondence from Assemblyman
12 Jack O'Connell and from Senator Gary Hart, both of whom
13 vigorously recommend approval of this item. I know of no
14 opposition.

15 CHAIR DAVIS: Anyone here care to be heard on this item?

16 (No response.)

17 CHAIR DAVIS: Is there a motion?

18 ACTING COMMISSIONER CRANSTON: So moved.

19 COMMISSIONER DWIGHT: Second.

20 CHAIR DAVIS: That item is unanimously approved.

21 EXECUTIVE OFFICER WARREN: That concludes the regular
22 calendar, Mr. Chairman. The Executive Officer has a 20-minute
23 report.

24 CHAIR DAVIS: Give it in writing.

25 Is there any other business to come before the

1 Commission? If not, we stand adjourned.

2 Thank you all for coming down.

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4 (Whereupon the proceedings concluded.)

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CERTIFICATION

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

I, LAURA GULLETTE, do hereby certify that the foregoing pages 1 through 79, inclusive, comprise a true and correct verbatim transcript of the matter as reported by me.

I further certify that I have no interest in the outcome of the matter.

Witness my hand in the County of Ventura, California, this 30 day of August, 1990.



LAURA GULLETTE

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