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 )
) Public Hearing
CALIFORNIA'S OFFSHORE ) and Meeting
FIREFIGHTING CAPABILITY )

TRANSCRIPT OF PROCEEDINGS
August 22, 1990

Burton Chase Park Auditorium
13650 Mindanao Way
Marina Del Rey, California
1:30 p.m.

PRISCILLA PIKE COURT REPORTING SERVICES
3639 E. Harbor Boulevard
Suite 203-A
Ventura, California 93001
(805) 658-7770

Reported by: Laura Gullette
APPEARANCES

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

INDEX OF SPEAKERS

<table>
<thead>
<tr>
<th>Name</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawrence J. McPolin, Marine Fire Specialist</td>
<td>03</td>
</tr>
<tr>
<td>Blanton Moore, Executive Assistant,</td>
<td>16</td>
</tr>
<tr>
<td>Texas State General Land Office</td>
<td></td>
</tr>
<tr>
<td>George A. Casimir, Chief Marine Safety</td>
<td>25</td>
</tr>
<tr>
<td>Division, Eleventh Coast Guard District</td>
<td></td>
</tr>
<tr>
<td>Tom Robinson, Marine Safety Officer for</td>
<td>27</td>
</tr>
<tr>
<td>the Coast Guard for San Francisco Bay</td>
<td></td>
</tr>
<tr>
<td>Gary Gregory, Chief of Port Operations,</td>
<td>34</td>
</tr>
<tr>
<td>Marine Safety Office, Los Angeles, Long Beach</td>
<td></td>
</tr>
<tr>
<td>Gary Olsen, Long Beach City Fire Department</td>
<td>39</td>
</tr>
<tr>
<td>Dennis Rement, Western States Petroleum</td>
<td>47</td>
</tr>
<tr>
<td>Association</td>
<td></td>
</tr>
<tr>
<td>Bruce Hartman, Chevron</td>
<td>47</td>
</tr>
<tr>
<td>Tony Coppola, Capt. McGee and Associates</td>
<td>59</td>
</tr>
<tr>
<td>Arthur Folger, Deputy City Attorney,</td>
<td>69</td>
</tr>
<tr>
<td>City of Huntington Beach</td>
<td></td>
</tr>
</tbody>
</table>
BEFORE THE STATE LANDS COMMISSION
Marina Del Rey, California
August 22, 1990

-- PROCEEDINGS --

CHAIR DAVIS: Call the meeting to order. This is a
Lands Commission hearing and meeting scheduled for August 22nd
in Marina Del Rey. The secretary will call the roll.

COMMISSION SECRETARY MOORE: Gray Davis?
CHAIR DAVIS: Present.
COMMISSION SECRETARY MOORE: Lec McCarthy?
COMMISSIONER MCCARTHY: Here.
COMMISSION SECRETARY MOORE: James S. Dwight?
COMMISSIONER DWIGHT: Here.
CHAIR DAVIS: Today's hearing is for the purpose of
examining the state's preparedness to fight fires at sea,
principally fires caused by tankers be they at port or in sea.

It is my hope that we can learn from the
experience in Galveston, and we are fortunate to have the
Executive Assistant to the Lands Commission present with us,
the Lands Commission in Galveston, as well as representation
from the Coast Guard and from the City and County of Los
Angeles.

The purpose of today's hearing is to avoid having
to reinvent the wheel, try to learn from the experiences that professionals have undergone in this state and others so that we can by regulation adopt measures to prepare and protect California's coastline.

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

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

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

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

So with that I would like to call Mr. McPolin to
the stand and ask him to give us a summary of his report and respond to any questions that the Commissioners may have.

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

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

CHAIR DAVIS: Downtown what?

MR. MCPOLIN: Bonsall.

CHAIR DAVIS: Where is Bonsall?

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

CHAIR DAVIS: Thank you.

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

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

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

The focus of recommendations is plan to mitigate the general inadequacy of marine firefighting response and to
increase and maintain marine firefighting capability. Current
marine firefighting capability in California was evaluated by
carrying out a comprehensive survey of those organizations and
agencies with firefighting responsibilities.

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

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

The Office of Emergency Services Fire and Rescue
Coordinators provided the names of initial emergency response
contacts in each of the designated counties. U.S. Coast Guard
11th District Commander supplied contacts of the three Marine
Safety Offices located within the state. These in turn
supplied copies of their firefighting contingency plans.

Initial contacts were supplied by S.L. Ross Environmental
Research Limited.

Industry was very helpful in arranging inspections
and demonstrations on their vessels and facilities both onshore
and offshore, allowing me to observe operations and fire drills
and so forth in the very sensitive southern part of the state. Cooperation from the survey participants for the most part was quite good and provided the basis for a comprehensive and honest analysis of firefighting capabilities.

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

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

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

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

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

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

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

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

The U.S. Coast Guard Marine Safety Office should meet with all firefighting agencies in their zone and explain the
Coast Guard's position regarding firefighting as reported in
the U.S. Coast Guard and Marine Safety Manual, Volume 6,
Chapter 8;

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

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

With regards to firefighting training, the
interaction of government and industry responder suggests that
an approved standard course of instruction be applied so that
all firefighters receive the same training nationwide.
CHAIR DAVIS: Let me just ask you a couple questions.

When you said early on that existing manpower and equipment is not being fully utilized, could you elaborate on that? What specifically were you referring to?

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

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

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

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

CHAIR DAVIS: Do you envision the firefighters being people who serve the geographical communities where these ports
are located, or do you envision them coming from some other place? In other words --

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

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

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

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

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

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

CHAIR DAVIS: Okay.

Leo?

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

MR. McPOLIN: That would be a question you would have to ask the fire chief. When I was there doing the survey,
everything was within the harbor. There are a few people that
have marine firefighting training they picked up in the Coast
Guard Reserve. What their --

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

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

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

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

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

And as you know we have a problem with burning.
We don't want to make smoke. But there's some talk of L.A.
County and the state of California getting together and running
a school right here at Val Verde.

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

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

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

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

COMMISSIONER DWIGHT: Second question. I got the sense
when you were presenting your formal comments that the training
that you were talking about was universal training, or at least
it sounded that way, for all firemen.

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

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

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

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

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

COMMISSIONER DWIGHT: So your report goes well beyond the needs of marine firefighting.
MR. MCPOLIN: No, it just is an example that we have firefighters. All we're going to do is fine-tune them into marines, those that need it, those that can use it. And believe me, there's a lot of firemen out there -- you show me where, you give me the address and I'm going.

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

COMMISSIONER McCARTHY: I have a question.

CHAIR DAVIS: Yes.

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

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

We don't need to train every fire department to have expertise. There might be some basic knowledge that's
appropriate, but not everyone has to be brought up to the skill of fighting marine fires, do they? Isn't there a way we can try to approach this economically in these days of very tough local and state budget problems?

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

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

So we've done the virtually no-cost training. We've really brought our professionalism up to speed, and we haven't really spent any money. Now we go to you or whoever
and say this is what we need. But if you're looking at -- and
I don't think you are, this study has already been done and it
was shot down -- having this universal group that runs around
and puts out ship fires and that type of thing, that was shot
down a long time ago.

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

COMMISSIONER McCARTHY: Thank you.

CHAIR DAVIS: If there are no other questions, than\' you
very much, Mr. McPolin. We appreciate your report and your
being here.

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

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

MR. MOORE: Thank you. My name is Blanton Moore. I'm
here today representing Texas Land Commission, with Gary Morrow who would like to have been here however he had some scheduling problems.

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

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

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

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

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

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

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

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

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

The Norwegian company, the incident occurred on a
Saturday. The engine room fire, pump room fire, occurred on a Saturday and then the explosion occurred and that occurred on a Saturday.

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

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

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

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

Unfortunately our system right now seems to give leeway to the companies that are involved in these accidents
and especially out there when you're out of everyone's
jurisdiction. The Coast Guard seemed and elements of the state
government seemed to give them a good deal of leeway.

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

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

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

We are going to propose legislation in January
that will increase that role, that will among other things
follow Florida's lead, and purchase some state-owned equipment
and give a single agency the authority to go out and hire
whatever equipment is available and whatever resources are needed to respond very quickly to a spill.

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

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

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

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

CHAIR DAVIS: I wanted to ask why you think the state is better off in Texas by kind of assuming or gathering the expertise and the equipment necessary to fight these fires, and having it under its own ambit. I guess at first blush that would seem to be reinventing the wheel if those resources and expertise resided someplace else.
MR. MOORE: Okay. The state-owned equipment I mentioned was strictly from the oil spill response side and it doesn't include the firefighting side.

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

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

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

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

The responsible party is responsible for cleaning
up the spill. What we want to do is make sure that we have a response effort in place that if and when that does break down we are there to protect the state's resources and respond accordingly and make sure that that plan is in place.

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

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

CHAIR DAVIS: Leo?

COMMISSIONER McCARTHY: Have you drafted any legislation yet?

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

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

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

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

MR. MOORE: Yes, I have. We used several of your approaches as a matter of fact, especially with respect to Mr. Trout sent me a copy of the legislation that is now pending I believe, especially with respect to the assessment of the fee on marine terminals and oil that is processed.
We like your approach a lot better than Florida's. We think that it can pass the muster a little bit better, from our standpoint.

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

MR. MOORE: Certainly.

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

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

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

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

CHAIR DAVIS: Thank you very much for making the trip down.
MR. MOORE: Thank you.

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

MR. MOORE: I'm sorry?

COMMISSION McCARTHY: We want to keep taking good ideas from Texas every time we get the opportunity.

MR. MOORE: Thank you very much.

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

And this is Captain Robinson with you?

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

CHAIR DAVIS: Oh, good.

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

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

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

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

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

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

Coast Guard people shall not engage in independent firefighting operations except to save a life or in the early stages of a fire to avert a significant threat without undue risk. Coast Guard personnel who are employed in firefighting operations have to be properly equipped and trained to the task or for the task that they're assigned.
And I would like to have Captain Robinson briefly go over the situation in the San Francisco Bay Area and Commander Gregory do similarly for the Los Angeles/Long Beach area.

MR. ROBINSON: Thank you very much.

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

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

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

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

In 1989 because of the Exxon Valdez situation we...
did not have an exercise, but this September one is planned for
the Exxon Refinery in Benecia.

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

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

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

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

And they have agreed to this plan, and it sets
forth that the local fire departments do have the lead as the
incident commander under the state of California's incident
commander system.
Within the Bay Area there are a number of resources available, and many of them are outlined in the study that was done for the state by the earlier speaker, Mr. McPolin.

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

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

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

And those facilities, Coast Guard facilities are located all along the coastline. But as I said, most of them
are rather small vessels used for search and rescue along the coast, and would not really be suitable for fighting a major fire like the Mega Borg, being a large tanker offshore.

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

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

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

Thank you very much.

CHAIR DAVIS: Before we continue, let me just ask anybody who cares to answer this, What does the Coast Guard recommend if a tanker say going from Long Beach to Valdez catches fire as it passes, you know, through Ventura County.
Let's say by then it is presumably 10 or 20 miles off the coast and no longer in state waters, what recommendations would you have for how that fire should be fought, and similarly what recommendations would you have for a tanker in state waters on its way say to Alaska?

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

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

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

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

CHAIR DAVIS: Right.

MR. CASIMIR: We would obviously ascertain from the owner what actions he was going to be taking, determine which direction the vessel would potentially be going in, if it was
under power or not under power; and from that try to preclude it from impacting the shoreline as much as possible -- and then surveying the various different organizations, companies, the Navy, Supesalve, or whatever is available to provide whatever assistance would be necessary.

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

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

MR. CASIMIR: Yes, sir.

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

MR. CASIMIR: Yes, sir.

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

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

There are various firefighting organizations primarily on the Gulf Coast that are available. You have them in Europe also. So it would be a question of contacting those organizations to -- through the owner, because the Coast Guard does not have authority, is not funded to do that type of a
response. If it were, the only way we'd do it, truly get
involved in it, is if it were a potential pollution case.

CHAIR DAVIS: Well that was.

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

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

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

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

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

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

MR. CASIMIR: Our responsibility within the three-mile

PIKE COURT REPORTING (805) 658-7770
area is associated with the safety of the port, and in that area we can take whatever action would be necessary to protect the port, but we have no specific responsibility or jurisdiction to fight fires per se.

CHAIR DAVIS: Who then would you --

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

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

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

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

CHAIR DAVIS: Yes, sir.

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

If the vessel owner requested permission, for example, to come into San Francisco Bay where there was firefighting capability so it could get the fire out, depending on the circumstances, I may very well as Captain of the Port
deny that vessel permission to come in if the fire is not under control. Because I am increasing the risk to the Port of San Francisco or to San Francisco Bay and to the resources that we have there.

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

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

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

And if something came up back in the city that they had to go back, then they would leave and go back to fight a fire inside the bay. Or if the weather got bad they would go back in. They are not -- none of the boats up there are designed for really offshore type of firefighting.
Chair Davis: So we're basically out of luck if there's a major fire in state waters.

Mr. Gregory: The same situation exists basically in the Los Angeles/Long Beach area. We don't have offshore capabilities and it is a concern.

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

I certainly hope that you don't have the sense that the Coast Guard is not concerned and not interested in firefighting and firefighting capabilities and overseeing an incident when an incident occurs.

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

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

Chair Davis: In the main are you thinking of private or
public response teams? In other words, are they local fire
departments or are they just people who do this for a living?

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

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

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

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

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

CHAIR DAVIS: Is that warranted by the --

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

CHAIR DAVIS: I just want to say for the record that the
experience of the Lands Commission, certainly my own experience with the Coast Guard at, well specifically Huntington Beach, but more generally in their assistance on -- the Keene/Lempert bill has been really more than satisfactory. People have done a very good job, and from your former commandant to your current commandant to a lot of people who work with us, have been very, very helpful.

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

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

Was there some more formal testimony?

MR. CASIMIR: No.

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

You are an integral part of anything that gets done, and from California to Washington you people have been very good, and if you could just reflect further on what might be done to fill in these holes -- and maybe it is just contracting with private agencies and looking at the logistics
of getting them to California. I don't know how long it would
take to get people from Seattle down, it would certainly take a
day, maybe longer.

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

Thank you very much, gentlemen.

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

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

CHAIR DAVIS: Fine, if that's satisfactory.

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

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

CHAIR DAVIS: I would appreciate any thoughts or
observations you have about our preparedness in port and at-sea
and any recommendations you might have for the Lands
Commission.

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

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

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

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

But as any situation on mutual aid, if a formal
request is made then our deputy department commander, who we
always have one available each day, would make that decision,
and they would give what resources we could give to the agency
that requested it, still trying to maintain adequate resources
to protect the harbor. Basically that's it.
I wanted to clarify something now, because you mentioned mutual aid earlier, and I thought of something when I was in the audience, is we have agreements right now in the city that we call automatic aid. That's a phrase that we use, I'm not sure if you're familiar with that statewide.

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

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

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

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

A mutual aid is a little different, and that's a situation where certain resources are sent based upon agreed-upon numbers, or in cases like I said before, you know, if there's something out in the channel and they requested help...
because there's a crew ship burning, then obviously the city of
Los Angeles would give what we possibly could at that time.

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

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

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

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

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

When we stop and look at a mutual aid response for
a fire boat, we're looking at vessels -- my department has
three fireboats, two that are 88-feet long, one that's 36-foot long. The 36-foot one can go 30 knots. The other two do 14 knots.

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

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

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

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

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

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

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

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

And that's all you'd see.

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

MR. GREGORY: We share a boundary line, so when we say "go up to L.A." it's just from one channel to another. It's depending upon what portion of the L.A. Harbor it would be or
our particular harbor. But I would imagine 10 to 15 minutes
response time once we get the call.

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

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

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

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

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

They provide us with all types of fact-filled
information. Even though they don't have the physical
capability to do the firefighting, they have the expertise
aboard the vessel to make certain decisions based upon a
history that they can pull up on that vessel, as well as other
information that we may not have at our finger tips.

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

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

MR. ALLEN: Thank you.

MR. GREGORY: Thank you.

CHAIR DAVIS: Thank you.

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

(Conference with staff.)

CHAIR DAVIS: All right, now unless I'm corrected from
the staff again, I think it's time for Mr. Rement, Captain Rement who is Port Superintendent for Chevron Shipping in Richmond. Thank you for coming.

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

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

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

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

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

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

Firefighting equipment now includes powerful firefighting pumps and piping with fog nozzle applicators for general purpose throughout the ship, high pressure monitors and
fire nozzles are positioned to cover the entire expanse of the
deck. Engine room and living quarters are abundantly covered
with fire hose stations and portable fire extinguishers.

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

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

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

Immediate and effective response to a fire
emergency is essential in preventing the spread of an on-board
fire. Contingency Plans include utilization of shore-based
resources if the emergency occurs in a port or reasonably close
to shore. In the unlikely event of a shipboard fire these
resources are brought to bear. However more importantly, all
tanker firefighting philosophy is based more on prevention than response.

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

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

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

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

Having briefly addressed our prevention approach and response capability of firefighting, I will close now and
respond to any questions that you have.

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

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

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

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

CHAIR DAVIS: Nobody was grandfathered in?

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

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

MR. REMENT: I don't have enough information to know
definitely what caused the Mega Borg incident. It would be
pure speculation and I'd just as soon not do that until I hear
the official reports.

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

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

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

MR. REMENT: Are you talking about --

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

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

MR. REMENT: The ships themselves, once the oil has
escaped from the compartments and is on the water, would not
have capability to extinguish a fire of that nature.

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

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

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

MR. REMENT: Good, thank you.

CHAIR DAVIS: -- good to do.

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

MR. REMENT: Yeah, each vessel has a -- this is just speaking for Chevron now. We do have contingency plans onboard
each of our vessels plus a contingency plan within Chevron Shipping that's linked very closely with the overall corporation worldwide response -- this is Chevron Corporation's worldwide response unit.

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

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

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

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

MR. REMENT: Yes, we do. We are involved in the San Francisco Bay area in the Clean Bay which is tied closely with the state and local firefighting organizations, as well as
Coast Guard, you know, if we need to activate some kind of call out procedure. And I know in the past the Coast Guard has been very helpful in that area to assist us in finding the right resources.

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

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

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

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

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

We have two tugs at Richmond, both of which have substantial pumping capabilities, firefighting capabilities,
and I believe one of the boats has twenty minutes of foam
capacity. So in the Bay Area those would certainly respond as
a first priority if there was a ship type problem.

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

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

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

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

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

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

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

ACTING COMMISSIONER CRANSTON: Something went wrong.

MR. REMENT: Something definitely went wrong.

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

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

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

But a report will be generated, and if the Norwegian government did it -- I am sure they did something on it -- that should be available at some time in the future when it's completed.
CHAIR DAVIS: Well, maybe we could ask Mr. Moore, wouldn't someone in Texas want to take a look at that from --

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

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

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

MR. MOORE: Within the next 30 days.

CHAIR DAVIS: Well that would be terrific.

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

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

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

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

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

Did you want to speak again, Mr. McPolin?

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

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

California. The PacTow in Long Beach, they have a lot of capability for pumping, but they told me that they would grab McGee and Associates and me and we'd go from there and we'd build it.

I kept hearing would could happen. And as I stated in the report -- if it's here in the state of California, if you want it aided, it's also going to take time.
The largest salvage vessel on the West Coast is the Salvage Chief on the Columbia River. If it's available it's going to take a while to get down here.

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

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

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

Thank you.

CHAIR DAVIS: Thank you.

Yes, sir.

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

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

You've got a master out there who has a major
problem on the ship. First thing he's going to do is call his owners and get advice from his P&I Club, which is protection and indemnity. It goes with your liability insurance for the vessel.

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

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

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

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

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

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

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

I think the bid opening is today and it's going to
take about two or three months to do, but it will be a critique
of the Mega Borg, how it was handled by other people and a
contingency plan, evaluation of what's available along the
coast here and how we would handle a similar situation.

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

CHAIR DAVIS: Good. Thank you very much.

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

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

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

But they are going to have to assemble some kind of group and get them out there. You don't have BP Oil, Chevron Oil, ARCO, having this response group, and until that
happens I'm not sure what will happen if we have a major
catastrophe.

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

ACTING COMMISSIONER CRANSTON: Thank you.

CHAIR DAVIS: Yes, sir.

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

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

So even though it's a different -- you may want to
consider that parallel. You may want someone from the State to
step in and say it appears that this company is acting in an
irresponsible manner, is not acting quickly enough to solve the
problem and protect our coastline, we're going to step in. We're going to identify the resource, we're going to solve the problem, and we'll take care of the paperwork later. But I think that would have to be at the state level.

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

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

MR. WARREN: Fifteen minutes.

(Whereupon this portion of the proceedings concluded.)

* * * * *
MEETING OF THE STATE LANDS COMMISSION
Marina Del Rey, California
August 22, 1990

CHAIR DAVIS: Let's reconvene the hearing and meeting of
the State Lands Commission. We will take the roll again.

COMMISSION COMMISSION SECRETARY MOORE MOORE: Gray

Davis?

CHAIR DAVIS: Present.

COMMISSION COMMISSION SECRETARY MOORE MOORE: James S.

Dwight?

COMMISSIONER DWIGHT: Present.

COMMISSION COMMISSION SECRETARY MOORE MOORE: Kim

Cranston?

ACTING COMMISSIONER CRANSTON: Present.

COMMISSION COMMISSION SECRETARY MOORE MOORE: This

constitutes a quorum.

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

confirming the minutes of the June 11th meeting.

Is there any objection to approving those minutes?

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

Charlie, you want to take up the issue of the

consent calendar?

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

consent calendar we have two items which are to be removed,
On Item 21, Mr. Chairman, that is to be modified by deleting the references to the existing pipeline. The existing pipelines will have to be dealt with by another application inasmuch as a negative declaration needs to be determined. So references to existing pipelines should be deleted from Item C-21.

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

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

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

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

EXECUTIVE OFFICER WARREN: Exactly.

CHAIR DAVIS: Okay. Any other changes or modifications?

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

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

(No response.)

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

MR. FOLGER: I am not sure whether we're on the consent
calendar or not, number 71 on the calendar.

EXECUTIVE OFFICER WARREN: That's regular calendar.

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

MR. FOLGER: Fine, thank you.

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

MR. FOLGER: Yes.

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

Do we have a motion to approve the consent calendar?

ACtING COMMISSIONER CRANSTON: So moved.

COMMISSIONER DWIGHT: Second.

CHAIR DAVIS: All right.

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

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

Now, Mr. Warren, the next item is?

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

Staff has filed an indemnity selection application with the Bureau of Land Management to acquire federal land.
which is adjacent to a school lands parcel apparently needed by the Castle Mountain Goldmining Project for access to water and storage.

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

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

(No response.)

CHAIR DAVIS: Any comments or questions from the members?

(No response.)

CHAIR DAVIS: Is there a motion to approve?

COMMISSIONER DWIGHT: So moved.

ACTING COMMISSIONER CRANSTON: Second.

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

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

The restoration would be by concrete and it would closely approximate the configuration of the old pier except
that there are minor variations which are noted in the lease.

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

CHAIR DAVIS: All right, fine.

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

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

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

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

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

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

There are some other minor items I'd like to work
with your attorneys on, on this amendment. What I would request of this Commission if it can be done, is that they by minute action approve the demolishing and reconstruction of the pier, and then we will commit to negotiate a new lease within 90 days.

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

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

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

MR. HIGHT: That is correct.

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

MR. HIGHT: Correct.

CHAIR DAVIS: Which is what you want?

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

CHAIR DAVIS: But doesn't that have to be approved by subsequent Commission action?
MR. HIGHT: That is correct, Mr. Chairman. That would be an item that would come back before you.

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

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

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

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

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

CHAIR DAVIS: Fine. Well, let's deem that the issue before the Commission is to approve the demolition and construction of a new pier, with the understanding that the
rent will be negotiated later and brought back to the Commission for final decision.

Is that satisfactory to you?

MR. FOLGER: Thank you very much.

COMMISSIONER DWIGHT: That's the motion.

CHAIR DAVIS: Is there a second?

ACTING COMMISSIONER CRANSTON: Second.

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

Item 72.

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

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

COMMISSIONER DWIGHT: So moved.

ACTING COMMISSIONER CRANSTON: Second.

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

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

The staff has seen the encumbancing agreement and
recommends that it be approved.

CHAIR DAVIS: Any opposition to this item?

(No response.)

CHAIR DAVIS: Is there a motion?

COMMISSIONER DWIGHT: I move the recommendation.

ACTING COMMISSIONER CRANSTON: Second.

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

Item 74?

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

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

(No response.)

ACTING COMMISSIONER CRANSTON: Move the recommendation.

COMMISSIONER DWIGHT: Second.

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

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

The bids were less than the required 50 cents per barrel above base, and accordingly we recommend that the bids
CHAIR DAVIS: Okay, does anyone want to be heard on Item 75?

(No response.)

COMMISSIONER DWIGHT: So moved.

ACTING COMMISSIONER CRANSTON: Second.

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

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

We recommend approval.

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

(No response.)

CHAIR DAVIS: Is there a motion?

ACTING COMMISSIONER CRANSTON: Moved.

COMMISSIONER DWIGHT: Second.

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

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

We recommend approval.

CHAIR DAVIS: Does anyone care to be heard on this item?
COMMISSIONER DWIGHT: So moved.

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

ACTING COMMISSIONER CRANSTON: Second.

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

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

We recommend approval.

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

(No response.)

ACTING COMMISSIONER CRANSTON: So moved.

COMMISSIONER DWIGHT: Second.

CHAIR DAVIS: That's unanimously approved.

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

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

(No response.)

CHAIR DAVIS: Is there a motion?
COMMISSIONER DWIGHT: So moved.

ACTING COMMISSIONER CRANSTON: And seconded.

CHAIR DAVIS: That item is unanimously approved.

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

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

We recommend approval.

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

EXECUTIVE OFFICER WARREN: Yes.

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

(No response.)

CHAIR DAVIS: Is there a motion?

COMMISSIONER DWIGHT: So moved.

ACTING COMMISSIONER CRANSTON: Second.

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

EXECUTIVE OFFICER WARREN: Item 81, Mr. Chairman,
Lighthouse Marina. This item is to request approval of
agreement to extend time for recording of the Lighthouse Marina
boundary line and exchange agreement.

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

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

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

CHAIR DAVIS: The Alaskan Native American.

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

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

CHAIR DAVIS: Anyone care to be heard on this?

(No response.)

COMMISSIONER DWIGHT: Move the recommendation.

ACTING COMMISSIONER CRANSTON: Second.
CHAIR DAVIS: All right, that is unanimously approved.

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

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

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

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

(No response.)

CHAIR DAVIS: Is there a motion?

ACTING COMMISSIONER CRANSTON: So moved.

COMMISSIONER DWIGHT: Second.

CHAIR DAVIS: That item is unanimously approved.

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

CHAIR DAVIS: Give it in writing.

Is there any other business to come before the
Commission? If not, we stand adjourned.

Thank you all for coming down.

(Whereupon the proceedings concluded.)
CERTIFICATION

STATE OF CALIFORNIA  
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

PRISCILLA PIKE COURT REPORTING SERVICES
3439 E. Harbor Boulevard
Suite 203-A
Ventura, California 93001
(805) 658-7770