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Minutes: Forum #115

Date: September 19, 2018
Time: 10:00 AM
Location: NH Department of Environmental Services (Conference Room)
NHDES Portsmouth Regional Office
Pease International Tradeport
222 International Drive, Suite 175
Portsmouth, NH 0380

1. Introductions and Administration:

Introductions – The meeting was called to order at 10:00 by the Port Safety Forum Co-Chair Matt Burns representing the Maine Port Authority with Commander Jason Boyer as the Co-Chair representing the Coast Guard. A quorum was comprised of 29 individuals.

Review and Approval of the June 13, 2018 Port Safety Forum Meeting Minutes – Hearing no objections to the content of the June 13, 2018 minutes, Mr. Burns accepted the minutes as approved.

2. Port Activities Update:

Right Whale Program – Peter Kelliher, Marine Mammal Vessel Strike and Monitoring Coordinator

Mr. Peter Kelliher of NOAA briefed the Port Safety Forum on the current status of the Right Whale population and efforts of the marine community to protect this endangered mammal. Currently the total global population of Right Whales is approximately 420, which currently tracks the Right Whale to potentially be extinct within 100 years.

Right Whales are more likely to suffer a vessel strike than other large whales. On average, there about 1-2 whale strikes per year. The factors contributing to their vulnerability to vessel strikes is not fully clear to scientists but their slow speed, high frequency on the surface of the water, and habitat in the vicinity of high vessel traffic areas contribute to the dilemma. Avoiding ships, is not an inherent behavioral response for Right Whales raising their susceptibility to ship strikes.

To combat this issue, NOAA has instituted Dynamic Management Areas (DMA) which require speed reductions in areas with recent Right Whale sightings as well as mandatory speed limits in Seasonal Management Areas (SMA). In the Northeast, there are Seasonal Management Areas in the Traffic Approaches to Boston off of Cape Cod (March 1- July 31) as well as within Cape Cod Bay and Block Island Sound (January 1 – May 15). Vessels of 65 feet or more must not exceed 10 knots when transiting SMAs or DMAs. The speed reduction requirements are codified in 50 CFR 224.105. There are no current DMAs or SMAs in Maine or New Hampshire.

While there has been a decrease in vessel strikes in 2018 (one suspected calf mortality) in 2018, there were 18 recorded mortalities in 2017 with zero recorded births.

MARAD Update - Jeff Flumignan – Director, North Atlantic Gateway Region, MARAD

Captain Jeffery Flumignan visited the Port Safety from to discuss the current status of various MARAD programs from the Gateway Office perspective.

MARAD Gateway offices work with state and local authorities, congressional representatives, and a broad range of port, shipper and carrier stakeholders to cooperate on projects, identify Federal and state funding, and work on environmental and community challenges in ports and their inter-modal connections.

The offices identify transportation bottlenecks and ways to improve freight movement. They work with stakeholders to promote collaboration on challenges facing the Marine Transportation System (MTS) in their areas of responsibility, focusing particularly on planning and environmental issues. These offices act as liaisons for the Agency to help ensure that measurable progress is made on specific projects as well as to bring Agency and Departmental expertise to the table.

The Gateway Offices are the Agency's day-to-day presence throughout the Marine Transportation System. They are critical to the viability and effectiveness of the Maritime Administration and its future programs. The Gateway Offices support and place particular emphasis on the following Maritime Administration priorities:

- America's Marine Highways Initiative;
- Port Infrastructure Development; improved delivery of Federal services to the MTS and ;
- Development of Deep-water Ports;
- Support to the Passenger and Cruise Industry (including ferries);
- Workforce Development (promoting opportunities for American employment);
- Emergency Preparedness and Response Activities; and
- Support for the Port Security Grants Program.

NH Department of Environmental Services Update – Bob Bishop

Mr. Bishop provided an overview of NH DES activities. On March 22, 2018 NH DES hosted a comprehensive Piscataqua River oil spill drill. The scenario involved a simulated Nor' Easter which breached oil tanks (simulated) causing a notional 14.9-million-gallon oil spill. The event tested 185 participants from 45 different organizations from New Hampshire and beyond. During the evolution, staff were trained in crisis communication as well in-situ burn protocols.

Other New Hampshire DES training in 2018 included:

- Boom deployment classes
- Hazardous material level A training
- Confined space training and
- Underwater camera training
- Specialized vessel training was also provided for personnel (including 4 pre-designated Oil Spill Response Organizations) responsible for boom deployment and maintenance including the unique boom strategies in the highly sensitive Great Bay which utilizes pre-positioned booming anchors for rapid response.

NH DES also conducted live boom deployments on the following water bodies:

- Merrimack River
- Great Bay
- Bellamy River
- Moose River

Army Corps of Engineers Update - Matt Tessier, *Army Corps of Engineers*

Mr. Tessier represented the Army Corps of Engineers. Mr. Tessier will assume the duties of Mr. Ed O'Donnell including liaison to the Port Safety Forum, as Mr. O'Donnell will retire in January 2019. Mr. Tessier delivered a presentation about the ongoing and proposed dredging projects in Maine and New Hampshire for 2018 and 2019. The following pending dredging projects were mentioned in the presentation:

Cape Porpoise Harbor

- Project Depth: 6', 15', 16', 18' MLLW
- Last Dredged: 1976
- Quantity: 25,000 cubic yards
- Material Type: Sand/Silt
- Will be dredging 15' Channel to 10' MLLW and 6' Channel
- 2.5 M in Fed Funding FY18 Work Plan
- Equipment Type: Mechanical
- Disposal Sites: Open Water

Saco River

- Project Depth: 8' Channel and 6' Anchorage MLLW
- Last Dredged: 2017
- Quantity: 110,000 cubic yards
- Material Type: Sand/Silt
- Equipment Type: Hydraulic dredge/hopper & Mechanical
- Disposal Sites: Beach/In-River
- Funds included in the FY 2018 Pres. Budget

Biddeford Pool

- Project Depth: 6' MLLW
- Last Dredged: 1993
- Quantity: 40,000 cubic yards
- Material Type: Sand/Silt
- Equipment Type: Mechanical
- Disposal Sites: Open Water
- Issues: No FY 2018 Funding
- Cost: \$2.0 million

York Harbor

- Project Depth: 8 & 10' MLLW
- Dredging Completed: Fall 17-Winter 18
- Quantity: 40,000 cubic yards
- Material Type: Silt/Sand/Clay
- Equipment Type: Mechanical
- Disposal Site: Cape Arundel DS
- Cost: \$2.3 million

Wells Harbor

- Project Depth: 8' & 6' Channels &
- 8' Settling Basin
- Last Dredged: Late Spring 2018
- Quantity: 20,000 cubic yards
- Material Type: Sand
- Equipment Type: Hydraulic - Currituck
- Disposal Site: Nearshore off Wells Beach
- Haul Distance: 1 mile
- Evaluating need for next inner harbor dredging effort

Hampton Harbor

- Project Depth: 8' Channel and Anchorages
- Last Dredged: 2012
- Federal Funding in place for design and permitting, awaiting funds for construction
- Quantity: 150,000 cubic yards
- Material Type: Sand
- Equipment Type: Hydraulic
- Disposal Sites: Beach and near shore

Other On-going Maintenance Projects:

- Portsmouth, NH – Expanding the turning basin by dredging 750, 000 cubic yards of clean sand. The ACOE is working with a Massachusetts community who may be interested in taking the sand but if they decline the spoils will be taken to the Isles of Shoals North disposal site. This project is poised for initiation as soon as Federal funds are allocated.
- Searsport Harbor, ME – Maintenance work – The USACOE is working with Maine DOT to identify a disposal location that USACE will pay tipping fee for disposal of maintenance material.
- Kennebunk River, ME – Jetty Damage and entrance channel shoaling during winter storms in 2018. Sampling and testing is ongoing. The USACOE is pursuing federal funds in supplemental budgeting.
- Union River, Ellsworth, ME – Working to identify CAD Cell or upland location for material unsuitable to be placed in open ocean (working with Blue Hill project).
- Rye Harbor, NH – There is significant shoaling in Rye Harbor. Sampling and testing is complete; the USACOE is working to complete the EA by the end of this calendar year and will start coordination with local state and Federal resource agencies.

- Josias River (Perkins Cove), Ogunquit, ME – There is shoaling from winter storms in 2018. The USACOE is seeking to complete sampling and testing and identifying the current economics of the harbor with locals to pursue Federal funds.
- Isles of Shoals Breakwater, ME/NH – There is damage to breakwaters during winter storms in 2018. The USACOE is collecting lidar data of structures and pursuing Federal funds.
- Bar Harbor Breakwater, ME – There is damage to the breakwater. USACOE is working on a coastal analysis of structure and government cost estimate of repairs.

Northeast Ocean Data Portal – Nick Napoli

Mr. Napoli updated the Forum on the latest enhancements of the Northeast Ocean Data Portal. The Portal is a centralized, peer-reviewed source of data and interactive maps of the ocean ecosystem and ocean-related human activities in the northeastern United States. The maps on the Portal show the richness and diversity of the ecosystem and illustrate the many ways that humans and environmental resources interact. By providing user-friendly, centralized, and free access to data, information, and tools, the Portal facilitates decision making by a broad range of government agencies, industries, non-government organizations, academic entities, and individuals.

The data and maps in the Portal (www.northeastoceancouncil.org) are organized into ten themes:

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|-----------------------------|-------------------------|
| • marine life and habitat | • marine transportation |
| • aquaculture | • national security |
| • commercial fishing | • recreation |
| • cultural resources | • restoration |
| • energy and infrastructure | • water quality |

The datasets featured in the Portal were identified by subject-matter experts and those engaged in ocean policy and management as being highly useful and relevant. For example, the maps provided under Marine Transportation display such critical information as recommended routes, traffic lanes, shipping safety fairways, dangerous or restricted areas, and areas of commercial shipping activity. The hundreds of Marine Life & Habitat maps depict the abundance and diversity of mammals, sea turtles, birds, and fish, along with their respective habitats. The maps for Energy & Infrastructure indicate coastal energy facilities for hydro, oil, gas, nuclear, coal, and wind energy, as well as the locations of transmission lines, pipelines and cables, and offshore renewable energy planning areas.

The coverage includes the federal waters off Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York. While geographic coverage differs among datasets, the Portal’s maps generally cover from Long Island Sound to the Gulf of Maine, and offshore to the 200-mile exclusive economic zone (EEZ) boundary. Some datasets cover the land areas of the New England states.

To use or review the Portal please visit: <https://www.northeastoceandata.org/>

3. Coast Guard Update:

CDR Jason Boyer, is the incoming Prevention Department Head for Sector Northern New England. CDR Boyer arrived in June from Alaska and has hit the ground running here in Northern New England. As the Prevention Department Head, CDR Boyer oversees all marine safety functions including vessel inspection, facility examinations, port and vessel security, casualty investigations, as well as waterways

management including Aid to Navigation maintenance and ice breaking functions. CDR Boyer updated the Port Safety Forum regarding the following topics:

- Subchapter M – Towing vessel inspection has begun in Northern New England with the first Certificate of Inspection issued in June. Mandatory compliance starts in June 2019 when multi-vessel towing companies must have 25% of their fleet inspected. Single vessel companies must comply in 2020.

CDR Boyer reminded the audience that although the regulations apply to vessels of 26’ and greater, the regulations also apply to vessels less than 26’ if they are involved in the movement of oil or hazardous material of any quantity. Vessel operators of these smaller vessels had previously not been required to hold licenses but due to new vessel inspection standards, all operators of towing vessels moving oil or hazardous material must be licensed.

- Marine Event Permitting - The Sector is now winding down from its rigorous marine event season. In 2018, the Waterways Management division processed and facilitated 120 marine event applications.
- Buoy sound signals missing – at least four large buoy bells have been stolen from active offshore navigation buoys. The theft is a Federal crime as the buoys are owned by the Federal government and safeguard inter-state commerce. The thefts are all along the Maine coast and are not restricted one area. Anyone with information regarding the missing signaling devices is urged to contact the Coast Guard Sector Northern New England Command Center at (207) 767-0303
- Sea-3 Inc. WSA updates - A Waterway Suitability Assessment (WSA) was conducted for the SEA-3 Liquefied Petroleum Gas (LPG) facility in Newington, NH. The existing facility receives LPG via tank ship. The WSA is required as the facility desires to alter their operation to export as well as import LPG. Federal regulations require a WSA (to reassess risks and mitigation) to be completed if an existing facility changes its operation. The Coast Guard is now reviewing the 650-page assessment.

4. Old Business/New Business:

EL FARO – Brian Downey – Port Safety Forum Coordinator

Mr. Downey highlighted that the next meeting scheduled for December 13 will focus solely on the El Faro investigation. National Transportation Safety Board investigators, Brian Curtis and Brian Young will attend the next Port Safety Forum to provide a detailed in-depth review the facts involving the loss of El-Faro. The next Port Safety Forum will likely be dedicated solely to the NTSB investigation. Any interested parties are encouraged to attend this valuable seminar.

5. Next Meeting:

Date: December 13, 2018
Time: 10:00 AM
Location: University of Southern Maine
Room 213 (Second Floor) Abramson Center
88 Bedford Street
Portland, ME 04101