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Minutes: Forum #106

Date: June 16, 2016
Time: 10:00 AM
Location: University of Southern Maine
Room 216 (Second Floor) Abramson Center
88 Bedford Street
Portland, ME 04101

1. Introductions and Administration:

Introductions – The meeting was called to order at 10:00 by the Port Safety Forum Co-Chair Brian Downey representing the Maine Port Authority with Commander Andrew Myers as the Co-Chair representing the Coast Guard. A quorum was comprised of 26 individuals.

Review and Approval of the April 13, 2016 Port Safety Forum Meeting Minutes – Hearing no amendments or objections to the content of the April 13, 2016 minutes, Mr. Downey accepted the minutes as approved.

2. Regional Ocean Planning:

Ocean Planning – John Weber, NROC

Mr. Weber briefed the Port Safety Forum regarding the May 25 release of the Draft Northeast Regional Ocean Plan. The Plan is available for public comment until July 25 at 5:00 PM. The draft plan is designed to help better coordinate competing waterway uses with an eco-based approach. As discussed by NROC “There is much to learn about the ocean ecosystem, its natural resources, and existing uses that depend on those resources such as fishing, shipping, and recreation. Better scientific information and a better understanding of current and potential human uses of the ocean will enable New England to achieve its economic goals and ensure healthy oceans.” Once finalized, agencies and stakeholders will be able to use the plan when considering waterway projects and uses and will help agencies with best understanding uses and risks when making permitting and usage decisions.

There will also be upcoming opportunities for public discussion of the draft, including public meetings in each New England state during the month of June. Meetings in Maine and New Hampshire are listed below. The Regional Planning Body has already held a public meeting in Rockland on June 6.

Monday, June 20 – Maine

Location: Ellsworth Public Library, 20 State Street, Ellsworth, ME
Time: 5:30PM to 8PM

Monday, June 27 – New Hampshire

Location: NH DES Office, 222 International Drive, Suite 175, Portsmouth, NH

Time: 6PM to 8:30PM

Thursday, June 30 – Maine

Location: Glickman Library, University of Southern Maine, 314 Forest Avenue, Portland, ME

Time: 5:30PM to 8PM

Ocean Planning Committee – Brian Downey, Port Safety Forum

Mr. Downey supplemented Mr. Weber's presentation by outlining the formation and role of the Port Safety Forum's Ocean Planning Committee which was established at the December 2015 Port Safety Forum meeting. The Committee will examine the Draft Ocean Plan on behalf of the Port Safety Forum. As such, the electronic link to the Draft Plan was distributed to the entire Port Safety Forum via e-mail as well as Maine pilotage groups. In case you did not receive the link the plan may be accessed via <http://neoceanplanning.org/plan/>. Parties may independently review the draft plan and electronically submit their own comments no later than 5:00 PM on July 25 using the link above. Alternatively, parties may submit their comments to the Port Safety Forum Ocean Planning Committee for inclusion in the Forum's consolidated comment document. Ocean Planning Committee comments should be sent no later than July 10 to brian.downey@marinecs.com.

3. Port Activities Update:***Casco Bay Bridge Update - Don McKenna, MaineDOT***

Mr. McKenna briefed the Forum regarding the contracting of MaineDOT draw-bridge operations on the Casco Bay Bridge. As of March 6 the Casco Bay Bridge has been/will be operated by Florida Drawbridge Incorporated (FDI) based in Pompano, Florida. MaineDOT remains the responsible agency for the bridge. There is no change in service of the bridge in the transfer of operation. Only light maintenance such as greasing and oiling will be performed by FDI. All significant maintenance will remain with MaineDOT. Further, the bridge recently underwent a comprehensive inspection which examined the bridge's structure, as well as mechanical and electrical systems which indicated that the bridge was in very good condition. The bridge is opened approximately 50 times per month.

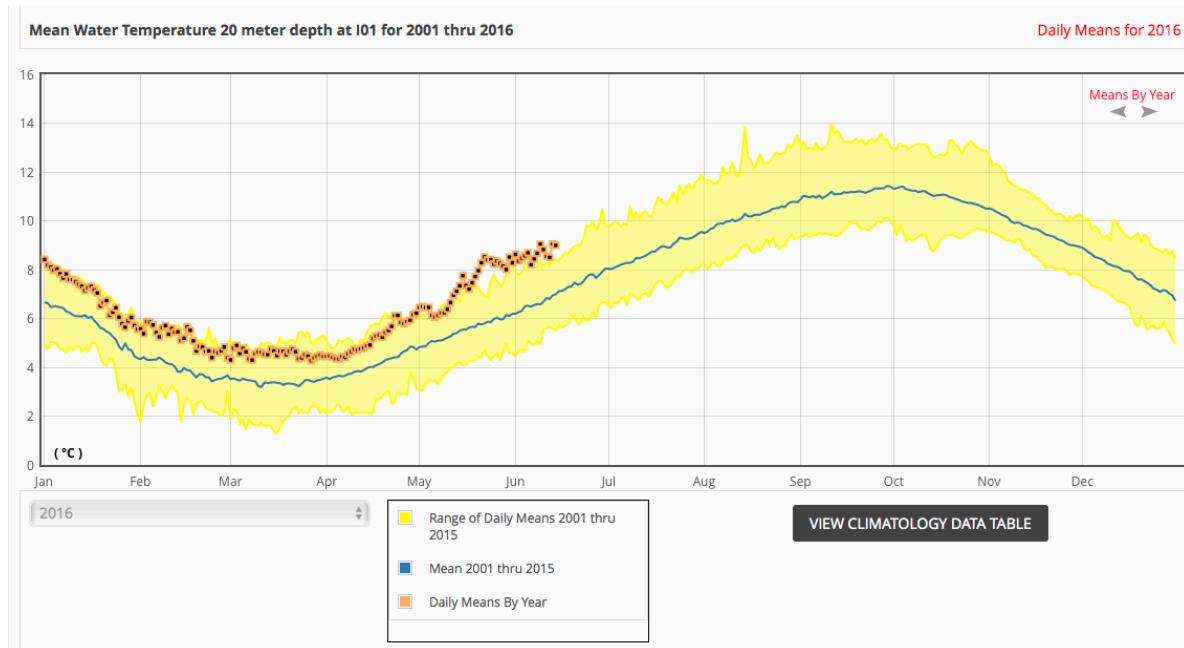
NERACOOS Update - Tom Shyka, NERACOOS

Tom Shyka provided an update on the NERACOOS ocean data buoy system. In addition to hourly buoy data, other data products include forecasting of water levels, coastal flooding and erosion forecasts, and ocean forecasts. Mr. Shyka presented routine updates on various buoys among which include a new Algal Bloom detection buoy in Wells and a new water level sensor in Saco Harbor which will help document tidal surge in storms and hurricanes.

NERACOOS will be hosting a "Buoy Cruise" to Buoy I off of Mount Desert Island. The event will host Congressional delegations, agencies, pilots, and other waterway users to raise awareness of the critical scientific value and daily utility of the NERACOOS buoy system and mission. The trip will depart from Bar Harbor on August 14. More details will be made available once the logistics are finalized.

He also discussed specific water temperature data collected from NERACOOS buoys that indicated warming trends in various levels of the water column along the Maine coast. Understanding and utilizing this data can help fishermen better forecast fishing scenarios and help the market predict and

prepare for catch volumes and quality. In particular, he provided sample data collected since January from Mount Dessert Island, which suggested surface water temperatures tracking higher but generally along a normal average (based on a 15-year average). However, water temperatures collected at 20 meters below the surface were consistently and uncharacteristically much higher than average.



Mount Dessert Mean Water Temperatures at 20 Meter Depth

For more information, please visit <http://www2.neracoos.org> to learn more about the extremely valuable on-line tools available through NERACOOS.

Army Corps of Engineers – Ed O'Donnell, ACOE

Mr. O'Donnell updated the Forum regarding various dredging projects within Maine and New Hampshire namely:

Royal River: Completed in Fall of 2015.

Beal's Island: Bidding process was hampered with excessive bids but ultimately awarded to Cashman and will start in November.

Sagamore Creek: Approximately 7,000 cubic yards of confluence area will be dredged in the Fall of 2016.

Hampton Harbor: Jetty repair of damage caused by Hurricane Sandy. Contract awarded to Mohawk Northeast. Project will start in the Fall of 2016 following Piping Plover seasonal restrictions.

Saco River: Sand and silt dredging did not receive FY 2016 funding and remains in the funding queue.

Biddeford Pool: Similar to Saco River, did not receive FY 2016 funding and remains in the funding queue.

York Harbor: Plans to dredge 50,000 cubic yards of sand/silt/clay. The site was last dredged in 1996.

Cape Porpoise: The dredge volume was slightly reduced from the original specification to 80,000 cubic yards.

Pepperell Cove: Last dredged in 1913, the site is slated for 160,000 cubic meter dredge project removing sand and silt to an offshore disposal site.

Searsport: The Searsport Maintenance dredging project is currently on hold pending verification of an up-land disposal site for dredge spoils.

Portsmouth Turning Basin: The Portsmouth Turning Basin project is awaiting funding. In the interim more borings are being taken from the site to determine ledge locations and to improve tidal datum measurement.

4. Coast Guard Update:

Places of Refuge – CDR Meyers, Sector Northern New England

CDR Myers discussed the Places of Refuge in the event of a marine casualty or other need for a vessel to enter a port or area under emergency conditions. Examples of events that may trigger a Place of Refuge decision include vessel low probability but high consequence situations including stability issues, flooding, cargo problems, fire, communicable disease, etc. The Coast Guard hosted several Workshops throughout the region to discuss the thought processes and frameworks needed to determine appropriate Places of Refuge.

Portland Activities – CDR Meyers, Sector Northern New England

- CDR Myers discussed a new peddle boat operation which is a certificated by the Coast Guard with a licensed master. The vessel is propelled by passengers who use peddle power to propel the vessel. The vessel departs from the Portland waterfront on a very restricted route within the confines of the Bug Light. the Places of Refuge in the event of a marine casualty or other need for a vessel to enter.
- He also mentioned that a run and swim event will be held throughout Casco Bay on August 6. The event includes various swim legs between many of Casco Bay's Islands including Peaks Island, Diamond Island, and Long Island.

Hurricane Season & Marine Transportation Systems – CDR Meyers, Sector Northern New England

CDR Myers reminded the Forum that hurricane season officially started on June 1. One of the key tools used by the Coast Guard during heavy weather recovery is the Marine Transportation System conference call. The call brings together, facility operators, vessel operators, pilots, agencies and other stakeholders to help prepare and prioritize pre and post storm recovery efforts. He invited participation on the call for those with significant marine transportation functions.

Cruise Ship Season – CDR Meyers, Sector Northern New England

CDR Myers reminded the Forum of permanent Security Zones that surround cruise ships in Sector Northern New England's zone. Specifically, the cite is located in **33 CFR § 165.105** and is paraphrased below:

(a) Definition. "Passenger vessel" as used in this section means a passenger vessel over 100 gross tons authorized to carry more than 500 passengers for hire.

(b) Location. The following areas are security zones:

- (1) All navigable waters extending from the surface to the sea floor, within a 100-yard radius of any passenger vessel that is anchored, moored, or in the process of mooring.

- (2) All navigable waters extending from the surface to the sea floor, extending 200 yards ahead, and 100 yards aside and astern of any passenger vessel that is underway.
- (3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the COTP or his designated representative.

5. Old Business/New Business:

National Marine Fisheries Service (NMFS) – Atlantic Sturgeon – LCDR McGovern, NOAA

The NMFS proposes to designate critical habitat for (among other locations in Eastern States) the Gulf of Maine, Distinct Population Segments (DPSs) of Atlantic Sturgeon. The specific areas proposed for designation include approximately 244 kilometers (152 miles) of aquatic habitat in rivers in Maine, New Hampshire, and Massachusetts for the Gulf of Maine DPS (as well as other Eastern Seaboard areas). The NMFS is soliciting comments from the public on all aspects of the proposal, including information on the economic, national security, and other relevant impacts of the proposed designations, as well as the benefits to the DPSs. The proposed rule may be viewed at:

http://www.greateratlantic.fisheries.noaa.gov/protected/atlsturgeon/docs/2016-12743_fr_notice.pdf

Section 3(5)(A) of the Endangered Species Act (ESA) defines critical habitat as the specific areas within the geographical area occupied by the species at the time it is listed on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protections, and specific areas outside the geographical area occupied by the species at the time it is listed that are essential for the conservation of the species (16 U.S.C. 1532(5)(A)).

“Critical habitat designation is not equivalent to a protected area and there will not be a blanket prohibition on in-water activities such as dredging or construction.”

Proposed critical habitat boundaries for the Gulf of Maine DPS. Critical habitat for the Gulf of Maine DPS of Atlantic sturgeon is the waters of:

- (1) Penobscot River main stem from the Milford Dam downstream to where the main stem river drainage discharges at its mouth into Penobscot Bay;
- (2) Kennebec River main stem from the Ticonic Falls/Lockwood Dam downstream to where the main stem river discharges at its mouth into the Atlantic Ocean;
- (3) Androscoggin River main stem from the Brunswick Dam downstream to where the main stem river drainage discharges into Merrymeeting Bay; and
- (4) Piscataqua River from its confluence with the Salmon Falls and Cocheco rivers downstream to where the main stem river discharges at its mouth into the Atlantic Ocean as well as the waters of the Cocheco River from its confluence with the Piscataqua River and upstream to the Cocheco Falls Dam, and waters of the Salmon Falls River from its confluence with the Piscataqua River and upstream to the Route 4 Dam.

Public Informational Meeting:

3 to 5 p.m., in Portland, Maine on Monday, July 18 at Gulf of Maine Research Institute.

Two Public Hearings:

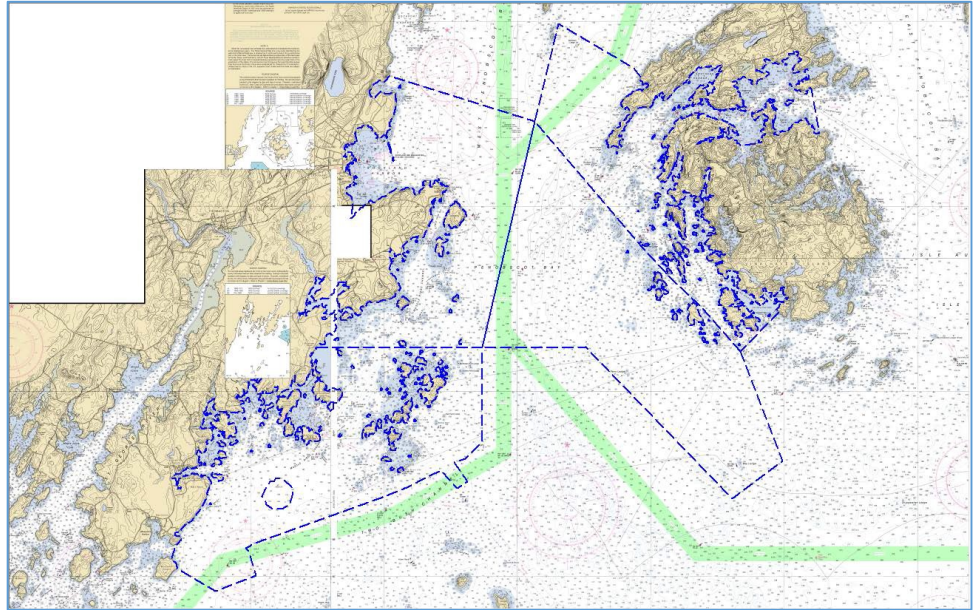
3 to 5 p.m. and 6 to 8 p.m., in Gloucester, Massachusetts on Thursday, July 21 at Regional Office.

Comments: Submit all electronic public comments via the Federal eRulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015

NOAA Update - LCDR Meghan McGovern, NOAA

Penobscot Bay Survey -

NOAA will be conducting oceanographic surveys in Penobscot Bay in the areas depicted in the accompanying chart. The scope of the survey is slightly reduced (by about 108 square nautical miles) from what was discussed at previous Port Safety Forums, with some of the Northern Survey area eliminated. Although a specific date has not been established, the survey



should start by July and last approximately 90 days. This survey will enhance navigation by replacing 1950's era survey data with current data utilizing state of the art surveying equipment and techniques. Rockland will be included in the survey which will help to identify suitability of certain bottom areas for possible ship anchorages. The surveys will examine over 2,000 bottom features.

Boom Deployment - Carroll Brown, NHDES

Boom Deployment - The New Hampshire DES will be conducting a boom deployment on September 20 in Great Bay. Approximately 6,000 feet of oil spill response boom will be deployed but is not expected to impact marine traffic.

6. Next Meeting:

- September 14, 2016 (Portsmouth, NH), 10:00 AM
NH Department of Environmental Services (Conference Room)
NHDES Portsmouth Regional Office
Pease International Tradeport
222 International Drive, Suite 175
Portsmouth, NH 03801

USCG Sector Northern New England:

www.uscg.mil/d1/sectornne/ & <http://homeport.uscg.mil/northernnewengland>

Maine Port Authority:

www.maineports.com

Port Safety Forum:

<http://www.maineports.com/#!safety/c1nnl>