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## Salvage - A Perspective for the New Reality

BY CAPTAIN JOSEPH SABOE  
United States Coast Guard

The threats from terrorism facing the U.S. today constitute a new reality that has created a strategic demand for a robust salvage industry as a key component of national security. The new reality is a complex concept that came to be the norm after the terrorist attacks of 2001 created a need in this country and around the world to modify our sense of control over our futures, our priorities and even the thought processes by which we make our everyday and long range choices. The move towards this new reality probably commenced prior to the turn of the millennium, as preparations were made worldwide to mitigate the predicted effects of the Y2K phenomenon. New Year's Eve 1999 may have been an anti-climactic event for most, but many were poised in operations centers worldwide ready to respond if something happened. The national anxiety about Y2K seems rather distant considering the events of 11 September 2001. We in the Coast Guard considered the various technology applications used within the marine environment, and prepared for potential marine casualties, chemical or hazardous materials releases from waterfront facilities, failures of locks and dams and many other potential scenarios. Luckily, our fears were not realized to the extent expected. Would we have been able to respond to multiple casualties in an overloaded environment with few command, control and communications pathways working?

Less than 2 years later, this country was challenged in a dramatic and terrible way by a small group of organized terrorists who were able to take advantage of our open way of life and our commercial transportation system to create awful scenarios in several major metropolitan areas. Despite preparations, the real

life scenario far outstripped anything that had previously been considered a realistic risk. Emergency responders were immediately overwhelmed by the event. Evacuees from Manhattan clogged every major roadway out of the city and a mass evacuation by vessel was organized by the Coast Guard. The passenger carrying capacity of vessels in the harbor was not enough to handle the emergency surge. These examples provide a glimpse of the level of demands that may be made on our maritime transportation system in a catastrophic national event.



Our ports have long been open to the sea and prior to September 11, 2001, shipping enjoyed open access to our nation's ports and waterways. Following 9/11, the Coast Guard, along with other agencies, clamped down on the passage of vessels into our ports and brought their movements, crews, backgrounds and activities into a much sharper focus. New advance notice of arrival reporting requirements, new security regulations under the authority of the Maritime Transportation Security Act, Sea Marshals, and improved information sharing among intel and law enforcement agencies have greatly enhanced

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**Soundings**

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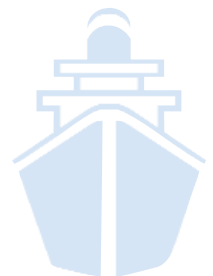
Traci Fischer

our ability to protect our ports. Still, a threat exists, and preparations for responding to the unimaginable must remain high on our list of priorities. We cannot downplay our concerns, or assume that a low-probability, high-consequence scenario is impossible, as we may have prior to 9/11. This new reality requires that we prepare to respond to the consequences of large-scale, previously unthinkable events by recognizing the importance of commercial marine salvage capabilities to our national response strategy.

On December 23, 2002, the Commandant of the Coast Guard, Thomas Collins, published the Coast Guard "Maritime Strategy for Homeland Security." This strategic document came about as the result of the creation of the new Department of Homeland Security, of which the Coast Guard is a significant member, and within which the Coast Guard has been placed in charge of Maritime Homeland Security. Through this document, the Coast Guard recognizes our homeland's vulnerability to attack by terrorists who might exploit access to our maritime transportation system and render portions of it unusable. The major petrochemical reception and refining facilities of this country are clustered in a handful of locations served by coastal port entrances and waterways that create natural chokepoints. A large vessel sunk in the Sabine-Port Neches Waterway, the Mississippi River, the Houston Ship Channel, or in the approach to any of our waterways that service the petrochemical needs of the country could have a widespread ripple effect on our economy. These are the scenarios forced on us by this new reality. To illustrate these scenarios, remember that in 1956, 40 vessels were scuttled in the Suez Canal. It took over a year for a multi-national team of salvors to remove them, and they were not large vessels for the most part. If such a scenario were to unfold in a U.S. port, the U.S. Navy Supervisor of Salvage might provide assistance, as might elements of the Army such as dive teams and the Army Corps of Engineers. But these military assets may be engaged elsewhere. In addition, these capabilities would probably fall short of the needs of a situation if there were coordinated attacks against multiple targets or ports. The resources of the commercial salvors would suddenly become major assets in a struggle to regain the economic viability of our ports

To come to terms with this reality we need to understand that the maritime salvage capability of the U.S. to cope with such situations may not be what it should be. The National Academy of Science's study conducted in 1994 indicated that, despite the good response record of salvors in recent years, there might be deficiencies in U.S. salvage capability. The report further concluded that salvage capability could not be sustained without attention to acquiring, maintaining, sustaining, and positioning salvage assets, and training and retaining salvage personnel. The report concluded that marine firefighting experience in port areas was lacking and that the location of marine firefighting systems relative to vessel traffic patterns was a concern. Arguably, the state of the salvage industry has not improved considerably since then. The government capability has not increased either. Nor, arguably, should it, except to support theatre commanders and research and development. The Oil Pollution Act of 1990 and the Homeland Security Act both direct the government to use private sector capability as much as possible.

There are several aspects to improved salvage capability that may be worth discussing. The locations and distribution of salvage capability in the U.S. is heavily weighted toward the Gulf of Mexico region. We need to improve this capability and we need to know how to move this capability quickly when needed to "plus up" capabilities in other regions. We need to look at the increased role that salvors and associated industries may play in prevention strategies. There are going to be times when thorough underwater surveys of vessels, facilities, and waterways will be conducted, based on intel, to verify their security. Commercial salvors and diving contractors equipped with advanced search and detection technology should be our first choice for this work. Salvors represent one of the last bastions of rugged individualism, innovative on-the-spot problem solving, and dogged persistence in the face of insurmountable odds that makes them so effective in the midst of a crisis. The potential scenarios they may face will be much more complex than previously experienced.



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A terrorist incident or a large-scale threat to a port will be immediately thrust into the national spotlight and will be the subject of intense scrutiny. These operations will be time-critical, high visibility, high-pressure events. A very different attitude and organization will exist from the typical maritime casualty scenario. Competing interests of law enforcement, responders, environmentalists, politicians, business and other government agencies of all levels will carry out their own roles and responsibilities. It is within this complex environment of political agendas and conflicting interests that the marine salvor will operate. To do it well will require a change in the way we organize for such events. Under the National Response Plan currently being drafted, the National Incident Management System will dictate the way we organize to deal with these complex events. Salvors and government will have to find a way to work within this mandated system. Depending on the nature of the event, the salvor may find himself working as the Chief of a Salvage Operations Section or as the Supervisor of a Salvage Group. The actual organization will be the result of coordination among the members of the Unified Command, following the overall guidance of the National Response Plan.

The Coast Guard published our regulatory package on marine firefighting and salvage several years ago. Since its publication, the threat to U.S. ports from terrorism has been recognized, creating an even more urgent need for an increase in the U.S. marine salvage capability. Congress mandated the Marine Firefighting and Salvage Regulations to respond to marine casualties resulting in major oil spills. The regulations are designed to increase the salvage and marine firefighting capability and resources of the nation to deal with major marine casualties. In light of the new reality I have described, it is even more important to our national security that these regulations be finalized and that we begin the process of improving the nation's salvage and marine firefighting resources. In my mind, a robust and well-developed salvage capability is a critical component of our national security. I am very appreciative of the input of the industry groups and experts, from both the shipping industry and the salvage industry, that have helped us along the way in the development of the regulations. Now that the Marine Transportation Security Regulations are complete, the Salvage and Marine Firefighting Regulations and the Vessel and Facility Response Plans for Hazardous Substances Regulations are at the top of my list of regulation development priorities. 🗣️

## President's Message

BY RICHARD FAIRBANKS, President,  
American Salvage Association

As the ASA completes its 3rd year of operation I want to thank Arnold Witte, the first and immediate past president, for his efforts in getting the association off the ground. His experience and stature within the industry helped to propel the ASA to an important level within both the American and international marine community over a very short time.

We now have 13 General Members who engage in salvage services on a frequent basis, have opened the roster to Associate Members who help support the industry and have an office in the Washington, DC area with support staff to help us accomplish our goals.

It should be obvious that salvage is a key ingredient to prevention of oil spills from vessels in distress. However, recognition of the value of professional marine salvage services has lagged behind oil spill response, in part because the salvage industry has not been sufficiently organized to speak with a single, loud voice. Today, we have come part way toward correcting that problem. From a standing start 3 years ago, the Association has managed to become well known and respected beyond its young age. That said however, we still have a long way to go. The USCG's proposed salvage regulations are still uncertain. Absent a new regulation, the original 24 hour salvage response time rule, suspended several times over the past 10 years, comes back into effect in February 2004. Will the USCG suspend this rule once again or will a much needed substitute finally be published? We will have to wait and see but we desperately need leadership.

The U.S. needs a National Salvage Policy. That need has been known for many years, but has taken on particular urgency since the terrorist attack on September 11th, 2001. In January 2002, the U.S. Coast Guard, U.S. Navy, the ASA and several industry sponsors hosted the National Maritime Salvage Conference in Seattle. The Admiralty Counsel to the U.S. Navy Supervisor of Salvage and Diving, Richard Buckingham presented a paper entitled, "Toward a National Salvage Policy." The abstract to his paper states:

*"The problem of inadequate domestic marine salvage capacity is well documented and recognized by both the*



government and commercial sectors; furthermore, the situation is not getting any better. Because of the nation's overriding interest in protecting the environment/economy/marine transportation system (MTS), as well as meeting homeland security needs, we need a cohesive federal national salvage policy. The first step, however, will be identifying a federal agency to take the lead in forging such a policy. Should it be the Coast Guard, the Navy, or perhaps some other agency? Who appears best suited for the role? Once the appropriate agency assumes (or is tasked with) this leadership responsibility, what are some of the likely issues to be initially confronted? Also, this pressing need for a national salvage policy should really be a high profile issue on the agenda of the newly created U.S. Commission on Ocean Policy, as well as a specific focus of the Department of Transportation's MTS policy and SEA-21 maritime infrastructure funding initiatives."

The way forward toward such a policy is the subject of much debate but there is little argument for the need to:

- protect national security
- ensure minimal disruption to the U.S. economy resulting from marine casualties
- minimize environmental impacts due to pollution from marine casualties,
- protect public safety


The USCG is in the unique position to fill the void by publishing meaningful regulations now. The regulations will establish a defacto National Salvage Policy. If they are serious regulations they will send a serious message. If they are not, the USCG will have squandered their unique opportunity.

On the plus side we have seen salvage issues discussed at the 2003 International Oil Spill Conference and at Clean Gulf 2003, two conferences where only oil spill issues have been the norm for many years.

We have just completed the 2nd National Maritime Salvage Conference. By any measure, it was a success. Attendance was good and the program was broad. Through events like this, we hope to professionalize the salvage industry and take our case to the regulatory and maritime community. We have begun planning for the next event and hope to develop interest in a focused event aimed at marine fire response. You will be hearing more about this in coming months.

Another important step toward professionalizing the salvage industry has been the publication of the ASA's Salvage Safety Standards. We encourage all of the ASA membership to adopt them or something similar.

Finally, we are in the early stages of establishing a formal partnership with the USCG to discuss salvage issues on a regular basis at high levels within both organizations. We hope to be able to present a draft agreement between the USCG and the ASA at our next meeting.

The next meeting for the 13 General Members of the ASA is on April 26, 2004 in Miami in conjunction with the International Tug and Salvage Conference. Reserve the date -- we will discuss all of these ongoing, critically important issues. Members, make yourself heard. 

## From the Editor

BY JIM BLADH, Managing Editor - *Soundings*

Having been a part of the U. S. Navy Salvage and Diving community for most of the past 58 years and having recently retired (for the second time), I welcomed the opportunity to provide support on a volunteer basis to the American Salvage Association. Serving as Editor of *Soundings* has filled a void and allowed me to stay current with the industry. I recently assisted with the National Maritime Salvage Conference. The attendance surpassed our initial expectations and was considered by the ASA to be great success.

Some of our colleagues, prominent in the U.S. NAVY Salvage Community, had the following comments about the conference:

*"The National Maritime Salvage Conference proved a tremendous catalyst to bring the significant members of the U.S. marine salvage community together. Not only were the agenda topics stimulating and well presented, but the first day didactic on Lloyds Open Form, and the mock trial establishing the context and value of the SCOPIC provisions were superb. Future years' meetings should also target similar training sessions. Nonetheless, the greatest value of this forum remains the opportunity to engage in ad hoc discussions in and around the meeting rooms to advance mutual goals - an opportunity for real face-to-face dialogue - in stark contrast to the impoverished communication through email and cell phones! Looking forward to getting together again in 2005!"*

-- Captain Jim Wilkins,  
USN Supervisor of Salvage (2003)

*"I enjoyed the entire program, but I especially connected with the first morning. I've had a 40-year knowledge of LOF and of the more recent SCOPIC Clause, but I had not realized that my understanding was rather academic and sterile. I found the first morning's paper and mock arbitration absolutely outstanding in giving life to*

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*LOF/SCOPIC. It also provided a better understanding of the arbitration process and the experience of the arbitrators themselves."*

-- Captain J. Huntly Boyd, USN (Ret.)  
Supervisor of Salvage, Sept. 1973-May 1976

*"Aside from the opportunity to interact with salvage industry players, I think the greatest benefit of the conference was the outreach component of educating our customers and regulators. The rapid response value of salvage as a pollution deterrent cannot be overstated and any regulatory or administrative process that inhibits that is a disservice to ship owners, underwriters and most significantly the public good."*

-- Capt. Jack Ringelberg, USN (Ret.), former  
Commanding Officer, Navy Experimental Diving Unit,  
Atlantic Fleet Salvage Officer

*"With the many changes in progress within the industry and the complex issues the industry faces the recent ASA conference was a timely and appropriate venue in which to exchange ideas with others in the field. The conference brought together the right people for meaningful discussion. The open discussion between the industry and government on most matters and the positive 'Let's solve these problems in a way we can all live with' attitude were particularly valuable."*

-- Bill Milwee, SUPSALV Office, 1968-1973  
Pacific Fleet Salvage Officer, 1973-1979

*"The National Maritime Salvage Conference provided a great opportunity to meet with representatives from all aspects of the salvage community. Not only a great time for refreshing old sea stories, but a great exchange of ideas and opinions on where we are, and where we need to go."*


-- Tom Salmon, Office of the Supervisor of Salvage,  
Head, Operations Branch.

*"The 2003 Salvage Conference was a great success, bringing together key players from government and the private sector -- both domestic and foreign. As an attorney, I gained a great deal from the Training Seminar, particularly the outstanding segment on Salvage Contracting and the Mock Lloyd's Open Form Arbitration. To its credit, the Conference did not shy away from controversial topics, but met them head-on, providing an excellent forum for all voices and points of view. Overall, the ASA out-did itself in terms of planning and execution. I'm certainly looking forward to the next Salvage Conference."*

-- Richard Buckingham, Admiralty Counsel,  
USN Supervisor of Salvage

*"I want to congratulate the American Salvage Association for its excellent conference "National Maritime Salvage Conference" held in September. I was most impressed with the quality of the papers presented, the timely issues addressed, and the numbers of non-US salvors that attended the conference. It would appear that the U.S. Salvage Industry is finally receiving the professional recognition that it richly deserves. Further, the ASA's work in bringing salvage issues to the forefront and seeking solutions to these issues with state and federal regulators is to be commended. Keep up the good work. I look forward to the next conference."*

-- Charles Maclin, Captain, USN (Ret.),  
Supervisor of Salvage, April 1982-August 1985

It was great to see so many of you who I have been associated with, and who have had an impact on Navy salvage. 



## One Team, One Fight

BY CHET LUNNER, Assistant Administrator, Office  
of Maritime and Land Security, Transportation  
Security Administration



LUNNER

In spite of the many victories that have been won in the war against terror since September 11, 2001, a significant threat to our national transportation system still exists. According to the General Accounting Office, roughly a third of all terrorist attacks worldwide target transportation systems.

The Transportation Security Administration (TSA) was created shortly after September 11th to assess and manage the risk of terrorist attacks to our national transportation system. Working closely with stakeholders, TSA develops standards and policies to improve the security of our transportation modes, which include maritime, aviation, rail, highway, pipeline, and mass transit systems. We seek consistent security standards across all the modes to ensure the overall protection of our national transportation system.

Fundamental to the freedom of movement of people and commerce is the ability to respond to transportation incidents in an effective, efficient, and coordinated

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manner. The salvage community has risen to this challenge since the earliest days of seafaring, and will continue to have a critical role to play as we navigate our post-September 11th era.

Nowhere do our intermodal transportation security concerns overlap more directly than in the maritime arena. We see this in the thousands of trucks and rail cars that load and unload cargo directly onto ships every day, in the 6 million shipping containers processed by our 361 ports, and in the 7 million cruise line passengers that embark from U.S. ports every year.

The intermodal, interdependent, and international nature of the transportation system requires a consistent, coordinated security approach. To this end, TSA is working closely with our sister agencies in the Department of Homeland Security, including the U.S. Coast Guard and the Bureau of Customs and Border Protection, and with the Maritime Administration in the Department of Transportation, to coordinate security in the maritime domain.

Our primary approach is to identify weaknesses and develop risk-based solutions. Approximately 85 percent of our nation's critical infrastructure is privately owned, so the participation of the private sector in this process is not just optional; it is essential.

This is especially true for the salvage industry. In the event of a major maritime transportation incident, it is incumbent upon us to have clear protocols in place that govern salvage response operations, especially if that response requires a shift in salvage assets. We do not want to create vulnerabilities due to inadequate salvage capacity, nor do we want to impede response capability.

We must also ensure that planning for salvage response takes into account the intermodal nature of our transportation system. A major attack to a port could very likely affect other transportation modes and create a ripple effect throughout the supply chain. This kind of disruption may require a coordinated response from local, state and federal government in terms of assigning salvage assets and securing appropriate emergency funding.

The recently published Initial National Response Plan, which is mandated under Homeland Security Presidential Directive 5, will help clarify the roles and responsibilities of various emergency response components, but the participation of the salvage community will also be critical as this plan is finalized.


Financing security, of course, is an issue of great concern to all of us. The Department of Homeland Security has been able to provide some assistance, including \$275

million in grants to our nation's ports, and \$2.2 billion for state and local first responders. Security may be costly, but it is nowhere near as expensive as the losses it prevents, and all of us have seen the economic impact when transportation is the victim of terror.

Threats to transportation are ever-changing, but there will always be one constant: the threat of complacency. The further we get from a terrorist incident, the greater we risk developing a false sense of security. We can't afford to let our guard down. Terrorists only have to get it right once. We have to get it right every time, millions of times a day.

The responsibility of keeping awake - resisting complacency - falls on every one of us. We are all partners in this fight, and every American has a role to play in developing this "culture of awareness."

The maritime sector has a special responsibility. So many of our national interests and concerns are connected to our ports and waterways. 95 percent of imports enter our country by waterborne transportation, and some of our largest ports are also economic centerpieces of our largest cities.

No government agency can single-handedly protect us from all risks, but working together we can manage the threat to our nation. Homeland Security Secretary Tom Ridge has said, "We are all members of one team. One team, one fight." TSA looks forward to working with the salvage industry on this new team. 


## ASA Creates Safety Standards

ASA has created an independent set of safety standards for the professional salvage industry for adoption both in the Americas and internationally. While recognizing existing international salvage safety standards, the objective of ASA's Salvage Safety Standards is to further ensure safety at sea, prevent human injury and loss of life, avoid damages to the marine environment, and preserve property. These Salvage Safety Standards are the primary source of reference for the conduct of all operations in a salvage/wreck removal operation and will be used in conjunction with ASA's member companies' own safety standards and practices, as well as existing, accepted legislative mandates.

The ASA Salvage Safety Standards include such areas as site safety and health plans; daily briefings and reporting; vessel equipment inspections; subcontractors; salvage master's logs; and roles and responsibilities of

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salvage teams. There is also a focus on salvage diving safety requirements.

“By planning, organizing and implementing the safety elements affecting this unique business of salvage and wreck removal, our industry can expect to attain the highest level of success, safety and environmental protection,” said ASA President Dick Fairbanks. “ASA, as the principal voice for the domestic salvage industry, is leading the way for safer operations and environmental protection,” he continued. ASA’s Salvage Safety Standards is available on our Web site at [www.americansalvage.org](http://www.americansalvage.org) 

## UPCOMING EVENTS - 2004



**February 10-11:** C-Port Annual Conference, Salvage for the Marine Assistance Industry, Baltimore, MD

**February 12:** “24-hour requirement” suspension deadline

**February 17-19:** Underwater Intervention 2004, New Orleans, LA

**April 26:** ASA Spring Meeting, Miami, FL

**April 26-30:** ITS 2004, Miami, FL



### Spotlight on Donjon Marine Co., Inc.


BY J. ARNOLD WITTE, President & CEO, Donjon Marine

Donjon Marine Co., Inc. was founded in 1964 by Arnold Witte, Donjon’s President and CEO, as a marine salvage and related services company. Mr. Witte is also a past President and Executive Committee Member of the International Salvage Union (ISU) and first President and founder of the American Salvage Association. Donjon continues to maintain a position on both the ISU and ASA Executive Committees. In the beginning, Donjon’s full range of wholly owned and operated Salvage Response Assets consisted of a used station wagon and two-3” gasoline trash pumps; and the station wagon was only available when it wasn’t used transporting one of his seven children. Today, Donjon owns and operates one of the largest fleets of Marine Salvage Response Vessels and Equipment in the U.S. Together with over 100-full time experienced in-house Salvage Response Personnel, Donjon is positioned to respond to any type of Marine Casualty situation, both here in the U.S. and abroad.

Donjon’s response capability is evidenced by almost 25 years of uninterrupted service to the United States Government through the U.S. Navy Atlantic Zone Salvage and Related Services Contract; a contract competitively bid every 4-5 years. Donjon was recently re-awarded this Salvage Services Contract through 2008. We are proud of our ability to respond to the needs of

our U.S. Navy as well as the Federal Government as a whole thru our Basic Ordering Agreement (BOA) with the USCG and related Marine services contracts with other state and local governmental agencies. While capable of work outside the U.S., our focus remains at home.

As a result of many different factors, the number of Marine Salvage cases throughout the world have gone down almost every year. To continue to maintain its base of Salvage Specific equipment and personnel, which we believe, is the cornerstone of Donjon’s success, Donjon presently provides Dredging, Heavy Lift, Diving, Towing, Transportation and Marine Construction services in addition to its salvage capability. As a result of working in these various marine service related activities, most of which utilize techniques which crossover for use in the field of marine salvage, Donjon continues to be able to produce qualified marine salvage specialist to respond to the ever changing needs of the worldwide marine community.

From humble beginnings, Donjon has grown from a regional salvage service provider into a worldwide full service Marine Services Organization. 

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