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Our New Beginning

Perhaps an appropriate beginning to *Soundings*, this first publication of our American Salvage Association, is to reflect on our choice of name.

BY J. ARNOLD WITTE, ASA President

A “sounding” is the act of someone investigating a part of the bottom of a sea or river in order to gain information as to its characteristics. Soundings provide information as to depth, contour and hardness of the bottom in the area of a casualty, all of which is critical to a salvage success.

It is investigation, knowledge, experience and exploration of our present and future which has brought normally highly competitive salvors together in a spirit of cooperation, resulting in the establishment of the American Salvage Association or ASA.

Just over two years since our beginning, our organization has gained widespread support and acceptability. Gathering and dissemination of information vital to our industry is the cornerstone of our existence. We have provided support as well as critical comment on issues of regulatory change, homeland security, training, interface with governmental and environmental issues and have increased industry and public awareness of the substantial benefits attendant to a prompt marine casualty response.

Salvage response in the United States has evolved to essentially become a new industry as measured against the past. Considerations of environmental impact, regulations, security, technology and the increased need for salvage cooperation and communication require our salvage industry to be more flexible and innovative in the future while still

being anchored in past experience and knowledge gained by prior endeavors.

The future can be viewed with some optimism. While the number of casualties fortunately continues to decline, compensating factors are appearing in the marketplace. Modest retainer for salvage companies, supported by shipping, will become a reality if the U.S. Coast Guard’s regulations are implemented without substantial change. Casualties, when they occur, are far more expensive than in the past, driven by environmental factors.

The salvor, as an emergency responder, must expand his activities and participate in pollution control and response, at least in the immediate area of the casualty. Fewer wrecks are left to remain than was possible in the past, increasing the market. Deeper recoveries, and environmentally sensitive removal of oil, much of it from historic casualties, represents an expanding market. The demand for salvage response posed by security threats in our ports is real and has



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Soundings

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Articles, letters, questions and comments should be directed to Jim Bladh, Managing Editor, at the following address:

American Salvage Association

801 N. Quincy Street
Suite 200
Arlington, VA 22203
(703) 373-2267
jbladh@vesselalliance.com

President

J. Arnold Witte

Vice President

Richard Fairbanks

Secretary / Treasurer

George Wittich

Director

Richard Fredricks

Managing Editor

Jim Bladh

Assistant Editor

Debra Colbert

Production/Graphics

Traci Fischer

Our New Beginning

been identified. In short, the need for the salvor is still an ever important and continuing requirement in the United States. The fulfillment of the requirement by the U.S. salvor has changed considerably as we respond to regulatory and environmental needs. It is the salvor who draws on the past by continuing to provide experience, equipment and risk assumptions while addressing and advantaging the changes now and in the future that will survive and be available when the need arises.

From the Editor

BY JIM BLADH, Managing Editor - *Soundings*

The term "Soundings" has been used by seafaring men and salvors throughout the world for centuries. It is used to provide critical information to the ship's master or salvor about the condition of a casualty. Accordingly, we find it to be an appropriate name for the American Salvage Association's newsletter, which will also be used to disseminate information to the salvage community.

I wish to thank all of you who contributed articles. We plan to publish one feature article in each of the future issues. Each of you will be solicited to sponsor an edition, at which time we will publish your article. Bisso Marine is sponsoring the first *Soundings*. In the interim you have time to fine-tune your contribution.

This is our first edition of *Soundings*. We hope to publish three times a year, depending on your response and input. Our goal is to have as wide a circulation within the maritime industry as possible. We are looking primarily for contributions from both our corporate and associate members that would be of interest to our readers. Like any newsletter, this publication will be only as good as your input. This is a great opportunity to make the industry aware of your capabilities.

We all know that there are some serious problems facing the maritime industry in general and the salvage industry in particular.

Among them are the problems of:

- Safe haven for casualties that was illustrated so graphically in the Castor and Prestige casualties
- The position and working relationship for salvors in the Incident Command System.
- The implementation of SCOPIC in the United States
- Working with the Coast Guard in casualty situations
- Maritime security and its effect on salvage operations

These are a few things that come to mind; you know that there are many more that through your experience you can expand on. *Soundings* is your opportunity to get your ideas before both your colleagues and the industry.

As always, your comments are welcome and appreciated.



Save the Date: Salvage 2003 Conference Scheduled

BY DEBRA COLBERT

The 2003 National Maritime Salvage Conference, sponsored by American Salvage Association, will take place September 9-11 in Crystal City, VA. The program for the conference has been set, with topics on Tuesday, September 9 to include:

- Salvage Contracting
- Mock LOF Arbitration Proceeding
- Salvage Plans

The program for Wednesday, September 10 will focus on:


- Maritime Security
- Wreck Removal

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- Contracting
- U.S. Salvage Regulations
- International View of the salvage industry.

The final day of the conference, Thursday, September 11, will concentrate on:

- Training
- Marine Casualty Response at the World Trade Center
- Responder Immunity
- Salvage and the Environment
- Incident Command Structure (ICS)
- Fire-fighting

Stay tuned for continuing information and speakers/presenters. 

Available in mid-April, register online for ASA's 2003 National Maritime Salvage Conference at www.americansalvage.org.

Breaux Vows to Keep Maritime Security Issues a Priority

BY DEBRA COLBERT

While the current unrest in North Korea and Iraq, the rising price of foreign oil, and the domestic issues of our growing deficit, social security, health care and medicare are all front-burner matters for Capitol Hill policy-makers, Senator John Breaux, a 30-year veteran of Congress, intends to work to keep maritime issues equally at the forefront.



At a speech before the Propeller Club in Washington, DC on February 6, Senator Breaux began by pointing up the post-September 11 landscape, with the need to secure our nation's ports and waterways as a top priority. During the 107th Congress, the Senate passed legislation that focused security requirements for the maritime industry in S. 1214. After Congressional Conference, the "Maritime Transportation Security Act of 2002" was signed by

the President on November 25, 2002 and is identified as Public Law 107-295.

Senator Breaux cited a huge variation in security from port to port, with some ports relying solely on the Coast Guard's intervention, others procuring state-of-the-art ready-reserve-type vessels and some simply posting "no trespassing" signs on newly erected fences. With the dark memory of the *USS Cole* tragedy, the mandate that every port file a Port Security Plan with the Coast Guard is expected to go a long way toward sharing vital information about crews, ships, cargoes and itinerary routes.

But as crucial as Maritime Security is, Senator Breaux notes that these efforts are essentially unfunded mandates. The Transportation Security Administration, MARAD and the Coast Guard are in the process of receiving applications for another round of port security grants, although it is clear that not enough money has been made available yet to ensure the level of security that is needed for our ports. \$92.3 million in grant money was provided in round-one, but more than \$700 million was requested. \$105 million will likely be awarded in the second round.

Senator Breaux also addressed the Maritime Security Program (MSP), saying that Congress is investigating many issues regarding the re-authorization of the program, due in 2005. He said he is very concerned about the state of decline of the maritime industrial base, both on the side of ship operations under U.S.-flag, and on the construction side at our nation's shipyards.

"The continuation of the MSP is vital to our military strength, and our ability to project our policies in a unilateral way," Senator Breaux said. "The ability of American flag and American crewed merchant mariners to meet the current and future military sealift needs will dictate how we, as a nation, can respond on our own initiative," he continued.

Always a strong advocate of our nation's waterways and related industries, we look forward to continued support from Senator Breaux as his service to this country continues.

Senator Breaux cited a huge variation in security from port to port, with some ports relying solely on the Coast Guard's intervention.

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M/T Prestige, Her Importance in the Ongoing Quest for Harbors of Refuge Establishment

BY JOHN J. GALLAGHER, Gallagher Marine Services

The ongoing saga of *M/T Prestige*, as she continues to discharge her cargo of residual fuel oil onto the Atlantic shore of Spain, presents a clear-cut demonstration of the critical need for support of established harbors of refuge for stricken vessels. For perhaps the first time, fulfillment of that need can be shown to be clearly in the interest of the host nation as well as those of the vessel.

The attempt by Spain to protect her coast from oil spilled from the distressed tanker by refusing refuge and forcing the *M/T Prestige* onto the high seas, not only failed but unarguably increased the resulting damage extending it over a substantially wider range of the coastline. By that refusal, the *M/T Prestige's* ultimate destruction with loss of most of her cargo to the sea was ensured. Furthermore, by forcing her further off a lee shore where the resulting oil spill would necessarily be spread over a wider path, the length of shoreline ultimately impacted was vastly increased.

Should Spanish officials have elected to permit the *M/T Prestige* into protected waters to preserve her integrity and offload cargo, the most credible scenario would have most probably been the continuing but decreasing leakage of oil from the breached cargo tanks and hull

clinging with leakage tapering off and rapidly terminating as salvors offload remaining cargo from the breached and endangered tanks. Since it would be lee shore locale, the scope of shoreline impact would be restricted to the nearby environs instead of the wide shoreline now being impacted. The discharge from the vessel would also have been more containable and recoverable and the ability to remove remaining cargo from her cargo tanks would have been more feasible. Furthermore, the major portion of the oil leaking from the vessel in the locale of her refuge would be readily containable with pre-positioned oil booms to encircle the vessel and recoverable with inshore skimming equipment operating in calmer waters. Even in the unlikely event that the vessel had ruptured, lost most of her oil and sunk in the refuge, the resulting spill would have been much more readily containable and removable and the range of impact would have been significantly restricted.



The vast difference between the environmental/economic damage and response costs between the above scenarios and what is actually happening on the coasts of Spain and Portugal will be readily quantifiable. That difference should clearly demonstrate that continuing the “not in my backyard” and “why gratuitously benefit mariners?” mentality behind resistance to the formal establishment harbors of refuge by the international community will continue to result in the disastrous fouling of not only backyards but side and front yards at an extremely high ecological and monetary price. The chimerical panacea of double hulls envisioned as a solution by the media and the chattering classes does not even address the real issue. Regardless of the improvements in seafaring technology, construction, maintenance and inspection, so long as men go down to the sea in ships, there will be casualties. The remaining solution is to be better prepared to deal with them.

International action on harbors of refuge is mandatory since, so long as the option to give refuge to a vessel such as the *M/T Prestige* is left in the hands of individual politicians without established supporting international/national policy, the universal incentive will be to protect sternsheets and the answer will be “no.”

Because of the particular lessons of the *M/T Prestige* casualty, an ideal opportunity is presented to the maritime community to make the case to IMO for the international establishment of pre-designated,

COMING EVENTS

March 27 ASA Spring Meeting Fort Lauderdale, FL	April 6-10 International Oil Spill Conference Vancouver, BC	September 9 ASA Fall Meeting Crystal City, VA	September 9-11 Salvage Conference 2003 Crystal City, VA	October 29-30 U.S. Maritime Security Expo New York, NY	April 26-30 ITS 2004 Miami, FL		

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pollution response-equipped harbors of refuge by member states. With national laws governing the creation and the procedures for use of such harbors in appropriate locales throughout the world, the political risk to the decision makers can be mitigated and, ultimately, the danger posed by vessels in distress to the world's environment and the economies of member states can be greatly reduced.

U.S. Salvage Posture, Changing with the Times

BY J. ARNOLD WITTE, ASA President

A presentation for the International Salvage Union (ISU)

Salvage response in the United States, and to a considerable degree throughout the world, has evolved to essentially become a new industry as measured by historical precedent.

There are five principal factors which have forever changed maritime casualty response to the point where it will never again rely on risk and compensation based solely on the value of property saved. These five factors which have effected this change in marine casualty events in the United States are:

- Environment
- Regulation
- Security
- Technology
- Salvage cooperation and communication

Environment

Little needs to be said about the impact of the environment. We have all been aware of the increasing, persuasive impact of environmental factors for years. Simply put, it permeates and drives every emergency solution. In its infancy, and even today, environmental considerations can stall and complicate an effective, prompt salvage by extending the beginning of performance beyond a reasonable timetable. We must evolve prompt solutions within the context of environmental needs. This simply requires a combination of experience, logic and adaptability applied with reason to the total solution. While we all recognize the necessity to conduct all operations with a view toward maximum environmental protection, all

too often the priorities of all of the interested parties who contribute to our ICS (Incident Command System) become argumentative, combative and confusing to the point of creating almost unsolvable obstacles to a prompt salvage. We must continue, in the U.S., to evolve a system which provides that maximum environmental protection is a primary focal point, yet recognizes the need to adjust priorities to the totality of an effective solution.

Regulation

The impact of regulatory authorities in the U.S. continues to grow. Beginning at the federal level, with ultimate power of the on-scene federal commander in the person of the local district Coast Guard Commander, through the power of the involved state, the local county or district and ending with the local municipality, there are numerous, often conflicting and at times, competitive issues to be resolved. Although there is no structured, identifiable component of the response system called politics, there is not a significant incident where local, state and federally elected representatives do not attempt to influence the result, often from a media or public relations platform. This is simply counterproductive in almost all instances.

The implementation of and control of the solution to a marine casualty in the United States is the Incident Command System. Having evolved out of forest fire fighting response, its intent was originally to bring together a small group of experienced firefighters under an existing organizational structure to assure a rapid professional and effective response.

Since the fighting of fires has been the province of a small group of dedicated firefighters, trained and professional, it is often the same individuals and equipment who participate in the fire fighting process. It is also almost exclusively conducted in remote areas, highly dangerous and a continuously moving event. Although similar in that both are emergencies, the marine ICS has grown to a huge number of participants that can complicate the solution. ICS in any major casualty has moved from a compact group of experience to a large group with multiple and competing interests.

In an effort to better identify and integrate the position of the salvor in his response to an emergency in the United States, the United States Coast Guard has evolved a series of new regulations. These new

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regulations are a welcome change from the past where the captain's brother-in-law could serve as salvage master in the interest of economy. These regulations have been published for comment and the public

hearings have been closed. The latest information expects final publication by late spring of this year.

The U.S. salvage community must assess its value as a contributor to a solution of both prevention and response.

The regulations represent a very comprehensive approach to salvage utilization in the United States in the future. The burden has been placed on the shipowner to essentially name and contract with a professional salvor operating in the U. S. in order to do business in the U.S. Professional standards and timeliness of response are critical components of the Regulations. Because these salvage regulations have emanated from the Oil Pollution Act of 1990, the new regulations apply to

vessels carrying oil only. There are some that say they are too complicated, restrictive, expensive and unnecessary. It is interesting to note that the same objections were made to the initial passage of the Oil Pollution Act of 1990. Looking back over the last twelve years, there are few, if any, who would argue that in terms of reducing marine pollution in the U. S., OPA 90 has been very successful. U. S. salvors and the American Salvage Association have endorsed the regulations, and in addition, have suggested they be extended to all significant commercial vessels which trade to the U.S. and within its harbors and rivers.

There has been one legal impact in the U.S. which is counterproductive, bullying and just plain wrong. That is the move toward the imposition of criminal liability in instances where, at best, there exists negligence which should impose a civil liability only. Driven only by politics and currying favor with an uninformed public, there is the real threat and reality that criminal sanctions are to be imposed. This cannot be insured against and poses a significant threat to the salvage community. The only answer is responder immunity. One who responds to a casualty to solve a problem and has no hand in creating it, should not be subject to the specter of criminal liability, no matter how remote.

Security

Since September 11, 2001, emergency response capability throughout the U.S. has had to plan for the

unforeseen terrorist threat which may raise its ugly head at any place, at any time. The threat from the maritime sector has been identified by the U.S. government to be one of the most probable alternatives. Containerized shipping, bulk carriers and tankers have all been identified by our government as primary possibilities to possess terrorist event capability. Add to this threat, bridges, terminals and other reachable structures in any U.S. port and one can easily see that the consequences may be catastrophic. The U.S. salvage community must assess its value as a contributor to a solution of both prevention and response. This entails time, training, capital and further communication and cooperation with federal, state and local forces to first identify and quantify the need and then promote a best case response within a practical planning and response framework. ASA is working together with the Coast Guard and local ports with contingency planning and the identification of salvage response assets.

Technology

Technology has been accelerating at a tremendous rate over the last two decades. Computerization, communication, on water and under water navigation, positioning and salvage tools have an ever increasing capability limited only by the economic restraint of return on investment. While technology as well as environmental necessity expanded the operational areas of what is now salvageable, deep water recovery, new oil extraction and pumping capacity, increased heavy lift capability, dynamic location and positioning to name a few, there is still the need for the salvor to tool up and train for these new capabilities at his expense not being able to assess a return on investment based on unknown future casualty response. To a limited degree, the promotion of fair and reasonable retainer to the salvor through the implementation of the new salvage regulations may be a partial answer.

Salvage Cooperation and Communication

The ever increasing complications of salvage in the United States have unintentionally driven salvors to seek opportunities to exchange information and, to the industry's surprise, even cooperate. The proposed new salvage regulations provide for an owner/operator to list multiple salvors in order to assure complete geographic coverage as well as cover the multiple tasks required of the salvor. As an example, it is

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extremely difficult for a single salvor to provide six hour on site response to all 47 Coast Guard districts. It is also difficult for some salvors to provide all the listed activities in the time frame required, especially in the unusual event that they may have multiple engagements at the same time.

One of the answers has been the American Salvage Association (ASA). With a total active membership of 12 companies, including one Canadian company, the intent is to increase the professional nature of response, educating the public to the importance of salvage, review regulatory and governmental influence to assure continued successful response, provide training of a new salvage generation and foster the abovementioned communication and cooperation among salvors which is critical to promote effective

solutions. A growing associate membership, composed of those who have an interest in and recognize the importance of salvage response, has also given additional support, advice and an outside perspective to the ASA.

Where We Are and Where We Are Going

Currently, the prospect of the U.S. Coast Guard's regulations, coming to pass after many years of study, public awareness and the concern over marine casualties and the efforts of the entire U.S. salvage community to impose their response both as individual companies and through the efforts of the ASA clearly demonstrates that the road finally appears up. 🌊



Spotlight on Bisso Marine

BY W.A. "CAPPY" BISSO, III - Bisso Marine President

Bisso Marine was forged in the 1880s by Captain Joseph Bisso, a native of Genoa, Italy. He began his career on the Mississippi River by transporting commodities such as timber and cotton to New Orleans, LA, from Vicksburg, MS, using rafts, rowboats and later steamboats. Bisso would expand his operations to include ferryboats, harbor tugs and towing services. In 1907, Captain Bisso died thus passing the "family" business on to his son, Captain William A. Bisso.

The second generation of Bisso Marine would offer new services to the marine industry during the tenure of Capt. William (W.A.) Bisso. He added a fleet of derrick barges, dredges, coal bunkering vessels and deep-sea tugboats to the company, which he directed until his death in 1963.

Captain William A. Bisso, Jr., the third generation of Bisso Marine, continued to expand and upgrade the fleet of equipment. Capt. Bisso, Jr., who specialized in heavy lift, marine construction, salvage and wreck removal, built the largest fleet of heavy lifting "A-frame" derrick barges in the United States.

Captain W. A. "Cappy" Bisso, III, the fourth generation to lead Bisso Marine, assumed the helm of the company upon the death of his father in 1992. Currently, guided by the strong influences of their predecessors and a strong history, Capt. Bisso, III along with the fifth generation, W. A. "Beau" Bisso, IV, are continuing the development of the company to respond to unlimited special requests from inland and offshore customers.

Historically, spanning three centuries, Bisso Marine has been at the forefront of the marine industry and the expertise gained through the many years is the foundation for the expanding vision of the company. Today, Bisso Marine is a full service maritime solutions company. Although its roots are in the Mississippi River, the company operates throughout the American inland rivers and waterways, the Gulf of Mexico and along the Atlantic Coast of the United States.

The long traditions of service, dependability and integrity are deeply ingrained at Bisso Marine and remain the top priority of both the Bisso family and the extended Bisso Marine family.

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Corporate Members



American Marine Corporation
Honolulu, HI USA
Tel: (808) 545-5190 (24 Hours)
Fax: (808) 538-1703
www.amsgHQ.com



Bisso Marine Company, Inc.
New Orleans, LA USA
Tel: (504) 866-6341 (24 Hours)
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www.bissomarine.com



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Tel: (418) 694-1414 (24 Hours)
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Tel: (954) 929-5200 (24 Hours)
Fax: (954) 929-0102
www.titansalvage.com



Weeks Marine, Inc.
Cranford, NJ USA
Tel: (908) 272-4010 (24 Hours)
Fax: (908) 272-4740
www.weeksmarine.com

For membership information, please contact Dick Fredricks at (703) 373-2267.