



## GREATER NEW ORLEANS PORT SAFETY COUNCIL MEETING UPDATE

On September 12, 2012, the Greater New Orleans Port Safety Council (“PSC”), which counts as its members the firm and a number of firm vessel owners and shipyard clients, along with representatives of the U.S. Coast Guard and the U.S. Army Corps of Engineers, held its meeting to discuss and consider the impacts of Hurricane Isaac on the navigation community of the Lower Mississippi River. “Just a Category One,” Hurricane Isaac made landfall on August 28, 2012, near the mouth of the Mississippi River and still managed to cause significant interruption in river operations and several pollution and casualty incidents that required participation from many varied interests throughout the Lower Mississippi River to safely and effectively remedy. Interests from both the public and private sectors, including the pilots associations and salvage contractors, responded to a number of ship grounds and barge strandings caused by the river surge and high winds associated with the slow-moving storm.

According to reports from the Coast Guard, Hurricane Isaac forced the closure of the Lower Mississippi River to all vessel traffic from Mile Marker 235 to the Sea Buoy beginning at noon CDT on August 28, 2012, only through 10 p.m. CDT on August 31, 2012, when Port Condition Normal with Restrictions was ordered by the Captain of the Port. The Coast Guard credited the swift re-opening of the river following Hurricane Isaac to the “remarkable team effort” and cooperation among the entire navigation community of the Lower Mississippi River. According to figures provided to the PSC, as a result of Hurricane Isaac, the Coast Guard did have more than 200 pollution and hazardous materials cases to address and another 50 salvage cases to address, of which at least 21 were still ongoing at the time of the PSC meeting on September 12, 2012.

For the navigation community of the Lower Mississippi River, Hurricane Isaac was also an opportunity to participate in some untested procedures regarding pre-storm preparation and recovery that had only been previously considered by the Coast Guard. In many cases, these procedures were deemed “best practices” by the Coast Guard, but in the agency’s ever evolving quest to balance safety with commercial interest, these procedures were not promulgated as part of any formal hurricane preparedness plan prior to Hurricane Isaac. All post-storm reports from the Coast Guard to the PSC were that these previously untested procedures went very well for Hurricane Isaac and prevented significant potential damage to operations and facilities throughout the Lower Mississippi River. In its comments to the PSC about ongoing post-storm efforts, the Coast Guard indicated that given the degree of success of some of these procedures, it is entirely likely that some of these procedures could become fixtures in future formal hurricane preparedness plans and procedures following some additional input from the industry. Some highlights of the more successful plans and procedures implemented for Hurricane Isaac discussed by the Coast Guard included:

- Implementing Port Condition Whiskey early in advance of the storm for purposes of information gathering and monitoring;
- Moving vessels that remained in the river during the storm to locations as far upriver as possible and at terminals, if possible, to avoid the continuing issues with vessels that remained at mid-stream buoys lower in the river during the storm and that were involved in groundings, strandings, breakaways, etc.;
- Ordering that no vessel over 500 gross tons that was located north of the Huey P. Long Bridge could transit south of the bridge with the intention to remain in the river during the storm; and



October 2012

- Re-opening the river by starting with shallow draft vessels and moving to deeper draft vessels as information on channel depth and storm debris became available.

Additionally, as with all new storms, the Coast Guard's experience through Hurricane Isaac taught many lessons, and in its comments to the PSC, the Coast Guard identified several notable issues that remain open for possible implementation in the future. These issues included:

- The possibility of dividing the area of the river that is under the command of Sector New Orleans into zones due to the unique geographical nature of the Lower Mississippi River. As conditions are markedly different from the Southwest Pass to Baton Rouge, shutting down operations needs to begin earlier down river in the face of any storm;
- The development, in conjunction with Sector New Orleans, of plans and policies on the best locations in the river to safely and securely moor vessels of varying designs and sizes during hurricanes; and
- The development of better coordination among the navigation community to ensure that commercial fishing vessels return to port well in advance of any hurricane's landfall.

As with many endeavors that necessarily impact the navigation community, the Coast Guard expressed its willingness to work with the industry as a whole and consider any input the industry might offer on the issues noted.

— [Lance M. Sannino](#)

---

*Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:*

**Glenn S. Goodier**  
*Jones Walker LLP*  
201 St. Charles Avenue  
New Orleans, LA 70170-5100  
504.582.8174 tel  
504.589.8174 fax  
[ggoodier@joneswalker.com](mailto:ggoodier@joneswalker.com)

*This newsletter should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your own attorney concerning your own situation and any specific legal questions you may have.*

To subscribe to other E\*Bulletins, visit <http://www.joneswalker.com/ecomunications.html>.