

Maine Pilotage Commission



MaineDOT ~ Main Conference Room
April 9, 2015

Minutes of Meeting

In compliance with MSRA 38 § 85 and in fulfillment of the Commission's duties addressed in MSRA 38 § 90, a meeting of the Maine Pilotage Commission was held on April 9, 2015 in Augusta Maine.

Administration:

The meeting was called to order at 1030 by the Chair of the Commission, Captain Charles Weeks.

Maine Pilotage Commission Members constituting a quorum were:

Captain Charles Weeks	– Chair of the Commission
Captain David Gelinis	– Pilot Member
Captain Gerald Morrison	– Pilot Member
Captain Shawn Moody	– Maritime Industry Member
Captain Earl Walker	– Pilot Member
Mr. Tom Dobbins	– Maritime Industry Member
Mr. Brian Downey	– Pilotage Commission Administrator

Maine Pilotage Commission Interested Parties present were:

Mr. John Henshaw	– Executive Director, Maine Port Authority (MaineDOT)
Captain Doug Fournier	– Penobscot Bay and River Pilot Apprentice
Captain Skip Strong	– Penobscot Bay and River Pilot
Captain Adam Philbrook	– Penobscot Bay and River Pilot
Captain David Smith	– Penobscot Bay and River Pilot

MaineDOT Staff present were:

Ms. Victoria Morales	– MaineDOT Legal
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Public/Guests present were:

Mr. John Weber	– Northeast Ocean Council
Mr. Peter Blanchard	– Maine Department of Environmental Protection

Agenda Item 1 – Call to Order

Captain Weeks opened the meeting at 1030, acknowledged a quorum and facilitated introductions around the room.

Amendments and Carry-Over Items: There were no requests to change the agenda and there were no carry over items from the November 20, 2014 meeting. Mr. Dobbins noted one typographical error regarding the date on page 7 which was noted for correction. Hearing no other amendments, Agenda Item One was closed.

Agenda Item 2 – Approval of November 20, 2014 Commission Meeting Minutes

After considering the content of the November 20, 2014 meeting minutes and hearing no objections or abstentions it was thus:

RESOLVED to approve the minutes of the November 20, 2014 Maine Pilotage Commission meeting.

Agenda Item 3 – Commission Elections

Mr. Downey explained that as the first Commission meeting of the new calendar year the Commission is required per the Maine State Pilotage Rules to elect its Chair for the next year. Captain Weeks volunteered to continue serving as the Chair of the Commission. Mr. Downey outlined that he had previously announced that the election would occur during this convening of the Pilotage Commission and solicited nominations of any new candidates. Mr. Downey reiterated the solicitation for new candidates. No new candidates were nominated. Captain Morrison motioned to retain Captain Weeks as the Chair of the Commission. Mr. Dobbins seconded the motion. Hearing no objections or abstentions it was thus:

RESOLVED that Captain Charles Weeks was duly elected as the Chair of the Maine Pilotage Commission for a term of one calendar year.

Agenda Item 4 – Review of Pending Exemption Changes

Mr. Downey reviewed the status of the legislative action to amend MSRA 38 § 87-A to include non-commercial vessels up to 253 feet in length (77 meters). Following the November 20, 2014 Commission meeting, the Pilotage Commission engaged with the MaineDOT legislative liaison who facilitated sponsorship of a stand-alone bill. The bill was developed as LD-198 and was drafted to broaden the scope of the exemption language of 38 § 87-A. The bill was discussed at a March 5, 2015 hearing of the Joint Committee on Transportation during which testimony was delivered by Captain Skip Strong and Ms. Nina Fischer. Both testimonies were in favor of the bill. There was no public opposition to the bill at the March 5, hearing. The bill later passed through the Joint Committee on Transportation. LD-198 will now go before full legislature (most likely in June 2015). There is no expected opposition to the bill. If passed, LD-198 will go into effect 90 days following the Governor's signature.

Agenda Item 5 – Ocean Planning

Mr. John Weber of the Northeast Regional Ocean Council briefed the Pilotage Commission regarding Regional Ocean Planning. The National Ocean Policy, established by Presidential Executive Order in 2010, called for the formation of nine regionally focused Regional Planning Boards to better manage the nation's oceans and coasts. He explained the organization of the planning council, their mandates and goals. In short, the Northeast Council is comprised of 10 Federal agencies, 10 Federally recognized tribes, the NE Fishery Management Council, the public, and non-government agencies, as well as ex officio participation from the State of New York and Canadian agencies. The council strives to engage with appropriate waterway users to collect waterway usage data into a practical package suitable for logical and science based planning. Using meaningful public participation, the council seeks the knowledge, perspectives, and needs of ocean stakeholders including fishermen; scientists; boaters; environmental groups; leaders in the shipping, ports, and energy industries; and all New Englanders who have an interest in the Ocean. The Council, uses accurate, up-to-date data and information, including everything from practical traditional knowledge to innovative mapping technologies to best understand competing waterway demands. Specific areas of focus include:

- Maritime Commerce
- Aquaculture
- Recreation
- Commercial Fishing
- Energy
- Culture
- Mammals & Turtles
- Fish and Shellfish
- Other Marine Life
- Eel Grass
- Water Quality
- Birds
- Habitat
- Bathymetry

The Northeast Regional Council will hold a stakeholder meeting on May 12, 2014 in Salem, MA as well as larger Council meeting June 3-4 in Mystic, CT. Mr. Henshaw suggested that the Commission sponsor Mr. Downey to attend one or both of the meetings to learn more about the benefits of Ocean Planning and to represent the Commission's interests.

Agenda Item 6 – Review of Investigation Responsibilities

Mr. Downey reviewed a draft Pilotage Investigation Policy (1-15). The policy essentially documents current practice in order to memorialize the investigative process of the Pilotage Commission. The policy is a basic foundation from which to build a more robust investigation program. The document outlines the basic definitions used in complaints, discusses the Pilotage Commission's authority and the framework of cooperation with other agencies including the U.S. Coast Guard and National Transportation Safety Board. The Policy identifies four investigators within the Commission and defines minimum training goals. Mr. Downey also discussed a draft Memorandum of Agreement which he proposed to be executed between the Maine Pilotage Commission and the Coast Guard (Sector Northern New England). The MOA would provide an agreement to share information during a marine casualty investigation involving a State licensed pilot. Captain Gelinis reminded the Commission of certain confidentiality protections provided within the pilotage legislation, which should be considered

in an MOA. Mr. Downey will e-mail the draft MOU to the Commission for review and comment. Captain Moody motioned to move forward with finalizing the draft MOA and approaching the Coast Guard (Sector Northern New England) about entering into a more formal information sharing agreement. Mr. Dobbins seconded the motion and it was thus:

RESOLVED that Mr. Downey will finalize a draft information sharing Memorandum of Agreement between the Maine Pilotage Commission and the U.S. Coast Guard.

Mr. Downey also reviewed a second policy regarding Pilotage Commission Reimbursement (2-15). The policy consolidates current practice and state reimbursement policies into one consolidated document unique to the Pilotage Commission. Hard copies were provided to the Commission for their review and comment but a detailed review was not conducted in the interest of maintaining the schedule.

Comments regarding the MOA, Investigation Policy or Reimbursement Policy should be e-mailed to Mr. Downey not later than April 30, 2015.

Agenda Item 9 – Pilot Training

Mr. Peter Blanchard delivered a brief to the Commission regarding the status of the Memorandum of Understanding between the Pilotage Commission and the Maine Department of Environmental Protection to support pilot training funding. The most recent MOU expired in 2010 and had not been re-signed. The Commission, in 2013 developed a three year training plan to indicate the value of the funding and how it was to be utilized. A renewal of the MOU was finalized in April of 2015 and presented to the Pilotage Commission for review and acceptance. The current MOU will allocate \$20,000 to the Pilotage Commission for training (and associated travel/logistics) costs for a one year period. Mr. Blanchard also reviewed the current status of the Maine Coastal and Inland Surface Oil Clean-up Fund from which the funding is originated. Due to low crude oil imports, the fund continues to decline with a balance of approximately \$2.3 million. Mr. Blanchard indicated his highest support for the Pilot Training Program but also reiterated that the future of the fund (and continued financial support for pilot training) is questionable.

The MOU was formally signed by Captain Weeks, Chair of the Maine Pilotage Commission, at the conclusion of the meeting.

The Maine Pilotage Commission wishes to formally acknowledge and thank Mr. Blanchard and Commissioner Aho for their continuing support of this important oil spill prevention program.

Agenda Item 8 – Financial

Cash Report: Mr. Downey reported on **Marine Accounts** which has a current balance of \$14,285.62. License income and insurance expenses flow through this account. Total cash received since November 20, 2014 include:

- Total Cash Receipts: \$750.00

Cash disbursements since November 20, 2014 include:

- Board Travel: \$231.68;
- Board Insurance: \$18.54; and
- Rulemaking: \$919.68.

Training Fund Balance: The **Pilotage Training Account** currently has a balance of \$31,051.37. There were no training fund expenditures since November 20, 2014.

Agenda Item 9 – Rate Discussion

Captain Walker led a discussion regarding proposed rate increases for the Kennebec River, Sheepscot River and Boothbay Harbor. The proposed rate increase for the aforementioned pilotage waters is \$8.24 per Pilot Unit (from \$8.00) which is an approximate 3% increase. Captain Gelinas distributed an itemize package of rate assessments with justification for the Frenchman Bay, as well as Penobscot Bay and River areas. Captain Morrison also requested that Eastport be included in the next round of rate increases to maximize the administrative effort of organizing a hearing. Through limited dialogue among the Commission, it was determined that more attention should be paid to the upcoming rate increase project and that the Commission should convene a separate Rate Workshop. The workshop will be held at the MaineDOT building in Room 227 at 1030 on April 30, 2015.

A rate hearing date was agreed by the Commission to be held on June 11, 2015 at the MaineDOT Building which will coincide with the normal Maine State Pilotage Commission meeting.

Agenda Item 10 – Other/Miscellaneous

Commissions: The next commission to expire is for Captain Walker in September 2015. Captain Walker announced his retirement at the end of 2015. He suggested that Captain Mark Klopp be approached to assume his role on the Pilotage Commission.

Verified Tasks: Mr. Downey reviewed tasking that was initiated during the meeting which included:

- E-mail a draft information sharing MOA to the Pilotage Commission members for review and comment.
- Open dialogue with the U.S. Coast Guard to gauge their support of entering into an information sharing MOA.

- E-mail Captain Strong previous customer lists for notification of pilotage rate increases.
- Organize a Pilotage Commission Rate Increase Workshop at the MaineDOT building on April 30, 2015 at 1030.
- Initiate proceedings for a Rate Hearing to on June 11, 2015 at the MaineDOT Building.
- Engage with the Northeast Regional Ocean Council to attend their May and/or June meetings.
- Contact Captain Klopp to invite his participation on the Maine Pilotage Commission.
- Organize a guest speaker to explain the legal process of detaining/arresting a ship (Victoria Morales to coordinate).
- Process an outstanding training reimbursement claim.

New Business: Mr. Dobbins announced that the Maine Maritime Museum in Bath, ME will be formally recognizing the pilots (past and present) of Maine and their Commissions at a ceremony on their Bath site on August 26, 2015. Pilots and Commission members were reminded to mark their calendars for this prestigious event.

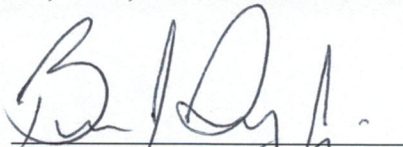
Agenda Item 8 – Adjourn

The meeting was adjourned by the Chair of the Commission, Captain Charles Weeks at 1230.

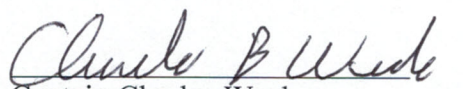
Next Meeting:

The next meeting will be set for June 11, 2015, 1030 MaineDOT Building.

Respectfully submitted:



Brian J. Downey Jr.
Maine Pilotage Commission Administrator



Captain Charles Weeks
Chair, Maine Pilotage Commission