

# Maine Pilotage Commission



March 16, 2022

## Minutes of Meeting

In compliance with MRSA 38 § 85 and in fulfillment of the Maine Pilotage Commission's duties addressed in MRSA 38 § 90, a meeting of the Maine Pilotage Commission was held on March 16, 2022.

After a late winter COVID-19 Omicron variant surge, the Pilotage Commission reverted to a virtual format in the interest of safety for this meeting. It is anticipated that the next meeting will be in person.

### **Administration:**

Maine Pilotage Commission Members constituting a quorum were:

Charles Weeks	– Chair of the Commission
David Gelinas	– Pilot Member
Gerald Morrison	– Pilot Member
Adam Philbrook	– Pilot Member
Lindsey Pinkham	– Public Member
Carrie Norton	– Public Member
Brian Downey	– Pilotage Commission Administrator

Maine Pilotage Commission Interested Parties present were:

Skip Strong	– Penobscot Bay and River Pilot
Robert Peacock	– Eastport Pilot
Mark Cutter	– Commander, First Coast Guard District
LTJG Tom Davis	– Commander, First Coast Guard District

### **Agenda Item 1 – Call to Order (Charles Weeks)**

Charles Weeks opened the meeting at 1030 and acknowledged a quorum.

*Amendments and Carry-Over Items:* There were no carry over items from the November 17, 2021 meeting. Hearing no objections, it was thus:

RESOLVED to accept the agenda.

**Agenda Item 2 – Review/Approval of the Minutes from November 17, 2021 (Charles Weeks)**

After considering the content of the November 17, 2021 minutes, David Gelinis motioned to accept the minutes from the November 17, 2021 meeting. Jerry Morrison seconded the motion. Hearing no objections or abstentions it was thus:

RESOLVED to accept the minutes of the November 17, 2021 Maine Pilotage Commission meeting.

**Agenda Item 3 – Election of Commission Chair (Brian Downey)**

Mr. Downey explained that being 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. 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. Considering Charles Weeks' pending retirement, Mr. Downey suggested that Charles Weeks not be nominated. Mr. Downey then reiterated the solicitation for new candidates. No new candidates were nominated.

David Gelinis suggested that since there were so many pending commission applications of senior members, that it may be prudent to wait until a full commission roster was fully established by the Governor's Office of Boards and Commissions. Hearing no objections or further debate it was thus:

RESOLVED that the Chairperson election be deferred until the next full Commission meeting and that Charles Weeks will continue as the Chair of the Maine Pilotage Commission until a new Chairperson is elected.

**Agenda Item 4 – Financial (Brian Downey)**

Mr. Downey reported on *Ports and Marine Accounts* which has a current balance of \$5,451.04 which reflects both disbursements and income since November 2021. License income and insurance expenses flow through this account. The *Pilotage Training Account* currently has a balance of \$78,641.81 which reflects \$10,631.25 of disbursements for two offerings of an ECDIS for Pilots course. There was an adjustment of \$63.34 added to correct an earlier over statement of a training reimbursement.

Ports & Marine Account Cash			
<b>Cash Balance</b>			
31 October 2021	Beginning Cash Balance		<b>\$5,650.50</b>
<b>Incoming Cash Receipts</b>			
	Cash Receipts	N/A	\$398.84
	Total Cash		<b>\$6,049.34</b>
<b>Cash Disbursements</b>			
	Operating Expenses	Milage & Plaques.	\$598.30
16 March 2022	Ending Cash Balance		<b>\$5,451.04</b>
<b>Pilotage Training Fund</b>			
<b>Pilotage Training Fund Balance</b>			
31 October 2021	Beginning Pilotage Training Fund Balance		<b>\$89,209.72</b>
<b>Incoming Training Fund Receipts</b>			
	DEP Receipt		<b>\$00,000</b>
	Misc. (accounting correction)		<b>\$63.34</b>
	Total Fund		<b>\$89,273.06</b>
<b>Training Disbursements</b>			
	Training Reimbursement	ECDIS for Pilots (MMA)	(\$10,631.25)
16 March 2022	Current Pilotage Training Fund Balance		<b>\$78,641.81</b>

#### **Agenda Item 5 – Penobscot Bay Apprentice Update**

Mr. Downey reported that Greg Smith had contacted him regarding the scheduling of his written pilotage examination potentially in June. No application has yet been made but it appears that he will be ready for testing upon receipt of the application. David Gelinas interjected that he has passed the Coast Guard’s written exam for a federal pilotage endorsement which is a pre-requisite to Maine Pilotage Commission testing and licensure.

#### **Agenda Item 6 – Coast Guard Update (LTJG Tom Davis)**

The Coast Guard intends to publish a Notice of Study in the Federal Register announcing the commencement of an Approaches to Maine, New Hampshire, and Massachusetts Port Access Route Study (MNMPARS). The purpose of this study will be to evaluate the adequacy of existing vessel routing measures and determine whether additional vessel routing measures are necessary to improve navigation safety due to factors such as planned or potential offshore development, current port capabilities and planned improvements, increased vessel traffic, changing vessel types and traffic patterns, weather conditions, or navigational difficulty.

Examples of potential measures could include traffic separation schemes, two-way routes, recommended tracks, deep-water routes, precautionary areas, and areas to be avoided. The

recommendations of the study may subsequently be implemented through rulemakings or in accordance with international agreements.

The PARS will commence upon publication of the Notice of Study in the Federal Register and will cover an approximate 20,500 square nautical mile study area that includes the Gulf of Maine, the New Hampshire Seacoast, and the Massachusetts Bay region within the First Coast Guard District Area of Responsibility (AOR).

Through the study process, the Coast Guard will coordinate with federal, state, tribal, and foreign state agencies (as appropriate) and consider the views of maritime community representatives, environmental groups, and other interested stakeholders. A primary purpose of this coordination is to reconcile the need for safe access routes with other reasonable waterway uses. The Notice of Study will include a 45-day comment period and instructions for submitting comments.

For questions contact LTJG Thomas Davis, Waterways Management at First Coast Guard District, telephone (617) 223-8632, e-mail [SMB-D1BostonMNMPPARS@uscg.mil](mailto:SMB-D1BostonMNMPPARS@uscg.mil).

### **Agenda Item 7 – Pilotage Longevity Plans (Brian Downey)**

Mr. Downey reviewed the discussions held during the two Longevity Workgroup meetings held on February 2, and February 24, 2022. The workgroup was temporarily established to examine pilotage longevity issues within the Maine Pilotage Commission’s purview. Both meetings were held virtually via zoom. The active participants of the workgroup included:

- Brian Downey (non-member-Facilitator)
- Lindsey Pinkham (Commission member)
- Adam Philbrook (Commission member)
- Matt Burns (Maine DOT)
- Mike Ames (Public member)
- Susan Klopp (Public member)<sup>1</sup>
- Bob Peacock<sup>2</sup>

<sup>1</sup>As requested post meeting on November 18.

<sup>2</sup>Ad-hoc participant.

Mr. Downey reiterated the scope of workgroup and emphasized that the group’s discussions were with the understanding of the state maintaining a 3-Port-Strategy. Mr. Downey also reiterated that the discussions of the group remained focused on those activities, pilots and ports within the jurisdiction of the Maine Pilotage Commission. He also offered that discussions assumed an unchanged ship arrival forecast and operating environment.

Based on open dialogue and discussion various longevity measures were discussed including:

- Possible candidates may be interested in pursuing pilotage within ports in the Maine Pilotage Commission jurisdiction, in addition to one active apprentice pilot, and one active junior pilot.

- Consideration of a municipal pilotage program was discussed, with the concept of bringing pilots under a state agency as state employees. The general consensus was that the group does not recommend pursuing municipal pilotage and wish to remain independent.
- Consideration of a consolidated pilotage organization in which conceptually pilotage groups would merge to help reduce infrastructure and operating costs. The general feeling was that geographically the area is too large for one organization to manage properly or safely. The general consensus was that the group does not recommend pursuing consolidation of pilotage organizations and wish to remain independent.
- A similar discussion regarding consolidation of the two state pilotage commissions was also facilitated. The general consensus was that the group does not recommend consolidation of pilotage authorities/commissions and wish to remain independent.

Mr. Downey explained that after two meetings of the workgroup that the forum had succeeded in raising awareness to longevity planning and that the workgroup could be suspended. After continuing general discussion, Mrs. Pinkham motioned to suspend the Pilot Longevity Workgroup with the understanding that it could be reinstated in the future if necessary. Carrie Norton seconded the motion. Hearing no objections, it was thus:

RESOLVED to dis-establish the Pilotage Longevity Workgroup.

#### **Agenda Item 8 – Training Plan Update (Brian Downey)**

Mr. Downey briefed the Commission regarding pilot training.

ECDIS for pilots was offered through two convenings at Maine Maritime Academy Continuing Education Department at their Bucksport facility. ECDIS for Pilots is recommended to be refreshed every five years by the American Pilots' Association (APA). Similarly, Mr. Downey reminded the members that Bridge Resource Management for Pilots was also recently completed in 2021 which is also recommended to be refreshed every five years by the APA.

Mr. Downey has developed a new three-year training plan with an emphasis on Manned Model training, Reduced Visibility Regulations, Collision Avoidance Regulations, casualty analysis training for up to five people (including the two newly assigned Commission Investigators), as well as other relevant courses that will improve navigation safety. In addition to standardized/pre-scheduled training, Mr. Downey offered that ad-hoc for unexpected or new training opportunities, not otherwise covered in the plan is budgeted into the plan.

Adam Philbrook suggested that Personal Pilot Unit (PPU) training be budgeted. Mr. Downey acknowledged the request and will amend the draft training plan to include PPU training.

Mr. Jeff Squires, who had been the Commission's liaison to Maine DEP, has departed that position. Mr. Downey will work with DEP to renew the DEP/Pilotage Commission MOU which will aim to continue preventative training funding.

#### **Agenda Item 9 – Commission/License Status (Brian Downey)**

Mr. Downey reviewed the status of Pilotage Commission appointments. Charles Weeks submitted a resignation letter to the Governor's office, which solicited the appointment of a replacement for

his seat which is now expired. In total, four sitting member appointments remain expired. Applications for re-appointment (of those expired) have been submitted to the Office of Boards and Commission which all remain pending.

- Commission Renewals
  - Pinkham (October 1, 2024)
  - Norton (October 1, 2024)
  - Philbrook (October 1, 2024)
  - Gelinas (October 7, 2019 (applied for re-appointment))
  - Moody (August 21, 2020 (applied for re-appointment))
  - Morrison (August 21, 2020 (applied for re-appointment))
  - Weeks (October 21, 2021 (retirement letter proffered and pending))

Since the last meeting, Levi Ross (Dead River Operations Manager) and Michael Ames (independent licensed master and inactive pilot) have submitted applications to the Office of Boards and Commissions. The status of those applications is pending.

Mr. Downey also reviewed recent and upcoming license renewals/actions which are as follows:

- License Renewals
  - None.
- Upcoming Renewal
  - Jerry Morrison April 28, 2022 (application pending)

#### **Agenda Item 10 – New Business/Old Business (Brian Downey)**

Bob Peacock requested that the current sanctions on Russian imports (in response to the Ukrainian conflict) be discussed. The group anecdotally discusses the port access denial of a Russian ship requesting entry to Eastport that occurred earlier in the month. The port access denial was based on cargo handling conflicts and wasn't necessarily in response to sanctions, however it raised the issue of future Russian ship access.

POST MEETING: Mr. Downey sought Coast Guard guidance regarding Russian flagged vessel access to U.S. ports. Although there are enforceable sanctions related to Russian petroleum and other fossil fuels, there currently are no prohibitions against Russian ship arrivals in the United States. Therefore, if a Russian vessel requests access to a Maine port, pilots should pilot such a vessel.

There is proposed legislation that may potentially change the U.S. posture on Russian ship arrivals but that remains to be seen.

David Gelinas discussed the record-breaking excessive cost of fuel and its impact on pilotage organizations. He requested that the Administrator research the legal requirements to effect a fuel sur-charge within the Pilotage Rate. He specifically requested clarification on whether or not a Rate Hearing is required to institute a fuel sur-charge. Mr. Downey acknowledged the request and will research.

Mr. Downey also acknowledged that Lindsey Pinkham and Carrie Norton volunteered to fill the vacant Commission Investigator roles on the Commission.

Mr. Downey announced that the Port Authority Executive Director position was advertised and has received numerous applicants. Matt Burns has served as the interim Port Director since Jon Nass vacated the position. A new Port Director is expected to be hired in April of 2022.

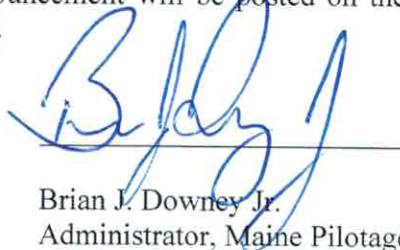
Mr. Downey announced that after over 40 years of service, Kim King will be retiring from MaineDOT in the Summer. Kim has expertly assisted the Maine Pilotage Commission in managing the forum's financial books as well as administration and coordination with DOT staff. Thank you Kim!

**Agenda Item 11 – Adjourn (Charles Weeks)**

The meeting was adjourned by the Chair of the Commission, Charles Weeks at 1220.

**Next Meeting:** The next meeting will be held June 16, at 1030 at Maine DOT Headquarters in Augusta. The next meeting announcement will be posted on the Maine Pilotage Commission website - [www.maine-pilotage.org](http://www.maine-pilotage.org).

Respectfully submitted:



Brian J. Downey Jr.  
Administrator, Maine Pilotage Commission



Charles Weeks  
Chair, Maine Pilotage Commission