

# Maine Pilotage Commission

Maine DOT~ Room 227 (A/B)

July 18, 2013

## 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 July 18, 2013 in Augusta Maine.

### Call to Order:

The meeting was called to order at 1000 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 (telephonically)
Captain Earl Walker	– Pilot Member
Captain John Worth	– Maritime Industry Member
Mr. Tom Dobbins	– Maritime Industry Member
Mr. Brian Downey	– Pilot Commission Administrator

Maine Pilotage Commission Interested Parties present were:

Mr. Robert Elder	– Director of Freight and Business Services (Maine DOT)
Mr. John Henshaw	– Executive Director of the Maine Port Authority
Captain Mark Klopp	– Portland Pilots
Captain Robert Peacock	– Eastport Pilot
Captain David Smith	– Penobscot Bay and River Pilot
Captain Adam Philbrook	– Penobscot Bay and River Pilot
Captain Ryan Read	– Penobscot Bay and River Pilot
Peter Blanchard	– Maine Department of Environmental Protection
CDR John Humpage	– U.S. Coast Guard, Sector Northern New England

Maine DOT Staff present were:

Ms. Kim King	– Office of Freight and Business Services (Maine DOT)
Ms. Victoria Morales	– Maine DOT Legal (telephonically)
Ms. Becky Pushard	– Executive Office (Maine DOT)

Public/Guests present were:

Mr. Doug Coombs	– Maine DOT
LT Janna Ott	– U.S. Coast Guard, Sector Northern New England
Mr. Rich Yazbek	– U.S. Coast Guard, Sector Northern New England



### **Agenda Item 1 - Welcome and Introductions**

Captain Weeks opened the meeting at 1000 and facilitated introductions around the room. Captain Weeks acknowledged Brian Downey as the new Pilotage Commission Administrator. Additionally, Mr. Tom Dobbins was also introduced as a new member of the Commission. The agenda was modified to move Agenda Item #5 up on the agenda.

### **Agenda Item 2 - Approval of February 14, 2013 Commission Meeting Minutes**

Hearing no objections to the content of the February 14, 2013 minutes, Captain Worth motioned to approve the minutes of the Commission's previous meeting. Captain Walker seconded the motion and it was thus:

RESOLVED to approve the minutes of the February 14, 2013 Commission meeting.

### **Agenda Item 3 - Penobscot Narrows Bridge Q&A**

Doug Coombs updated the Commission on bridge clearance issues of the Penobscot Narrows Bridge. He discussed changes to the vertical and horizontal clearances and improvement to lighting to the bridge piers. He clarified that Maine DOT maintains the navigation lights. Overall, the project went well with some slight delays on tower stabilization but was finished within the contract period.

Captain Gelinas raised a question as to why the recorded vertical clearance remained the same as the old bridge (135') when the new bridge is visibly much higher. Open dialogue of the Commission estimated that the vertical clearance (air draft) may/should be several feet higher. Captain Walker reiterated the importance to the Maine Port Authority regarding the vertical height requirements. The issue is important to regional trade, as the advertised official vertical bridge clearance is a critical factor in the size of ships that can transit the Penobscot Narrows Bridge. The Commission requested that Mr. Coombs revisit the bridge permit, amend the heights, and reauthorize the new height change. Based on Commission dialogue, the old/existing piers do not present a navigation issue and the navigation lighting appears to be sound.

**Post meeting – August 6, 2013** Maine DOT has calculated the Penobscot Narrows Bridge vertical clearance to be 143.4' from MHW. The Project Manager has submitted a letter to the Coast Guard certifying the as-built vertical clearance.

### **Agenda Item 4 - Action Items from February 14, 2013 Commission Meeting**

- a. **Training Needs/Opportunities** - John Henshaw briefed to the Commission that he would like to develop a more formalized training plan with advice from the Commission on what is needed/desired. Captain Morrison will work with Mr. Henshaw on creating an ongoing training program. It was also requested by Captain Gelinas that Captain Klopp be the principal contact for the pilots in the development of any training plans to assure that all pilotage interests were well represented. Mr. Henshaw will liaise with Peter Blanchard of Maine DEP regarding funding issues and projected costs of anticipated/desired training as well as the development of the plan.



- b. **Blue Hill Bay Pilot Certification Plan** – Captain Gelinas briefed the Commission on efforts to refresh pilotage familiarization on various waters of Penobscot and Frenchman Bays. At the time of the meeting, a familiarization trip had been completed on April 27, 2013, with additional familiarization required to fulfill the direction of the Commission outlined at the February 14, 2013 Commission meeting. The familiarization trips will authorize pilots to engage in pilotage duties when required (principally aboard yachts). Captain Worth moved to approve the additional trips when scheduling allows and that completion of familiarization trips will authorize pilotage in these waters. Captain Walker seconded the motion; Captain Gelinas abstained. Without dissent and the motion being passed, it was:

RESOLVED that upon completion of the additional familiarization that, participating pilots would be authorized to perform pilotage for vessels in Sommes Sound, Eastern Way, Blue Hill Bay, and the waters connecting those locations with the pilotage areas of Penobscot Bay and Frenchman Bay.

**Post meeting – July 30, 2013** Confirmation was received from Captain Gelinas that the members of the Penobscot Bay & River Pilots Association completed their additional familiarization requirements on July 28, 2013 to perform pilotage for vessels calling on Sommes Sound, Eastern Way, Blue Hill Bay, and the waters connecting those locations with the regular pilotage areas of Penobscot Bay and Frenchman Bay. A previous trip was undertaken on April 27, 2013. The routes followed included two round-trips over the described waters.

- c. **Penobscot Bay License Exam modification** - Captain Gelinas briefed the Commission that at the last Pilot Commission meeting, the Penobscot Bay Pilots submitted an "updated" list of questions and answers for the Penobscot Bay State Pilot license exam. The examination had not been updated in many year, and the submitted document reflected changes that have occurred in buoyage, charted depths, lights, sound signals, generally accepted practices and rules concerning pilotage in Maine waters.

#### **Agenda Item 5 – Financial: Cash Report and Training Fund Balance**

Ms. Kim King reported on Marine Accounts which has a current balance of \$15,877.23. License income and insurance expenses flow through this account. The Pilotage Training Account currently has a balance of \$58,892.57. The aforementioned training development plan will aim to leverage the Pilotage Training Account to secure pilot training.

- a. **Captain David Smith Training Fund Reimbursement request** – The commission discussed the reimbursement of \$3,532.84 for Electronic Chart Display and Information System (ECDIS) training that he received. The sum of \$3,532.84 is 75% of the \$4,710.45 cost of the training and travel. Due to the limited course availability, Captain Smith was unable to obtain prior approval from the Commission to attend the course. Captain Weeks moved to approve the reimbursement. Captain Walker seconded the motion and the Commission voted unanimously to:

APPROVE the reimbursement to Captain Smith for \$3,5232.84.



Through further dialogue, it was confirmed that ECDIS training is critical for all pilots. SOLAS is in the middle of a staggered implementation of ECDIS with all ships being required to use an ECDIS by 2018. Many ships are already required to use an ECDIS based on their service and build date. Further, and of most concern, is that ship owners may opt to exclusively use ECDIS in lieu of paper charts, making ECDIS familiarization even more critical. Mr. Elder reflected on the recent rail incident in Lac Megantic, Quebec and reminded the Commission the importance of being proactive with regard to training. Regardless of the mode, when a serious transportation accident occurs, it can impact all other modes.

**Action Item:** The Commission would like to be apprised of a list of acceptable ECDIS courses for further training of licensed pilots. Brian Downey will research ECDIS courses and present a list to the Commission.

### **Agenda Item 6 - NTSB Request for Information on Policies Regarding Fatigue Mitigation/Prevention and Bridge Resources Management**

The Governor received a National Transportation Safety Board (NTSB) request to provide a brief report on the State of Maine's:

- Pilotage Commission oversight of pilot associations;
- Fatigue mitigation programs; and
- Bridge Resource Management requirements.

The request is contained in the NTSB's Recommendation Memo resulting from their investigation of the 2010 Sabine-Neches Canal marine casualty.

Currently there is no specific written Commission policy regarding pilot fatigue. The Commission confirmed that Maine pilots voluntarily apply the provisions of 46 CFR 15.111 which details that each person involved in a navigation watch receive 10 hours of rest in every 24 hour period. The hours of rest may be divided into no more than two periods, of which one must be at least six hours in length. The policy is also referenced in Navigation and Vessel Inspection Circular (NVIC) 4-97 and was updated in Coast Guard Policy Letter CVC 12-05 on October 11, 2012 which aligns with the provisions of the Manila Diplomatic Conference. Under Policy Letter CVC 12-05 ship's crews must receive:

- a minimum of 10 hours of rest in any 24 hour period (46 CFR 15.111) ; and
- **77 hours of rest in any 7 day period** (STCW A-VIII/1.2.2) (new).

Brian Downey suggested providing NTSB a summary from the Commission that will satisfy NTSB request.

**Action Item:** Respond to the NTSB request with a summary of the Commission's statutory roles regarding pilot oversight as well as Bridge Resource Management and requirements per the Maine Pilotage Commission's Rules. Further, the response will outline the pilots' compliance with the accepted fatigue standards of 46 CFR 15.111 and associated Coast Guard policy documents.



**Post meeting – August 8, 2013** Brian Downey distributed a draft of the NTSB letter with the Commission. Receiving no negative feedback, the letter was submitted for signature on August 19, 2013.

While strongly urged, initial evaluation suggests that the above work/rest regulations do not directly apply to pilots. This opinion is supported by an American Pilots' Association interpretation contained in a 2011 letter to the NTSB.

### **Agenda Item 7 - Marine Casualty Investigation**

LT Janna Ott, U.S. Coast Guard, Chief Investigations Division provided a detailed brief on the Coast Guard's role in marine casualty investigations. The presentation included:

- Coast Guard Authority and Jurisdiction (virtually all vessels in U.S. waters except public vessels).
- Investigation Program Goals – (to improve safety through lessons learned).
- Required notifications (essentially immediate notification is required to the Coast Guard for groundings, collisions, bridge strikes, loss of life, serious injury, etc.).
- Drug & alcohol testing requirements (testing is required within 2 hours for alcohol and 32 hours for drugs).
  
- Other open dialogue included how Vessel Data Recorder (VDR) information was captured. The Coast Guard confirmed that VDR data is not typically immediately available during an initial investigation. VDR data usually must be retrieved by a technician.
  
- The Coast Guard briefly outlined the contents of their investigation kit. The Commission confirmed that the designated Commission inspectors similarly have a ready kit of basic investigation tools (pads, cameras, safety gear, etc.).
  
- While certain basic factual information sharing may be possible between the Coast Guard and the Commission, it was confirmed that the investigation as a whole, cannot be released until it is officially approved and closed at Coast Guard Headquarters.
  
- Investigatory collaboration was discussed as there are overlapping interests and jurisdictions related to marine casualties involving pilots. It was confirmed that the Pilotage Commission has sole jurisdiction over state licensed pilots and is thus the lead enforcement/oversight agency pertaining to state license holders.
  
- There was some additional discussion led by Mr. Henshaw regarding collaboration of the Commission with the Coast Guard on investigations related to pilotage. Brian Downey will continue to engage with the Coast Guard to foster that collaborative relationship.

**Action Item:** The Commission should consider a Memorandum of Agreement with the Coast Guard to collaborate during investigations involving pilotage. Such an MOA would require Maine DOT legal to look at what the Commission's statutory obligations, its rules, jurisdictions, confidentiality, and enforcement provisions to assure continuity with the Coast Guard.



**Action Item:** The Maine Pilotage Commission Emergency Contact Cards need to be updated. Kim King will take the lead on revising the cards with new current names and contact phone numbers.

**Agenda Item 8 – Coast Guard Briefings on Issues of Interest**

CDR Humpage addressed the Commission as the incoming Prevention Department Head for Sector Northern New England. He promoted a cooperative approach and is eager to work with the pilots to ensure navigation safety.

**Agenda Item 9 – Other Business**

No other business was offered or discussed.


**Adjourned:**

The meeting was adjourned by the Chair of the Commission, Captain Charles Weeks, at 1218.

**Next meeting:**


November 7, 2013 at 1030; Maine DOT Room 227 (A/B)

Respectfully submitted:



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Brian J. Downey Jr.  
Maine Pilotage Commission Administrator



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Captain Charles Weeks  
Chair, Maine Pilotage Commission