

Maine Pilotage Commission



MaineDOT ~ Room 227 Conference Room
November 16, 2017

Minutes of Meeting

In compliance with MRSA 38 § 85 and in fulfillment of the Commission's duties addressed in MRSA 38 § 90, a meeting of the Maine Pilotage Commission was held on November 16, 2017 in Augusta, Maine.

Administration:

Maine Pilotage Commission Members constituting a quorum were:

Captain Charles Weeks	– Chair of the Commission
Captain David Gelinis	– Pilot Member
Mr. Tom Dobbins	– Maritime Industry Member
Captain Shawn Moody	– Maritime Industry Member
Captain John Worth	– Maritime Public Member
Mr. Brian Downey	– Pilotage Commission Administrator

Maine Pilotage Commission Interested Parties present were:

Captain Michael Ames	– Independent
Captain Adam Philbrook	– Penobscot Bay and River Pilot
Captain Skip Strong	– Penobscot Bay and River Pilot
Captain Dave Smith	– Penobscot Bay and River Pilot
Captain Doug Fournier	– Penobscot Bay and River Pilot
Captain Robert Peacock	– Eastport/Quoddy Pilot
Captain Dave Germond	– Portland Pilot
Captain Earl Walker	– Kennebec, Sheepscot/Boothbay Harbor Pilot
Mr. Twain Braden, Esq	– Thompson Bowie & Hatch, LLC
CDR Andy Meyers	– USCG, Sector Northern New England

Maine DOT staff present were:

Mr. Nate Moulton	– Maine DOT Office of Freight and Business
Matthew Burns	– Maine Port Authority

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 carry over items from the June 29, 2017 Meeting. Captain Gelinis requested that the Sheepscot River be added to the discussion of agenda Item 3. Hearing no further amendments or objections, it was thus:

RESOLVED to accept the agenda with the inclusion of the Sheepscot River during discussion of Agenda Item Three; and Agenda Item One was thus closed.

Agenda Item 2 – Approval of June 29, 2017 Commission Meeting Minutes

After considering the content of the June 29, 2017 meeting minutes, Mr. Dobbins motioned to accept the minutes. Captain Gelinis seconded the motion; and hearing no objections or abstentions it was thus:

RESOLVED to approve the minutes of the June 29, 2017 Maine Pilotage Commission meeting.

Agenda Item 3 – Low Volume Areas

Mr. Downey reviewed the events that led to creating the Low Volume Area Workshop. In mid-August, a yacht (greater than 253') that had requested a pilot was not initially assured adequate pilotage due to unavailability of a pilot in Boothbay Harbor. The sole pilot for the area was semi-retired and allowed his license to lapse. Ultimately, the pilot renewed his State and Federal licenses which provided a temporary solution. The Boothbay yacht case sparked discussion on the Commission which led to the rapid formation of the Low Volume Area Workshop to address improving pilotage coverage in Low Volume Areas. The issues at hand are:

- Only one fully licensed pilot is operating in Boothbay Harbor and Sheepscot River.
- Lacking commercial vessel traffic to maintain the required recency trips (10% of initial licensure requirement per year on vessels of 1600 gross tons or more).

The situation, raised a few points that require Commission attention, namely, increased pilot availability for Low Volume Areas necessitating the need to examine and develop a strategy to assure quality pilotage in all Low Volume Areas, under the Maine Pilotage Commission's jurisdiction.

The Low Volume Area Workshop is comprised of:

- Brian Downey, Commission Administrator (Workshop Chair)
- Captain Charles Weeks, Maine Pilotage Commission Chair
- Captain Mark Klopp, Maine Pilotage Commission
- Captain John Worth, Maine Pilotage Commission
- Captain Earl Walker, Boothbay Pilot

- Captain David Gelinias, Maine Pilotage Commission
- Matt Burns, Maine Port Authority

The Workshop has formally met twice (September 1 and October 16, 2017) to better define Low Volume Areas as well as strategy development.

Workshop successes include:

- The development of an Alternative Recency Plan for Somes Sound/Eastern Way.
- The initial drafting of a Low Volume Area policy letter.

The Penobscot Bay and River pilots submitted a written Alternative Recency Plan dated November 15, 2017, which was reviewed by the Commission. Captain Worth motioned to accept the plan. Mr. Dobbins seconded the motion. Hearing no objections, and one abstention from Captain Gelinias it was thus:

RESOLVED to approve the Penobscot Bay and River Pilots Alternative Recency Plan.

Agenda Item 4 – Rockland Anchorage Update

Captain Gelinias formally submitted a proposal to the U.S. Coast Guard on July 6, 2017 to improve deep draft vessel anchoring options in Rockland Harbor. Specifically, the proposal requests the creation of a formal federal anchorage near Owls Head. Having a larger, dedicated anchorage area will serve all mariners with a clear illustration of where vessels may safely anchor. The request follows the positive results of the 2016 NOAA survey and the elimination of a charted wreck off Owls Head. The Coast Guard is reviewing the proposal.

Agenda Item 5 – Searsport Dredging

Mr. Burns provided an update on the Searsport dredging project; which was reported to have good momentum to move forward. The Maine Port Authority is partnering with the Army Corps of Engineers (ACOE), MaineDOT, and Rambol Environmental to establish a path forward. The ACOE is finalizing a sampling plan which should be complete by the end of 2017. Maintenance dredging could be initiated by late 2019 or 2020, (budget dependent). The Maine Port Authority is still pursuing an improvement dredging project aligned with Captain Gelinias' proposed modification for a 38' improvement dredging depth.

Agenda Item 6 – Pilot Incident Review

Mr. Downey shared the findings of a recent pilot incident which he investigated on behalf of the Maine Pilotage Commission. On July 1, 2017 at approximately 0932, a pilot fell from a pilot ladder while boarding a U.S. naval vessel en-route to Eastport. During the boarding evolution, the pilot boat deployed the pilot on the pilot ladder on the ship's starboard side. The ladder was in "like new" condition. The ship's flare extended nearly the entire length of the ship including the pilot boarding station, which caused the pilot ladder to hang freely down without contacting the

side of the ship. At the point of embarkation, the pilot ladder was approximately two feet from the hull.

The pilot climbed onto the ladder when the pilot's left leg cramped. The pilot boat captain recognized that the pilot was having trouble on the ladder and quickly brought the boat back to the pilot ladder to attempt to recover the pilot. Although hanging to the ladder with his arms through the rungs (at shoulder/head height) he ultimately could not sustain his grip and fell from the ladder and into the water. Once in the water, the pilot's inflatable Type V lifejacket automatically deployed upon being submerged, as designed. The pilot was recovered by the pilot boat crew within approximately 2 minutes. The water temperature was 48°F.

All safety gear worked as designed and proved instrumental in the safe recovery of the pilot. The crews of both the U.S. naval vessel and the pilot boat are to be commended as their expert prowess in emergency procedures assured a near textbook man overboard recovery.

Mr. Downey also shared two draft recognition documents to formally praise the expertise and professionalism of the pilot boat crew that recovered the pilot from the water; so it was thus:

RECOGNIZED with great appreciation on behalf of the Maine Pilotage Commission the extremely prudent and professional skills and seamanship of the crew of the pilot boat North Sea; specifically, Captain James Smith and Deckhand Daniel McPhee for their recovery of a man overboard on July 1, 2017.

It was further discussed and subsequently motioned by Captain Worth and seconded by Captain Weeks to formally recognize the mariners; and it was thus:

RESOLVED that commendation certificates be signed by the Commission Chair and be formally presented to the pilot boat crew at an appropriate public forum.

Agenda Item 7 – LR 2673

Mr. Burns provided an update on the status of LR 2673 which was passed through a Council which authorizes the Act to be debated at the Committee level. It is unclear which Committee will deliberate on the proposed legislation, but it is presumed that it will go to the Joint Committee on Transportation. The Maine Pilotage Commission has reviewed LR 2673 and is deeply concerned with its content and potential precedent to weaken the pilotage system. The Commission requested to be continuously updated on the status of the Act and any major status changes. It is anticipated that LR 2673 will be heard at the Committee level in January 2018. Pilot members are urged to testify in opposition to the proposed legislation as it will undermine the navigation safety and environmental protection to the State of Maine. It was concluded that the Maine Pilotage Commission will comment on the draft Act and it was thus:

RESOLVED that the Maine Pilotage Commission will issue a formal statement in the form of a letter in opposition to LR 2673.

Agenda Item 8 – Training Update

Mr. Downey briefed the Commission regarding the status of the three-year Pilot Training Plan. The NTSB Marine Investigation Course that was scheduled for November 2017 was cancelled. He reiterated that the Commission had previously approved Captain Philbrook to attend the Manned Model Course at Port Revel. Further, up to three pilots may attend the MITAGS AziPod course in Linthicum Heights, MD between May 21-22. Captain Germond is afforded one AziPod Course seat, leaving two other open vacancies. Pilots interested in attending should advise Mr. Downey as soon as possible to assure that funding is made available for the training. Each pilot is responsible for signing up for their respective courses and making all necessary travel and course arrangements.

Captain Strong suggested that a pilot who has already attended Manned Model Training attend a MPI manned model course to evaluate the course for more sustained attendance. The topic was not voted upon but received general concurrence from the Commission.

Agenda Item 9 – Rate Adjustments

Captain Peacock presented a written proposal dated November 16, 2017 to adjust the Eastport Quoddy pilot rates by increasing the pilot boat fee from \$450 to \$600 each way. Additionally, the proposal seeks to establish a fuel surcharge of \$50 each way as well as Capital Construction fee of \$100 each way to establish a fund to support pilot boat infrastructure. If approved, such an adjustment would represent a gross pilotage fee increase to consumers (depending on the vessel size/Pilot Units) between approximately 9% to 22%. The Commission tacitly agreed to move forward with the rate adjustment process and it was thus:

DIRECTED by the Commission Chair to organize a hearing to pursue a rate adjustment for the Eastport/Quoddy pilotage area. Such a hearing may be held outside of the normally scheduled hearing cycle.

Agenda Item 10 – Financial

Mr. Downey reported on *Ports and Marine Accounts* which has a current balance of \$11,566.93. License income and insurance expenses flow through this account.

Cash Report:

Total cash received since **June 29, 2017:**

- Total Cash Receipts: \$375.00 (license renewal fees)

Cash disbursements since **June 29, 2017**:

- Board Travel: \$581.91

Training Fund Balance: The **Pilotage Training Account** currently has a balance of \$46,382.70.

Total receipts since **June 29, 2017**:

- None.

Total disbursements since **June 29, 2017**:

- None. No Training occurred since June 29, 2017.

Agenda Item 11 – Coast Guard Open Forum

CDR Meyers briefly discussed the Coast Guard response to the recent wind storm of October 29, 2017 which brought winds as high as 80 mph in areas of Maine. The Coast Guard recognizes the key role that pilots may play in vessel safety surrounding such weather events including post storm recovery and resumption of marine traffic. He reiterated the Coast Guard communication program which invites key port players to participate in conference calls in the development of pre-storm protection strategies as well as post storm Marine Transportation System recovery.

CDR Meyers also confirmed that the Captain of the Port received and is currently reviewing the Rockland anchorage proposal.

CDR Myers additionally, volunteered to contact the NMC to verify federal endorsement language for certain pilotage waters.

Agenda Item 12 – Commission/License Status

Mr. Downey reviewed pending transactions including:

License Status:

Captain Smith completed a State pilot license renewal effective June 29, 2017. Captain Read submitted his license application which was reviewed and executed today, November 16, 2017.

Commission Status:

Commission renewals for 2017 include Captain Morrison, as well as, Captain Moody and Captain Weeks (August 21, 2017-2020). Captain Klopp's commission is due to expire in August 18, 2018.

Agenda Item 13 – Other/Miscellaneous

No items were raised.

Concluding Commission tasks include:

- Follow up with CDR Meyers regarding NMC license endorsements.
- Draft a letter of opposition regarding LR2673.
- Initiate a Rate Adjustment hearing for Quoddy/Eastport Pilots.
- Continue to develop a Low Volume Area policy letter.

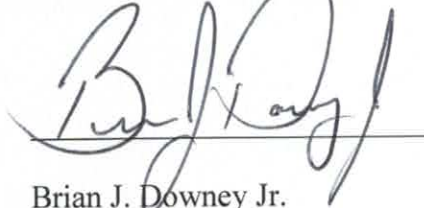
Agenda Item 14 – Adjourn

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

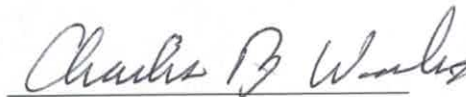
Next Meeting:

The next meeting will be set for March 29, 2018, 1030 MaineDOT Building Room 227.

Respectfully submitted:



Brian J. Downey Jr.
Maine Pilotage Commission Administrator



Captain Charles Weeks
Chair, Maine Pilotage Commission