

BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK
Minutes of the Meeting of 21 February 2017

The following Commissioners were present:

James Mercante, President
Carmine Ragucci
Russell Johnson
Richard Hendrick
Andrew Garger

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY VOTED UPON, (EXCEPT AS OTHERWISE MINUTED) IN A PUBLIC MEETING, WHICH CONVENED AT 10:30 A.M., THE BOARD CONDUCTED THE FOLLOWING BUSINESS:

1. The President called the meeting to order at 10:30 AM.
- 1a. Appearances in Public Session: None.
2. The Draft Minutes of the 14 February 2017 Regular Meeting and 14 February 2017 Annual Organizational Meeting were reviewed, amended and approved.
3. Renewed, for a period of one year, (unless otherwise noted), the following New York State pilot license(s) following a personal interview and review of work performance data, training, and medical/health records:

No licenses were renewed at today's meeting.
4. **The Board adjourned to Executive Session to discuss and/or act on personnel, investigative and/or legal matters.**
5. **The Board returned to Public Session from Executive Session.**
6. Sandy Hook Pilots Association: Continued on the docket.
7. Hudson River Pilots Association:
 - 7a. The Board previously reviewed correspondence from the HRPA requesting that the Board provide comments to the USCG Captain of the Port (New York) on the proposed Champlain Hudson Power Express Transmission Project. The Board took the request under advisement. At the 30 June 2015 meeting, the Board reviewed the Navigation Risk Assessment Template prepared by the project's developer with respect to potential impacts on navigational safety on the Hudson River. At the 16 February 2016 meeting, the Board reviewed a letter from the HRPA to the Army Corps of Engineers (New York District) with respect to the burial depth of the proposed transmission cable. At the 8 March 2016 meeting, the Board reviewed letters from the Maritime Association of the Port of New York and New Jersey as well as the Port of New York and New Jersey's Tug and Barge Committee to the Army Corps of Engineers (New York District) providing additional comment on data contained in the developer's draft Navigation Risk Assessment, proposed burial depth of the transmission cable and the use of navigation channels for placement of transmission cables. At the 31 May 2016 meeting, the Board was advised that the USCG requested additional information from the project developer. The Board continues to monitor the status of the proposed project. Continued on the docket.
8. Long Island Sound/Block Island Sound Pilotage:
 - 8a. Pilotage of Yachts: The Board received correspondence from the Connecticut State Pilots dated 11 November 2016 alleging the M/Y MICHAELA ROSE was piloted into New London Harbor on 4 November 2016 and from New Haven Harbor on 5 November 2016 by New York State licensed pilots not holding federal pilotage endorsements for those waters on their respective merchant mariner credentials. The Board is continuing its investigation into the allegation. The Board was also previously advised that a

Connecticut State licensed pilot, dispatched by the Rotation Administrator, departed a vessel before bringing it to its intended destination and where in another instance, a similarly dispatched Connecticut State licensed pilot never boarded the assigned vessel. Rather, he met the vessel in the vicinity of The Race and directed it through area from the pilot boat. The Board noted a 25 October 2016 letter from the Connecticut Pilot Commission to the Rotation Administrator and Interport Pilots with respect to the requirement to bring a vessel to its intended destination. The Board issued a 30 August 2016 letter to Interport Pilots cautioning them against prematurely departing a vessel underway. Continued on the docket.

8b. The Board continued its review of an issue raised by Interport Pilots questioning whether the term "foreign vessel", as used in the New York State Navigation Law, includes foreign vessels which are publicly owned, such as naval or government-owned and not engaged in commercial trade. At the 27 October 2015 meeting, the Board approved the issuance of a letter to the New York State Office of the Attorney General ("NYAG") requesting an opinion with respect to this issue. At the 3 November 2015 meeting, the Board noted that the New Jersey Maritime Pilot and Docking Pilot Commission sent a letter dated 20 October 2015 to the New Jersey Office of the Attorney General seeking an opinion on the same issue under New Jersey law. At the 4 October 2016 meeting, the Board reviewed NYAG's Formal Opinion No. 2016 - F2 issued 29 September 2016 which states that a foreign naval vessel, not engaged in commerce, is subject to New York compulsory pilotage. The Board was previously advised that the NYAG's Formal Opinion was distributed by the American Pilots' Association to its members attending the Biennial Convention in October 2016. At the 27 December 2016 meeting, the Board noted in the Connecticut Pilot Commission's ("CPC") November Meeting Minutes that the CPC will discontinue any further action on this issue under Connecticut law. At today's meeting, the Board noted a recent article in Maritime Executive reporting that the Chinese government is considering changes to its maritime safety law which would require foreign warships to carry pilots when transiting Chinese waters. Continued on the docket.

9. REPORT(S) OF MARINE ACCIDENTS/INCIDENTS UNDER INVESTIGATION:

9a. M/V DISNEY MAGIC (Built 1998): 22 October 2016. FBSHP Matthew Haley. Pier Allision. While Docking at Pier 88 North under the conn of the master, but with New Jersey State Licensed Docking Pilot Douglas Mattsson in attendance, the vessel made contact with the corner of the pier resulting in a scrape approximately 30 feet in length along the vessel's hull. Drug test administered to FBSHP Haley with negative results. The Board remains in communication with Marcus Cheesman, Manager of Marine Operations for Disney Cruise Line. The discussion has covered an overview of the Board and its responsibility for accident/incident investigations involving its state licensed pilots. Also discussed was the Board's position with respect to the role of the state pilot and Disney Cruise Line's Bridge Resource Management policy. At today's meeting, the Board was advised of initiatives which Disney Cruise Line is investigating relative to the adjustment of arrival times that would coincide with more favorable tide and current conditions at the berth. Also discussed was the use of the Maritime Institute of Training & Graduate Studies simulator for joint training between senior Disney Cruise Line personnel and members of the SHPA. Continued on the docket.

10. PORT OF NEW YORK ISSUES:

10a. The Board continues to monitor the economic issues affecting the Port of New York & New Jersey including the impact of the Hanjin Shipping bankruptcy and consolidation of ocean carriers. At today's meeting, the Board noted a Wall Street Journal article announcing the decision by a court in Seoul, Korea declaring Hanjin bankrupt and ordering its liquidation. Continued on the docket.

10b. The Board issued a letter on 10 November 2016 to the Army Corps of Engineers (New York District) requesting possible changes to aid in the identification of large, unlit mooring buoys during periods of darkness that are located within certain designated federal anchorages. Continued on the docket.

10c. The Board submitted comments on 7 October 2016 in response to the USCG's Notice of proposed Rulemaking relative to the use of automatic steering systems in state pilotage waters. Continued on the docket.

11. The Board completed its review of the January 2017 Operating Statements.

12. There being no further business to conduct, or public comment, the Board meeting was adjourned at 11:40 AM.

A handwritten signature in black ink, appearing to read "Frank W. Keane". The signature is written in a cursive, flowing style with a large initial "F" and "K".

Frank W. Keane
Secretary