

BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK
Minutes of the Meeting of 24 April 2018

The following Commissioners were present:

Carmine Ragucci, Acting President
Lucienne Bulow
Russell Johnson
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 Acting President called the meeting to order at 10:30 AM.
- 1a. Appearances in Public Session: Richard Hobbie, III. Former Board President and Commissioner.
2. The Draft Minutes of the 17 April 2018 Regular 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:

Richard Astles – FBLIS/BISP.
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:
 - 6a. The Board was updated on the 18 April 2018 meeting of the Sandy Hook Pilots Apprentice Selection Committee by Commissioner Ragucci.
 - 6b. The Board reviewed the SHPA Monthly Apprentice Report.
 - 6c. The Board began discussion on a scope of services for the development of a proposal with respect to pilot training in active shooter, hostage and life-threatening situations aboard ship. The Board has reviewed applicable sections of the Maritime Transportation Security Act of 2002 as well as safety, search and rescue technology focusing on hand-held VHF radio transceivers, man overboard locator beacons and the ship security alert system with respect to emergency notifications and/or communications for pilots in furtherance of this discussion. Continued on the docket.
 - 6d. The Board previously noted the letter sent to counsel for the foreign flag M/Y INCENTIVE (130' LOA and 448 GRT) advising of potential enforcement actions by the New York State Attorney General's Office for recurring violations of the New York Navigation Law. See Item 8c. Continued on the docket.
7. Hudson River Pilots Association:
 - 7a. The Board previously noted that H.R. 2619, sponsored by Congressman Maloney, seeks to prohibit the USCG from establishing any new anchorage areas in the Hudson River until the USCG reports to Congress on the potential impact of such anchorages to sites listed on the National Priorities List and to critical habitats. At the 10 October 2017 meeting, the Board reviewed a press release announcing dates of the USCG's workshops for a Ports and Waterways Safety Assessment ("PAWSA") study of the Hudson River. At the 17 October 2017 meeting, the Board was informed that the HRPAA will be a participant in the PAWSA workshops. At the 30 January 2018 meeting, the Board was briefed on an initial meeting of stakeholders for a proposed Hudson River Safety Committee and the status of the

Hudson River PAWSA. At the 20 March 2018 meeting, the Board reviewed the recently issued Hudson River PAWSA. Continued on the docket.

7b. 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 8 March 2016 meeting, the Board reviewed letters from the Port of New York/New Jersey maritime community regarding the proposed burial depth of the transmission cable as well as the use of navigation channels for placement of transmission cables. At the 18 April 2017 meeting, the Board was advised that the USCG, in its review of the Navigation Risk Assessment, objected to the burial depth proposed by the project developer. At the 12 December 2017 meeting, the Board reviewed a letter from the USCG to ACOE identifying proposed mitigation strategies for the project developer to consider in order to reduce the risk of an anchor strike or snag. Continued on the docket.

7c. The Board previously noted the response by counsel for the state pilot to the claim by Tri City Yacht Club in Coeymans, New York in connection with the Hudson River transit by the M/V COMBI DOCK I on 22 April 2017. Continued on the docket.

8. Long Island Sound/Block Island Sound Pilotage:

8a. At the 27 March 2018 meeting, the Board approved the commencement of the rulemaking process for the promulgation of increased pilotage rates and supplemental fees for the New York Harbors of the LIS. Continued on the docket.

8b. The Board previously noted a request from the BIPA with respect to endorsing the New York State license of LIS/BIS pilots currently licensed for waters east of Stratford Shoal Middle Ground Light to the waters east of Eatons Neck should those pilots obtain a first-class federal pilotage endorsement for the Ports of Bridgeport and Port Jefferson. The Board is awaiting further information from BIPA with respect to the status of those pilots obtaining their federal endorsement. Continued on the docket.

8c. Pilotage of Foreign Flag Vessels and Yachts: Presently, all foreign flag vessels are required to take a state licensed pilot in Connecticut waters. At the 24 October 2017 meeting, the Board noted in the CPC's 19 September 2017 Meeting Summary Report that the CPC was considering establishing a minimum tonnage of 300 gross registered tons and a 200-foot LOA for vessels required to take a state licensed pilot in Connecticut waters. At the 16 January 2018 meeting, the Board noted the CPC's recommendation to the CPA for a legislative change to exempt yachts of less than 200-foot in length from the Connecticut compulsory pilotage requirements. At today's meeting, the Board noted that legislation has been introduced in Connecticut which, as worded, would exempt all vessels of less than 200 feet LOA (including commercial vessels) from compulsory pilotage requirements.

As also discussed in Item 6d, the Board has reviewed information concerning the foreign flag M/Y INCENTIVE's (130' LOA and 448 GRT) failure to take state licensed pilots when entering or departing the Port of New York, and while transiting between NY Harbor and Sag Harbor in the LIS as well as other matters under consideration by the New York Attorney General for violation of the NY Navigation Law and potential enforcement thereof. Continued on the docket.

9. REPORT(S) OF MARINE ACCIDENTS/INCIDENTS UNDER INVESTIGATION: Continued on the docket.

10. PORT OF NEW YORK ISSUES:

10a. The Board previously reviewed 46 U.S.C. Section 8501 regarding the coordination between federal and state law with respect to pilotage on cruise ships when docking in the Port of New York. At the 27 February 2018 meeting, the Board reviewed and discussed Alaska Administrative Code 12 ACC 56.960 (a) relative to the transfer of the conn policy between an Alaska state licensed pilot and a ship's officer. At the 27 March 2018 meeting, the Board discussed this issue with former Alaska pilot David Gray, also a New York licensed FBLIS/BISP, as well as how responsibilities between Alaska state pilots and cruise ship masters are coordinated when docking. At the 10 April 2018 meeting, the Board discussed the issue of cruise ship handling, steering and propulsion systems with FBLIS/BISP Vincent Kirby. At today's meeting, the Board reviewed guidelines for passenger ship tenders issued by the International Maritime Organization. Continued on the docket.

10b. The Board issued a letter on 10 November 2016 to the Army Corps of Engineers New York District ("ACOE") requesting possible changes to aid in the nighttime visibility of large, unlit mooring buoys that are located within certain designated federal anchorages in New York Harbor. At the 18 April 2017 meeting, the Board was advised by the USCG that the ACOE opened a docket on this issue. The Board has been advised that the issue is under review in the New York District's office. Continued on the docket.

10c. The Board submitted comments on 7 October 2016 as directed in the USCG's Notice of Proposed Rulemaking relative to the use of automatic steering systems for tank vessels in state pilotage waters. At the 20 March 2018 meeting, the Board was updated on the status of the proposed rule. Continued on the docket.

11. The Board noted the March 2018 Statutory Fees:

BIPA - \$ 911.07
HRPA - \$ 2,005.56
SHPA - \$65,647.77

12. The Board began its review of the March 2018 operating statements and first quarter unaudited profit & loss statement. Continued on the docket.

13. The Board continued its review of the draft 2017 Annual Report. Continued on the docket.

14. The Board was advised of the 15 May 2018 deadline for filing the Annual Statement of Financial Disclosure.

15. 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.

Frank W. Keane
Secretary