

**BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK**  
**Minutes of the Meeting of 3 January 2018**

The following Commissioners were present:

James Mercante, President  
Carmine Ragucci  
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 President called the meeting to order at 10:30 AM.
  - 1a. Observed Moment of Silence: Commissioner Ragucci 's Daughter-in-Law.
  - 1b. Appearances in Public Session: None.
2. The Draft Minutes of the 27 December 2017 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:

Howard McVay – 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. At today's meeting, the Board reviewed additional information concerning VHF radio transceivers, man overboard locator beacons and the ship silent alert system with respect to emergency notifications and/or communications. The Board previously reviewed results of a survey conducted by the SHPA (NY) President, at request of the Board, of licensed NYSHP's with respect to state pilots' carriage of hand-held VHF radiotelephones. Continued on the docket.
  - 6b. The Board previously noted the letter sent to counsel for the M/Y INCENTIVE, 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 25 July 2017 meeting, the Board was advised of language, inserted in the Department of Homeland Security Authorization Act of 2017 by Congressman Maloney, limiting the expansion of anchorages in the Hudson River. The bill was passed on 20 July 2017 by the House of Representatives. 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 7 November 2017 meeting, the Board noted the first of the workshops was held in Poughkeepsie, NY on that date. Additional workshops were held on 15 and 16 November 2017 in Albany, NY. 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 30 June 2015 meeting, the Board reviewed the Navigation Risk Assessment Template prepared by the project 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 ("ACOE") with respect to the burial depth of the proposed transmission cable. 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 31 May 2016 meeting, the Board was advised that the USCG requested additional information from the project developer. At the 18 April 2017 meeting, the Board was advised that the USCG, in its review of the NRA, has 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 was updated on a claim by the Tri City Yacht Club in Coeymans, New York in connection with the Hudson River transit by the COMBI DOCK I on 22 April 2017. Continued on the docket.

8. Long Island Sound/Block Island Sound Pilotage:

8a. The Board reviewed a letter from Block Island Pilots to the Board requesting an increase in pilotage and supplemental fees for the New York Harbors of Long Island Sound. The Board also reviewed correspondence from the Connecticut Pilot Commission to the Connecticut Port Authority requesting increases in pilotage fees for transits of the Long Island Sound (previously approved by the NYS Legislature and signed by the Governor on 23 October 2017) as well as pilotage and supplemental fees for the Connecticut Harbors of Long Island Sound. 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: The Board was previously advised that the Connecticut Pilot Commission ("CPC") is reviewing the feasibility of amending Connecticut law. Presently, all foreign flag vessels are required to take a state licensed pilot in Connecticut waters. A previously proposed amendment would require foreign flag vessels of 300 gross registered tons and over to take a state licensed pilot when 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 length overall for vessels required to take a state licensed pilot in Connecticut waters. At the 27 December 2017 meeting, the Board reviewed a letter dated 20 December 2017 from the Connecticut Pilot Commission to the Connecticut Port Authority recommending a legislative change to exempt yachts of less than 200-foot in length from the Connecticut compulsory pilotage requirements.

As also discussed in Item 6b, the Board has reviewed information concerning the M/Y INCENTIVE's 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:

9a. M/V ONEGO MERCHANT (Built 2002). 10 December 2017. Loss of steering. Dep. HRP Samuel Zapadinsky. Northbound in the mid-Hudson River under the conn of Dep. HRP Zapadinsky, the vessel lost steering control rounding Esopus Meadows Lighthouse just south of Kingston, NY. Steering was switched to the Non-Follow-Up mode, the autopilot and emergency steering with no success in regaining control. After switching steering pumps several times, steering was restored. The vessel was turned around and safely anchored in Hyde Park Anchorage after a short transit back downriver. The vessel never left the channel. The USCG was informed and a Captain of the Port Order issued. Repairs were made and approved by class to the steering pumps, and the vessel was cleared by the USCG to sail on 25 December 2017 to the Port of Albany. No violation of the New York Navigation Law or the New York Codes, Rules and Regulations. No pollution, damage or personal injury. The Board voted to close the case.

9b. M/V WUCHANG (Built 2013): 4 October 2017. Allision. Dep. HRP Samuel Zapadinsky. Undocking from the Lafarge Gypsum facility in the lower Hudson River under the conn of Dep. HRP Zapadinsky, the vessel allided with a gangway tower adjacent to the berth. The USCG was notified. Drug and alcohol tests were administered to the state pilot with negative results. At the 31 October 2017 meeting, the Board conducted an interview of the state pilot. At today's meeting, the Board reviewed photos of the gangway tower and main dock area. Continued on the docket.

10. PORT OF NEW YORK ISSUES:

10a. The Board reviewed USCG Sector New York's 1 January 2018 ice report for NY Harbor and the Hudson River.

10b. The Board previously reviewed 46 U.S.C. Section 8501 regarding the coordination between federal and state pilots on regulated vessels in the immediate vicinity of the berth to which the vessel is bound when docking. Continued on the docket.

10c. 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.

10d. 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 31 October 2017 meeting, the Board was updated on the status of the proposed rule. Continued on the docket.

11. There being no further business to conduct, or public comment, the Board meeting was adjourned at 12:00 noon.



Frank W. Keane  
Secretary