

BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK
Minutes of the Meeting of 5 June 2018

The following Commissioners were present:

James Mercante, President
Carmine Ragucci
Lucienne Bulow
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 29 May 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:

Karl Uhrig - FBSHP.
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 noted email correspondence received from the SHPA with respect to the Board's letter to Captain Edward Sweeney on his retirement from the New Jersey Sandy Hook Pilots Association. The Board also noted thank you letters from two SUNY Maritime College cadets, currently interning at the SHPA, for the opportunity to attend the Board meeting recently conducted at the SHPA base station.
 - 6b. At today's meeting, the Board continued drafting an application for funding a Pilots Security Training Course through the 2018 Port Security Grant Program administered by FEMA. The Board has previously reviewed the course framework for a Security Awareness Workshop for Marine Pilots offered by the Maritime Institute of Technology and Graduate Studies that includes training for active shooter, hostage and life-threatening situations aboard ship. The Board has also reviewed applicable sections of the Maritime Transportation Security Act of 2002 for 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. Continued on the docket.
 - 6c. At the 29 May 2018 meeting, the Board conditionally approved a Physical Safety & Training Grant to the SHPA pending additional information. 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 8d. Continued on the docket.
7. Hudson River Pilots Association:

7a. Hudson River Anchorages: 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 HRPA 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. At today's meeting, the Board was advised that the Hudson River Safety, Navigation and Operations Committee, formed as part of the Hudson River PAWSA, was meeting on this date at the Norrie Point Pilot Station. Continued on the docket.

7b. Champlain Hudson Power Express Transmission Project: 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 due to insufficient burial depth. 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. The Board reviewed the 17 April 2018 Draft Summary Report of the Connecticut Pilot Commission.

8b. Supplemental Fees: 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. At the 8 May 2018 meeting, the Board was advised that the proposed rates and supplemental fees were published in the 2 May 2018 issue of the State Register beginning the 60-day comment period. Continued on the docket.

8c. 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 Bridgeport Harbor and Port Jefferson. At the 15 May 2018 meeting, the Board was advised that FBLIS/BISP (Eastern Half) Adam Sanford obtained his federal endorsement for Bridgeport Harbor and Port Jefferson. Noting receipt of Captain Sanford's updated federal credential, the Board approved an extension of route endorsement to his New York State license for the waters of the LIS and BIS east of Eatons Neck at today's meeting.

8d. Pilotage of Foreign Flag Yachts/Recreational Vessels of Less Than 200 Feet in Length: Presently, all foreign flag vessels are required to take a state licensed pilot in Connecticut and New York waters. At the 16 January 2018 meeting, the Board noted the Connecticut Pilot Commission's ("CPC") recommendation to the Connecticut Port Authority ("CPA") for a legislative change to exempt foreign flag yachts of less than 200-foot in length from the Connecticut compulsory pilotage requirements. At the 15 May 2018 meeting, the Board was informed that legislation exempting recreational vessels of less than 200 feet LOA from Connecticut compulsory pilotage requirements passed both chambers in the Connecticut Legislature. The legislation is awaiting signature by the governor. At the 29 May 2018 meeting, the Board authorized its legislative counsel to seek a change in the New York Navigation Law exempting recreational vessels of less than 200 feet in length from compulsory state pilotage at the Board's discretion. This proposed amendment will align New York Law with New Jersey, Connecticut and Rhode Island relative to foreign flag yacht/recreational vessel compulsory pilotage. At today's meeting,

the Board was informed that its proposed amendment to the New York Navigation Law was being introduced in the New York State Legislature this session. Continued on the docket.

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 reviewed the Maritime Association of the Port of New York and New Jersey's May edition of HARBOR HAPPENINGS.

10b. 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 piloting and docking including handling, steering and propulsion systems with FBLIS/BISP Vincent Kirby. 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 20 March 2018 meeting, the Board was updated on the status of the proposed rule. Continued on the docket.

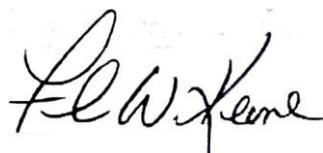
11. The Board previously approved a joint meeting, in the offices of the Board, on 19 June 2018 with the Board of River Port Pilot Commissioners for the Port of New Orleans. Continued on the docket.

12. The Board completed its review of the UBS April Operating Statements.

13. The Board approved a full-page ad in the program journal for the 2018 Port Industry Day Conference and tickets for individual commissioners if interested. Continued on the docket.

14. The Board noted a USCG notice relative to the implementation of the new Series CG-719 forms which include the annual physical examination, sea service, drug test and disclosure of DWI/DUI/convictions forms.

15. There being no further business to conduct, or public comment, the Board meeting was adjourned at 11:55 AM.



Frank W. Keane, Secretary