

**BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK**  
**Minutes of the Meeting of 7 November 2017**

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 31 October 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:  
  
Drew Barry – 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 authorized the issuance of a letter 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 Agenda Item 8b. 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 the 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 HRPA will be a participant in the PAWSA workshops. At today's meeting, the Board noted the first of the workshops begins today in Poughkeepsie, 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) 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 18 July 2017 meeting, the Board noted a Department of Justice press release concerning the settlement of a lawsuit with respect to an electrical cable not buried to the required depth beneath Boston Harbor. Continued on the docket.

8. Long Island Sound/Block Island Sound Pilotage:

8a. 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.

8b. Pilotage of 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. The 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 is now 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 when in Connecticut waters.

Pursuant to Agenda Item 6a, 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 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. Continued on the docket.

9b. MOTOR YACHT NICOLE EVELYN (Built 2003/LOA 125 ft.): 20 September 2017. Allision. Dep. HRP Stephen Doherty. While maneuvering away from the berth and out of Half Moon Bay Marina under the conn of the yacht's captain, the vessel made contact with a moored sailboat. No apparent or reported damage to the sailboat or yacht. Drug and alcohol tests were administered to the state pilot with negative results. Continued on the docket.

9c. MOTOR YACHT ARETE (Built 2013/LOA 144 ft.): 31 August 2017. Allision. FBSHP Thomas Walsh. While docking under the conn of FBSHP Walsh at Chelsea Marina Berth 62, the vessel allided with a floating dock. The USCG was notified. Drug and alcohol tests were administered to the state pilot with negative results. After a review of the incident by the Board's Executive Director with the state pilot and the yacht's captain, the apparent cause of the hard landing was the repeated failure of the yacht's bow thruster during the docking maneuver. The resulting allision caused a scratch to the yacht's starboard bow and three planks on the floating dock to become dislodged. Continued on the docket.

9d. M/T KAMOME VICTORIA (Built 2011): 25 August 2017. Grounding. NJFBSHP Peter Rooss (NYLIS/BISP). Outbound in Ambrose Channel under the conn of NJFBSHP Peter Rooss, the vessel left the channel and grounded at 1658 hours on Romer Shoal in the vicinity of Buoy 15. The USCG was notified. Drug and alcohol tests were administered to the state pilot with negative results. The New Jersey

Maritime Pilot and Docking Pilot Commission ("New Jersey Commission") held an interview of NJFBSHP Rooss on 1 September 2017. In attendance were the state pilot, counsel to the state pilot, the SHPA (NJ) President, the Board's Executive Director (via telephone), representatives of the USCG Sector NY Investigations Division, the New Jersey Commission's Marine Investigator and the New Jersey Commission's Executive Director. Based upon the circumstances of the incident, the New Jersey Commission suspended the New Jersey Sandy Hook pilot license of Captain Rooss for a period of 30 days and required four refresher passages over the route, two of which must be in darkness. At the 19 September 2017 meeting, the Board imposed a 30-day suspension of Captain Rooss' New York State pilot license for the Long Island/Block Island Sound concurrent with the New Jersey Commission's suspension of his New Jersey Sandy Hook pilot license. Continued on the docket.

9e. M/T MAERSK BRISTOL (Built 2005): 10 May 2017. FBHRP Paul Chevalier. As the vessel was approaching the Port of Albany under the conn of FBHRP Chevalier, the assist tugboat MARY KAY made a hard landing on the vessel's starboard quarter. The vessel alleges that the hard landing resulted in a dent to its hull in the area of the starboard quarter tug zone. The tug denies any responsibility. Continued on the docket.

9f. M/V COMBI-DOCK I (Built 2008): 22 April 2017. Dep. HRP Semuel Zapadinsky. Surge from the vessel's northbound transit to the Port of Albany allegedly caused damage to dock poles at the Tri Cities Yacht Club located in Selkirk, N.Y. At the 22 August 2017 meeting, the Board provided information responsive to a written request from counsel to the yacht club for information relative to this incident. At today's meeting, the Board closed the matter without further action.

10. PORT OF NEW YORK ISSUES:

10a. The Board met with Detective Kevin Gallagher, New York City Police Department - Maritime Operations, and SHPA (NY) President John De Cruz with respect to shipboard security measures in the Port of New York and New Jersey.

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) 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 Army Corps of Engineers 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 12:05 PM.



Frank W. Keane  
Secretary