

BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK
Minutes of the Meeting of 3 September 2019

The following Commissioners were present:

James Mercante, President
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 27 August 2019 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:

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.**
- 4a. Based upon information received from the SHPA's Apprentice Supervisory Committee, App. SHP Kiersten Healy was directed to appear before the Board on this date.
5. **The Board returned to Public Session from Executive Session.**
6. Sandy Hook Pilots Association:
- 6a. The Board advised App. SHP Kiersten Healy that it will now require her attendance for apprentice reviews on a quarterly basis commencing 3 December 2019, with written evaluations from the SHPA Supervisory Committee.
- 6b. The Board continued its survey and discussion relative to what the actions and response of a state pilot would be in an active shooter/hostile event situation encountered aboard a vessel, and has redirected the SHPA to continue to work on the development of language for further review by the Board when alerting USCG Sector NY VTS of such an emergency. At the 6 August 2019 meeting, the Board met with VTS personnel and the SHPA at USCG Sector NY for an overview and inspection of the VTS Center operations. After the overview and inspection, there was discussion concerning the state pilot's emergency procedures with VTS, VTS acknowledgement language and VTS response procedures. Continued on the docket.
- 6c. Port Security Grant Application: At the 2 January 2019 meeting, the Board began reviewing the feasibility of virtual reality training as a part of a security training program. At the 5 February 2019 meeting, the Board reviewed estimated costs prepared by the Maritime Institute of Technology and Graduate Studies for development of a two-day pilot's security training course. At the 12 March 2019 meeting, SUNY Maritime College professor Tamera Gilmartin made a presentation to the Board on the use of Virtual Reality Training as a component of the Board's proposed pilot security training course. At the 9 April 2019 meeting the Board was advised that the Port Security Grant Notice of Funding Opportunity was scheduled to be released on 12 April 2019. At the 4 June 2019 meeting, the Board was

informed that the completed Port Security Grant application was successfully submitted to FEMA on 28 May 2019. At the 23 July 2019 meeting, the Board was informed that its application passed the local review and was forwarded to the National Panel with a recommendation for funding. At the 20 August 2019 meeting, the Board was advised that its Port Security Grant application was not among those selected for funding in the 2019 application process. At today's meeting, the Board was advised that a conference call with FEMA has been arranged to discuss the reason(s) the Board's 2019 Port Security Grant application was not successful, and the criteria or measures that FEMA utilizes in reviewing grant applications. Continued on the docket.

7. Hudson River Pilots Association:

7a. Hudson River Ports and Waterways Safety Assessment ("PAWSA") Study: The Ports and Waterways Safety Assessment ("PAWSA") study of the Hudson River was completed and released in 2018. The study included a review of the establishment of additional anchorages, fish habitats, dredging, petroleum carrying vessels, the use of the navigation channel for proposed power transmission cables, and other environmental and recreational issues concerning the Hudson River. At the 30 January 2018 meeting, the Board was briefed on the formation of a Hudson River Safety, Navigation and Operations Committee ("HR Committee") to address, with local stakeholders, these and any additional issues, just as the Harbor Operations Committee provides a forum for New York Harbor issues. At the 20 March 2018 meeting, the Board reviewed the completed Hudson River PAWSA. At the 18 June 2019 meeting, the Board was updated by HRPA President Ian Corcoran with respect to the HR Committee's discussions concerning the Champlain Hudson Power Express transmission cable project, status of the establishment of additional anchorages for the tug and barge industry and transportation of potential wind power foundations by barge on the Hudson River. At the 9 July 2019 meeting, the Board was advised that language has been inserted in the House version of H.R. 3409, the USCG Authorization Act of 2019 ("Act"), which prohibits the USCG from establishing anchorages between Yonkers, New York and Kingston, New York. Additionally, the Act requires that the USCG provide 180-day advance notice to certain House and Senate committees prior to the establishment or expansion of anchorages outside the previously described waters on the Hudson River. At the 13 August 2019 meeting, the Board was updated on the status of the House legislation as well as the Senate's version of the Act. At the 20 August 2019 meeting, the Board approved its letter to the House Transportation and Infrastructure Committee outlining its concerns regarding the anchorage prohibitions in the Act. At the 27 August 2019 meeting, the Board was advised that the next HR Committee meeting has been scheduled for 16 September 2019 at the Norrie Point Pilot Station. Continued on the docket.

8. Long Island Sound/Block Island Sound Pilotage: 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 of federal and state law requirements with respect to pilotage on cruise ships docking in the Port of New York when the master docks the vessel. In this regard, at the 27 February 2018 meeting, the Board noted recent incidents in Alaska where cruise ships were docked by the ship's master with a compulsory state pilot aboard and the Board also reviewed 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 docking by the vessel's master, including ship handling, steering and propulsion systems, with FBLIS/BISP Vincent Kirby. At the 11 December 2018 meeting, the Board noted that the Maritime Institute of Technology and Graduate Studies ("MITAGS") was asked by the Southeast Alaska Pilots Association and Norwegian Cruise Lines to develop a best-practice course for Very Large Cruise Ships scheduled to begin calling at various ports within Alaska. The Board forwarded the MITAGS notice to the SHPA, as follow-up to its recent recommendation that the SHPA and cruise lines develop a joint training program leading to improved coordination and communications between its state licensed pilots and cruise ship masters. Continued on the docket.

10b. Based upon a report from a New York Sandy Hook pilot relative to vessel security procedures, including backpack scans, when boarding an arriving cruise ship at the pilot station, the Board reviewed an International Maritime Organization circular outlining security measures for pilots boarding vessels at sea. The Board also directed the Secretary to discuss with the SHPA the need to review existing measures with respect to security procedures for pilots boarding cruise ships at the pilot station. Continued on the docket.

10c. The Board issued a letter on 10 November 2016 to the Army Corps of Engineers New York District ("ACOE") to address the lack of visibility of large, unlit mooring buoys, during periods of darkness, 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. At 12 June 2018 meeting, the Board reviewed follow-up correspondence to the ACOE inquiring on the status of its 10 November 2016 request. At the 19 June 2018 meeting, it was requested that the Executive Director follow-up with the new USCG Captain of the Port Sector New York on this issue. At the 24 July 2018 meeting, the Board noted its 19 July 2018 email sent to the recently named Sector Commander and Captain of the Port of New York requesting assistance with the ACOE on this matter. At the 31 July 2018 meeting, the Board noted the Captain of the Port's response indicating that he would discuss the Board's concerns with staff. At the 21 August 2018 meeting, the Board was advised of a workshop being conducted by the ACOE to assess anchorage improvements, including the issue of unlit mooring buoys located within designated federal anchorages, in the Harbor. At the 28 August 2018 meeting, the Board was provided an update as to the ACOE's New York & New Jersey Harbor Anchorages Study ("Anchorage Study") planning process. At the 25 June 2019 meeting, the Board was updated as to the timeline and content of the initial public report on the Anchorage Study. Continued on the docket.

11. Pilotage of Foreign Flag Yachts/Recreational Vessels:

11a. At the 29 May 2018 meeting, the Board authorized legislative counsel to seek a change in the New York Navigation Law exempting recreational vessels of less than 200 feet overall in length from compulsory state pilotage at the Board's discretion. This proposed amendment aligns New York law with New Jersey, Connecticut and Rhode Island law relative to the issue of foreign flag yacht/recreational vessel compulsory pilotage. At the 26 June 2018 meeting, the Board was informed that its proposed amendment to the New York Navigation Law did not advance out of committee in either chamber prior to the conclusion of the 2018 general session. At the 12 March 2019 meeting, the Board was advised that the proposed amendment was reintroduced on 4 March 2019 in the NYS Senate ("Senate"). At the 26 March 2019 meeting, the Board was advised that the proposed amendment was reintroduced on 15 March 2019 in the NYS Assembly ("Assembly"). At the 14 May 2019 meeting, the Board reviewed a Memorandum in Support of the proposed legislation requested by the Senate Counsel's office on 9 May 2019 from the Board. At the 11 June 2019 meeting, the Board was advised of an amendment to the proposed legislation requested by the Assembly Transportation Committee to incorporate the definition of a recreational vessel as defined in 46 USC 2101 (25). The amended language was approved by both sponsors and the bill referred back to the Transportation Committee in the Assembly and the Rules Committee in the Senate. At the 25 June 2019 meeting, the Board was advised that the proposed legislation passed both the Assembly and Senate on 20 June 2019. The legislation is awaiting referral to the Governor's office. The Board continues to monitor the status of the legislation. Continued on the docket.

11b. The Board has been updated on the M/Y INCENTIVE's transits without a state licensed pilot between Liberty Landing Marina, N.J. and Sag Harbor, N.Y. Continued on the docket.

12. Notice to Mariners, Marine Safety, Legal and Port Security News and Technical Information: Continued on the docket.

13. There being no further business to conduct, or public comment, the Board meeting was adjourned at 11:30 AM.



Frank W. Keane, Secretary