

Connecticut Pilot Commission

**Minutes of September 8, 2005 Public Meeting
U.S. Coast Guard Sector Long Island Sound
120 Woodward Avenue, New Haven CT**

MINUTES

The public meeting was called to Order at 8:15 a.m. Pilot Commission members Michael J. Eisele, Vernon C. Miller, David Pohorylo, Joseph Russo, Captain Joseph Staneko, and William Gash were present. Also in attendance were Richard Jaworski, Charles Beck, Alan Stevens, David Rossiter (all CT DOT), LCDR Alan Blume, U.S.C.G., Captain Charles Jonas (Interport Pilots Agency, Inc.), Captain Vince Cashin, Captain William Mulligan (both Connecticut State Marine Pilots Association), Captain Howard McVay, Captain Michael Ball, Captain Keith Kelsey (all Northeast Marine Pilots), and Captain Thomas Walker (Long Island Sound State Pilots Association, Inc.).

The Pilot Commission reviewed draft minutes of the July 14, 2005 public meeting. As revised, the minutes were unanimously approved upon the motion of Mr. Miller, seconded by Mr. Gash.

Mr. Eisele circulated minutes of the New York Board of Commissioners of Pilots.

At the invitation of the Commission, Captain David Thomson of Shell Trading (US) Company and John Hritcko of Broadwater Energy attended to discuss pilotage issues arising out of Broadwater Energy's proposal to operate a floating LNG storage and regasification unit on Long Island Sound. Captain Thomson advised the Commission that Broadwater expected to provide specialized training to selected pilots, including simulator training and training related to the use of tractor tugs. The Commission discussed pilot selection, qualification and training requirements specific to LNG vessels, as well as routing of LNG traffic and the need to coordinate any requirements with the New York Board. LCDR Blume reported that the Coast Guard would defer to the states regarding pilotage issues, but was separately considering security and other concerns related to LNG traffic. The Commission will continue to monitor the permitting process.

It was noted that the Coast Guard will conduct public meetings regarding the Broadwater proposal in conjunction with the Federal Energy Regulatory Commission on 9/13, 14, 20, and 21. Several Commission members expect to attend the public meetings.

Mr. Beck reported that the Governor has announced an intention to appoint a Task Force to study the Broadwater proposal. Mr. Eisele will write the Governor to offer

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the Commission's assistance with respect to any pilotage issues.

Mr. Eisele reported that the New York Board and Block Island Pilots had filed Statements of Undisputed Fact in connection with the New England Shipping Company v. Block Island Pilots, et al. case. Pursuant to court rules, New England Shipping will now submit its response. If the critical facts are undisputed, the court may soon be in a position to rule on the dispositive legal issues. Mr. Eisele will continue to monitor the progress of this case. Mr. Pohorylo has recused himself from any participation in this matter.

Mr. Eisele reported that the DOT appointed a Hearing Officer to handle the petition for declaratory ruling filed by Captain Jonas (No. A&P: 05-1). Requests for intervenor status were to be filed by July 29. Captain Jonas' brief or supporting documents were to be filed by August 8 and briefs or supporting documents on behalf of Intervenors were to be filed by September 8. The Commission will continue to monitor this proceeding.

The Pilot Commission deferred discussion regarding the 1st annual review of the Joint Administrator's performance in Mr. Shuda's absence.

Mr. Gash discussed a legislative initiative to increase the authority of the Pilot Commission. Mr. Gash proposed that any legislation provide the Commission with authority to approve new licenses and renewals, as well as to set pilotage rates and establish a compulsory pilot association, with consolidation of pilot boat and dispatching operations. Mr. Eisele noted that an empowered Commission would require staff support. Mr. Gash will draft a proposal for further consideration by the Commission and DOT.

Mr. Jaworski advised the Pilot Commission that DOT is continuing to work with NOAA to resolve administrative issues related to funding for the PORTS Station.

The Commission discussed at length a proposal to recommend to DOT that it authorize a temporary surcharge on pilotage rates to compensate pilots for a sharp increase in fuel prices. Mr. Eisele requested that the operators of pilot boats provide the Commission with information about the expense of operating pilot boats, including fuel costs, crew costs, and capital costs. The Commission discussed the procedure for authorizing a surcharge by regulation and the necessity of coordinating any surcharge or other rate action with the New York Board. Mr. Eisele noted that a temporary fuel surcharge should not replace a comprehensive review of the rate structure.

Captain Walker informed the Commission that he does not believe that pilot boat

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fees can be regulated by the state and that he intends to charge a separate pilot boat fee beginning on November 1, 2005.

Captain Cashin raised an issue regarding an inconsistency between the geographic limits of federal and state pilotage in the western Long Island Sound. Mr. Beck reported that he has already asked the Coast Guard to endorse federal licenses for routes as far west as City Island (instead of Execution Rocks) to harmonize the federal endorsement with the requirements of the Memorandum of Agreement between New York and Connecticut. As the endorsements are currently issued, a Connecticut pilot seeking a federal endorsement for routes to City Island would be required to draw a chart through the East River. The Pilot Commission will await the Coast Guard's response.

Mr. Eisele distributed a draft Annual Report of the Pilot Commission for the period July 1, 2004 to July 1, 2005 and requested that the Commissioners and public provide any comments by the October public meeting.

Dave Rossiter reported that dredging was completed at the Dow Chemical Allyn's Point facility on the Thames River and that a survey of the dredged area is available for review.

LCDR Blume reported on status of the Coast Guard's involvement in the Broadwater permitting process, including the scheduling of public meetings to be held in conjunction with FERC. The Coast Guard issued a Workshop Report dated July 15, 2005 regarding its Ports and Waterways Safety Assessment for Long Island Sound. Copies of the Report will be distributed with these minutes. Lcdr Blume also reported that the Coast Guard had completed the solicitation of public comments with respect to its Port Access Route Study for Block Island Sound.

The public meeting was adjourned at 10:20 a.m. The Commission met briefly in Executive Session, but did not take any action.

The Commission's next public meeting is scheduled for Thursday, October 13, 2005 at 8:00 a.m., to be held at the Bridgeport Port Authority, 330 Water Street, Bridgeport CT.

Michael J. Eisele
Chairman, Connecticut Pilot Commission