

**Connecticut Pilot Commission
Summary Report September 18, 2012 Public Meeting
Coast Guard Sector Long Island Sound
New Haven, CT**

1.) The public meeting was called to order at 10:00 a.m. by the Chairman, Bill Gash. In addition to the Chairman, Pilot Commission members Alan Blume, Bill Borek, Mike Eisele, Phil Gaughran and Dave Pohorylo as well as CTDOT Designee Chuck Beck were present. Members of the public in attendance were CDR Amy Beach, LT Ben Duarte and Scot Graham from the CG, Alan Stevens and Dave Rossiter from the CTDOT, Paul Costabile, Tom Dubno and Charlie Jonas.

The Chairman reordered the posted agenda stating that some members would have to leave around 11:15. No objections were voiced. The new order provided for the agenda items was: Public Comment, ConnDOT comments, USCG Comments, Review/Approval of the July 17, 2012 Summary Report, Continuing Business, New Business, Rotation System Executive Board.

2.) Public Comment: None offered.

3.) Connecticut Department of Transportation comments: Dave Rossiter announced that he had brought forms related to the annual CT state pilot license renewal application if any of the pilots needed them.

4.) U.S. Coast Guard – Comments

A. LIS AMSC Update: Scot Graham made reference to an email containing a TSA Bulletin about renewal of TWIC cards that had previously been electronically distributed to the CPC and interested parties. The Bulletin detailed the early TWIC card renewal program that TSA was offering at a discount price. Scot also distributed 3 handouts and provided a summary of their content. One was a summary of the PSG program displaying the amount of federal PSG grants successfully obtained by facilities in the CG Sector LIS AOR over the past few years. A second handout was a copy of testimony to Congress on the MTSA given by Bethann Rooney of the PANYNJ on behalf of the AAPA. The third handout was bulletin from the Bureau of Justice Assistance on the Nationwide Suspicious Activity Reporting Initiative.

B. LIS HSC Update: LT Duarte provided a brief on the Notice to Proposed Rule Making (NPRM) that has been issued by CG Sector LIS pertaining to establishing a Regulated Navigation Area (RNA) in the Thames River main channel just southeast of the Fort Trumbull piers during the degaussing range cable replacement project. It is anticipated that the project will start on November 1, 2012 and last 4-6 months. It is possible though not anticipated that the channel could be temporarily closed for short periods of time. Work platforms adjacent to the channel and divers in the water will require speed restrictions. The CG and contractor will work with the ferry services and the USN to coordinate passage. Non-regularly scheduled U.S. flag vessels will need to report into CG Sector LIS 24 hours in advance. The NPRM public comment period ends October 5, 2012. . <http://www.gpo.gov/fdsys/pkg/FR-2012-09-05/pdf/2012-21760.pdf>

5.) Review and Approval of the Previous Meeting Summary Report (July 17, 2012)

A motion was made by Mike Eisele to approve the summary report of the July 17, 2012 CPC meeting. Bill Borek provided a second. There was no discussion. The motion was approved by a unanimous vote.

6.) Continuing Business:

A. Goals and Objectives – Alan Blume stated that he will prepare a document for the October CPC meeting that will highlight previously established Goals and Objectives that have been accomplished and others that need to be. One outstanding topic noted by Alan Blume is the CPC responsibility to investigate a marine casualty. Bill Gash asked Alan to forward the document to him for review before distributing to the CPC.

B. Apprentice Pilot Training - The Chairman asked for an update on the status of the pilots in the apprentice training program. Phil Gaughran stated that there were two apprentices being trained (Sean Bogus and Scott Esposito). In response to a question from the Chairman about whether or not the apprentices were riding with pilots on both sides of the rotation, Phil stated that was aware that Esposito had been riding with senior CT State Pilots but was not certain about Bogus. Charlie Jonas stated that he had not had any contact with Bogus. In response to a follow-up question from the Chairman about future need for more licensed pilots, Phil stated that the number of licensed pilots is OK for now but another will be needed within a year or so. There was a follow-on discussion about the apprentice pilot evaluation process. It was stated that the apprentices and the senior pilot observers are supposed to be submitting trip reports and evaluations to the CPC for review. In response to a question from Charlie Jonas, the Chairman stated that the reports should be submitted monthly at the regularly scheduled CPC meetings.

On a related matter, Chuck Beck stated that there still appeared to be confusion on the part of pilots and apprentices on the number of trips needed to qualify for a license or a renewal of a license through the MOA waters or parts thereof. He reminded all that the statutorily required 12 round trips as a pilot of record equates to 24 one way trips. Similarly, he reminded all that 24 round trips as a pilot observer equates to 48 one way trips. In response to a question by Phil Gaughran about ride-a-longs on tug a barge combinations, Beck stated that the specifics on vessel size as well as the requirements for a pilot seeking an initial license to actually be doing the piloting under observation for the ride to count were detailed in the CT State Statutes. There was some additional discussion on the requirement for all trips to be conducted within a 36 month period and the difficulty in doing so given the reduced vessel traffic as well as whether or not the CPC should recommend a change to the number trips of initial trips required and for recency. The Chairman asked Phil Gaughran to provide the information on which pilots were current/not current in the various parts of the MOA. The information was requested for the next CPC meeting in a three column format: Recent, Held But Not Recent, Never Held License.

C. Pilotage Rates and Fees – The Chairman started the discussion by stating that the draft regulatory change that would increase the pilotage rates 125 over 4 years was still in DOT for action. The Chairman asked if there had been any new information from NY on the status of approving the rate increase. Nobody was aware of any recent movement. The Chairman stated that despite the CPC written recommendation to delete the codification of the \$600 pilot boat fee, the CTDOT Commissioner had responded in writing that the regulatory change would move forward with the \$600 pilot boat fee language intact. The Chairman continued, stating the former CPC Chairman, Peter Boynton, was opposed to codifying the pilot boat fee as were the pilots and industry so perhaps the CPC should ask the DOT Commissioner to take a second look at the CPC request to delete it. Mike Eisele cautioned that taking a hard stance on getting the pilot boat fee removed could jeopardize timely action on the rest of the pilotage rate increase. In response to a question from Dave Pohorylo about opportunities to change the draft regulation, Chuck Beck reminded all that the draft pilotage rate increase regulatory change still had to be approved by OPM and the Governor's office. There would also be a Public Notice and comment period before the change to the regulation would be presented to the Regulation Review Committee of the CT State Legislature for approval. Any and all comments received during the comment period would be addressed and provided to the Regs Review Committee as a summarized supporting document. In response to another question, Chuck Beck summarized the reasons why the CTDOT felt codifying the pilot boat fee was important; protection of all involved through a transparent rate increase process. Phil Gaughran presented a scenario of a catastrophic engine

failure that might cause the boat operator to temporarily charge more per ride to cover the repair/replacement expenses. Chuck Beck stated that the scenario presented was exactly why the fee needed to be codified. Doing so would protect the pilots who needed the service from a price increases without due process. He continued that most businesses charged rates that set funds aside to cover the unexpected such as an engine repair/replacement as part of the business plan. He also stated that codifying the boat fee at a rate presently charged did not fix the rate forever. The boat fee could be increased upon request for properly documented reasons. After some additional discussion and a complaint from Charlie Jonas that unwarranted regulations increase costs, the agenda was moved to New Business.

7.) New Business:

A. Recency - Phil Gaughran asked that the discussion on recency be held until the agenda item on the RSEB. The Chairman alternatively moved the RSEB Update forward. Before Paul Costabile, the Joint Rotation Administrator, could provide his report, Charlie Jonas stated that a meeting of the RSEB was held 2 weeks ago and that there were 4 pilot members of the RSEB (1 NY, 3 CT) and one other observer (1 CT). He stated that Paul Costabile took notes. In response to a question from the Chairman, Costabile stated that the meeting was not taped but that he had sent a draft copy of the summary report to all of the pilots for their review. Charlie Jonas stated that he had comments on one particular item (administrative charges) and had asked Costabile not to send the draft minutes out until his (Jonas') comments were provided. Jonas stated that he takes offense at the fact that the Northeast Pilots are running the RSEB. The Duties of the Administrator are specified in the Governing Document. The Chairman asked for comments on the RSEB from the CPC Commissioners. Phil Gaughran stated that there were no NY pilot representatives present at the RSEB meeting before last and at the meeting last week only 1 NY pilot. Chuck Beck inquired if Phil had any comments or disputes with the draft RSEB minutes. Phil stated that Charlie Jonas was the spokesperson for the CT pilots. In response to a question about pilot participation at other RSEB meetings in the past, Phil Gaughran stated that there had been times when meetings had been cancelled due to the inability of any CT pilots to attend. In response to a question from Alan Blume about what constitutes a quorum at an RSEB meeting, Phil Gaughran stated there were no working rules just the Governing Document. He continued stating that it was difficult when the NY lobbyist was working to take business away from the CT pilots. Alan Blume questioned if there was any provisions for oversight of the RSEB by the CPC or CTDOT or NY Board.

Paul Costabile stated that the problem with the RSEB is one of majority/minority share holders. Not too long ago, the pilots in the joint rotation used to meet under the umbrella of the RSEB to discuss issues of common interest such as dispatching and safety. Work share was not an issue. More recently, the discussion if there is any has become nastier and more focused on who's in charge. The 70/30 work share is not an RSEB issue. His role as the JRA Administrator relative to the RSEB is to record and report out on the RSEB meetings to the rest of the pilots. The minutes of the meeting were never intended to be a verbatim report but a sense of what was discussed. Due to the increased hostility expressed by some at the RSEB meetings it is better that some statements are left out. Paul continued stating that the CTDOT and the NY Board prefer letters from the pilots on issues that make a unified argument; i.e. both sides of the rotation. With respect to sending out the draft minutes of the last RSEB in what has been described as against Charlie Jonas' wishes, Paul emphasized that the draft was sent out to solicit all of the pilot's comments so that the report could be finalized and provided to the September CPC meeting. The Chairman decided to table further discussion and bring it up again under Recency Update. Paul Costabile added that the RSEB had discussed the problem with maintaining recency in Western Long Island Sound (WLIS) due to the lack of vessel traffic. The pilots agreed to propose to CTDOT and the NY Board a change in the recency requirement. The present requirement is for a pilot who obtained a CT state license to operate in the WLIS to make at least one trip every 6 months to maintain recency. The pilots have suggested that the recency requirement for piloting non-commercial vessels (yachts) to one trip every 5 years. Additionally the pilots have recommended that the recency for commercial vessels be expanded to one trip every 12 months. A letter has been sent to both the CTDOT and the NY Board requesting the change. CTDOT distributed the letter prior to the CPC meeting. There was some further

discussion related to the number of yachts per year, the minimum pilotage rate for a yacht and any exclusion for yachts under a certain size. It was stated that CT requires a pilot for a foreign flag yacht of any size. Phil Gaughran stated that the proposed pilotage rate increase will improve the minimum rate problem.

Charlie Jonas asked a question on the proposed pilotage rate. He asked where the CPC stood on the rest of the proposed regulation, the non-pilot boat changes. The Chairman reminded Charlie that at the previous CPC meeting the Commissioners voted 5-2 to recommend approval of the proposed regulation with the exception of the \$600 pilot boat fee. Noting the time (1117), the Chairman stated that the meeting would have to come to an end because some had to leave. Dave Pohorylo stated that there was still some time so the meeting continued.

B. M-95 letters – Chuck Beck provided information on MARAD's Marine Highway program. He stated that MARAD's Executive Director of the New England Gateway (Captain Jeff Flumignan) had recommended that CT petition the MARAD Administrator to re-describe the M-95 Corridor. The present description does not make reference to Long Island Sound or the CT ports. CTDOT provided a letter to the MARAD Administrator to change the description to include LIS and the CT ports and had solicited letters of support from the other maritime stakeholder organizations like the CTMC, CMC, CPC and the three municipal port authorities. All but the CMC and CPC had already provided letters of support. He stated that some had questioned the need for the re-description claiming that the request was redundant. Mike Eisele stated that there was nothing wrong with redundancy. He asked Beck if he would draft a letter of support on behalf of the CPC. He then made that request a motion that was seconded by Bill Borek. There was no further discussion. The vote passed 5 in favor (Beck, Blume, Borek, Eisele, Gaughran) and 2 opposed (Gash and Pohorylo).

C. Port Study – Chuck Beck stated that the Port Study had still not been accepted thus released by the State but an announcement was close. In response to a question on why it was taking so long, Beck stated that the consultant had met its contractual obligation of providing the report to the state on time. The delay was more about issues of providing supporting documentation for some of the conclusions and recommendations.

8.) RSEB Update - Since most of the RSEB discussion had already taken place, Paul Costabile made one comment relative to the RSEB minutes. He questioned whether or not the CPC meeting was the proper forum for a disagreement on the content of the minutes among pilots attending the RSEB meeting to be resolved.

9.) Executive Session – none

10.) Adjourn - Mike Eisele made a motion to adjourn. Alan Blume provided a second. The motion passed unanimously. The meeting adjourned at 1127.

The Commission's next public meeting is scheduled for **10:00 a.m. on Tuesday October 16, 2012 at the Coast Guard Sector Long Island Sound in New Haven, CT**

William Gash
Chairman, Connecticut Pilot Commission