

**Connecticut Pilot Commission
Summary Report June 18, 2013 Public Meeting
Coast Guard Sector Long Island Sound
New Haven, CT**

1.) The public meeting was called to Order at 10:03 a.m. by the Chairman, Bill Gash. Pilot Commission members Chuck Beck, Alan Blume, Bill Borek, Mike Eisele and Phil Gaughran were also present. Also attending were CDR Amy Beach, CWO JT Green, Tom Dubno, Charlie Jonas, Dave Rossiter and Alan Stevens.

2.) A motion was made to approve the summary report of the May 21, 2013 meeting by Mike Eisele and seconded by Bill Borek. The motion passed by unanimous vote.

3.) Public Comments – Charlie Jonas announced that an accommodation had been reached between the Sandy Hook Pilots and the Connecticut State Pilots on a boat launch service in the western end of Long Island Sound. CSP will pay a monthly \$300 fee for access to the SHP launch.

Tom Dubno stated that New Haven recently dedicated a new fire boat named the Nathan Hale. The boat was purchased using a Port Security Grant. The boat will be co-managed by the NHPD and the NHFD. Terminal operators have donated funds towards a fuel account for the boat.

4.) U.S. Coast Guard – CDR Amy Beach advised that CDR Heather Morrison had reported for duty to CG Sector Long Island Sound relieving CDR Holy Najarian. She also reminded all that the CG Sector LIS change of command ceremony is scheduled to take place on Friday 6/28/2013. CDR Beach advised that the federal sequestration would be affecting the CG's ability to respond to discrepant aids to navigation. Corrections to discrepant ATON could take longer. She also reminded all that the CG Base was a restricted area and asked the members of the CPC and guests not to wander around before or after a CPC meeting. She emphasized that she was the POC for any and all issues related to waterways management. Chairman Gash apologized for any past indiscretions.

CWO JT Green, CG Sector LIS ATON Office, provided an update on the Port Jefferson Range Light starting with the circumstances that have led to the current attempts to restore the light. The former traditional two light range had to be disestablished when the city owned pier that hosted the front range light was removed. With no ability to mount a front range light, the CG replaced the rear range light with a narrow beamed (2.5 degree) directional light. Unfortunately the narrow beam required to keep a vessel in the channel also has a limited range of 1 mile during the day. The entrance jetties extend approximately 2 miles. Thus, mariners cannot see the directional light during the day. The light can be seen approximately 3 miles out during the night. CG Sector LIS is pursuing solutions including mount a day board on the rear range light. However, locating a front range light has the same issues as mounting a front range light. The 1 mile directional light could be replaced with a 20 mile light but the arc would increase to an unacceptable 5 degrees. In response to a question as to who is designing the replacement solution, CWO Green said that he with support of CCGD1 (oan) were working on solutions. He added that reestablishing the range is considered a benefit not a requirement since the restricted channel starting at the head of the jetty is less than 2 miles. Charlie Jonas advised that the only time a pilot brings a commercial cargo vessel into Port Jefferson is during the day and postulated that what is needed is a day board on the rear light location and something similar on the face of the pier. CWO Green stated that the CG does not own the pier thus, there are leasing issues as well as labor and costs to consider. He added that it could be a 3 year process to obtain a lease, design and construct the proper aid. The discussion ended with CWO Green stating that despite budget cuts, CG Sector LIS has maintained a 98.6% reliability factor on all of the assigned ATON.

5.) Rotation System Administrator Report – No report offered.

6.) Rotation System Executive Board (RSEB) Report - Phil Gaughran stated an RSEB meeting had not been held since last month so there was nothing new to report.

7.) Connecticut Department of Transportation – After Alan Stevens and Dave Rossiter advised they had nothing to report, Chuck Beck provided an update on the Northeast Region Ocean Council (NROC) meeting that was held on Thursday June 13, 2013 in New Haven. Of concern was there were no representatives from the maritime trades/industry at the meeting. He advised that he had sent an email to the combined CTMC and CPC email distribution that contained the NROC draft plan as well as links that could be used to submit recommended changes (edits, reprioritizations, etc) to the draft plan. Beck encouraged all to review and participate in the NROC process. CDR Beach added that a potential conflict relative to use of the water sheet within CG Sector LIS is a plan to build a floating LNG terminal 15 miles south of Jones Beach Long Island NY. The potential site will be on the border of COTP LIS and COTP NY so it is likely that CG Sector NY will have the lead. Alan Blume added that the proposed LNG facility south of Jones Beach has a different sponsor than the former Broadwater proposal for a similar LNG terminal in LIS. He added that he has reason to believe that the new proposal will involve the creation of an off-shore artificial island placed between the Ambrose Traffic Separation Lanes.

8.) Executive Session: None called.

9.) Continuing Business:

A. Investigative Processes for Marine Incidents/Accidents – Alan Blume led the discussion on the statutory requirement for the CPC to investigate marine casualties/incidents and the lack of resources to do so. It is clear in CGS 15-13c(g) that among other things, the CPC shall review and investigate any marine incident or casualty and conduct hearings to determine the causes of any such incident as well as investigate and make recommendations on disciplinary measures, including such measures as letters of caution, admonition or reprimand and licensure suspension or forfeiture, including disciplinary matters relative to alcohol or drug abuse. The Statute allows the CPC to retain an independent investigator to compile a comprehensive factual record of any marine incident or casualty. However, the CPC is not provided with any resources (budget) to retain such a service. Blume offered that there were three possible paths to pursue relative to investigating any marine casualty/incident:

(1) CPC needs to develop rules/procedures/regs on how it would conduct an investigation.

(2) The CGS needs to be amended to place shift the responsibility for marine casualty/incident investigation from the CPC to the CTDOT.

(3) Maintain the status quo: CPC maintains responsibility but does not have implementing regulations or process

Blume stated that the status quo (#3) was no good in that it continued to place the CPC and the state in jeopardy should a casualty/incident occur in CT waters and/or that involves a CT state licensed marine pilot. With respect to option #1, it was stated that the CPC did not have the personnel or budget needed to conduct a proper investigation. It was pointed out that a marine casualty/incident would also lead to a CG investigation but that the focus of the CG investigation and that of the state licensing authority are most often different. It was also stated that the difference in focus could present problems in sharing information between the two investigative bodies. It was reported that an effort to conduct joint investigations with the CG in the lead made between CG Sector NY and the NY Board had been terminated for unknown reason by the CG and is not likely to be resurrected. Thus, Alan Blume recommended the CPC pursue option #2, change the statutory requirement to conduct investigations from the CPC to the CTDOT. Pros and cons of options #1 and #2 were discussed. Casualty/incident investigations take time to investigate and process the report. The CPC only meets monthly and is comprised of non-paid volunteers. DOT is the regulatory body for pilotage and has full time paid employees. The CPC is independent by design. CPC is not currently capable to meet the statutory responsibility. CTDOT

is not properly resourced. The CPC helped establish the current statutes and regulations. Either way, rules, regulations and policy documents need to be created to define the marine casualty/incident investigative process. Mike Eisele expressed concerns with the CPC recommending abdicating current statutory authority to the DOT. There was also some discussion on the definition of a marine casualty/incident focused on the reporting threshold.

Chuck Beck proposed a modified #1 solution. The idea would be to have the CPC retain the current statutory responsibility/authority to conduct an investigation but request the needed resources from the DOT to do so. The idea would include the DOT having one of more marine casualty investigators on retainer to be activated and as needed. The activated investigator would work through the CPC who would review and report recommendations to the DOT. After some additional discussion, Alan Blume made a motion for the CPC to seek the resources needed to fulfill its marine casualty/incident investigative responsibility as specified in CGS Section 15-134c(g) from the CTDOT. Mike Eisele provided a second. Discussion on the motion included a review of what is done by the NY Board providing some examples of types of incidents that have been investigated in the past, and a re-statement of the need to establish rules and procedures for the investigative process. All agreed that a CPC investigation should focus on pilotage/pilot related issues. Alan Blume believed that the CPC could commit to developing guidelines but only after the DOT made a commitment to provide the necessary resources. It was suggested that if the motion passed, the CPC would need to clearly state the problem to the DOT Commissioner and request the needed resources be provided. There would be no need for legislative or regulatory action. Mike Eisele suggested a letter from the CPC be sent to the DOT Commissioner. A vote was taken and the motion for the CPC to seek the resources needed to fulfill its marine casualty/incident investigative responsibility as specified in CGS Section 15-134c(g) from the CTDOT was approved unanimously. Mike Eisele offered to draft the letter. Alan Blume offered to provide a list of the provisions needed. The draft letter would be circulated among the CPC Commissioners prior to the July meeting. The Chairman asked Chuck Beck to discuss the issue with the DOT Commissioner in advance of the letter. He also asked that the Investigative Process be kept on the agenda to track the progress.

B. Apprentice Pilot Training Report - Phil Gaughran announced that both of the apprentice pilots (Scott Esposito and Sean Bogus) had resigned from the program via email. In response to a question, Phil stated that Esposito had taken a job with Moran Towing. Sean Bogus had decided to seek a NY State pilot license. That led to a discussion on the inequality between obtaining a CT and NY license to pilot in Long Island Sound and the MOA waters. It is believed that the NY Board will grant a license to a person who holds a Federal 1st Class Pilot license for the LIS and any of the ports covered by the MOA which include CT's three deep draft ports. The trip requirement is concurrent with the trips required to obtain the Federal license. CT DOT requires the same Federal 1st Class Pilot license but also requests a minimum 12 round trips (24 single trips) as a pilot of record or 24 round trips (48 single trips) as an observer or a combination thereof after being selected as an apprentice. The trips are required in addition to the trips made associated with the Federal license. Charlie Jonas claimed that there is a double standard involved. He added that the MOA does not agree law, the CGS, with the with respect to licensing pilots for CT's harbors. In response to questions about ship activity, Jonas stated that 5-years ago there were 563 ship movements in LIS/CT waters. Last year there were 160. He added that a full share pilot is making about \$120K gross (before deductions). In response to a question about what the fix might be Alan Blume offered a 2 prong solution: 1) increase the ship availability to make more rides available over a shorter period of time. 2) Change the number of required trips and/or the method of making the trips; i.e. simulator. The Chairman stated that the elephant in the room was the apparent disparity between the licensing requirements between CT and NY for the same body of water.

C. Recency Requirements – The discussion about trips related to acquiring a CT state marine pilot license segued into a discussion about recency requirements. After reading an excerpt from the CT/NY MOA, Mike Eisele questioned the wisdom of diluting the CT

licensing/recency requirements. CT has more stringent requirement than it takes to obtain/retain a Federal 1st Class pilot license. CT has a more stringent requirement than it takes to obtain a NY state marine pilot license at least for LIS and the MOA waters. In response to a question about abdicating licensing authority to the Federal government, Chuck Beck offered an admittedly poor statistical analysis (sample of one example) of the potential outcome of reducing the requirements. He referenced the CPC recommendation to the DOT Commissioner to allow trips made by an apprentice before entering the apprentice training program to count towards the trips required by the training program. That newly licensed pilot is the only person to have experienced a grounding entering New Haven harbor. In response to a question from Mike Eisele to Phil Gaughran about the origin of the 12/24 ride requirement, Phil stated that the number of trip were set to make it more difficult (exclude) for others to become a CT Licensed pilot. Charley Jonas reminded all that use of a computer simulator would be for recency not to be used for trips towards an original license. Chairman Gash tabled further discussion. He asked that the Recency Requirement item be dropped from the agenda under Old Business in lieu of a new item on the agenda under New Business for the next CPC meeting: CT State Marine Pilot Licensing Requirements.

D. Pilotage Rates and Fees – Status of Pilotage Rate Increase Regulation - Chuck Beck reported that the Regulatory Review Committee had scheduled a hearing on July 23rd. The hearing would be held in an as now undetermined hearing room in the LOB at an as for now unspecified time.

10) New Business:

A. Connecticut Statewide Port Authority – Chairman Gash reported that the proposed legislation to create a Connecticut Port Authority (CPA) had passed the State Senate as HB 1043 but not the State House. He related that the Bill experienced a delay in the Senate caused by an erroneous report from the Office of Fiscal Analysis (OFA) that language inserted in the Bill to exempt from tax the gross earnings derived from the first sale of the a list of petroleum products within the state would have a negative \$5M impact on state revenues. In actuality the impact would be no more than a negative \$50K. It took approximately 2 hours to rectify the error. The delay shortened the period the House had to consider the Bill before the close of the session. Thus, the Bill was not acted upon. The Chairman stated that the Bill will be reintroduced acted upon early in the next (2014) legislative session.

11.) Adjourn - Prior to adjourning and in response to a question, the Chairman asked that P.O.R.T.S. be added to the agenda for the next CPC meeting. A motion was made by Alan Blume to adjourn. The motion was seconded by Bill Borek and passed by unanimous vote. The meeting adjourned at 1137.

The Commission's next public meeting is scheduled for 10:00 a.m. on Tuesday July 16, 2013 at the U.S. Coast Guard Sector Long Island Sound in new Haven, CT