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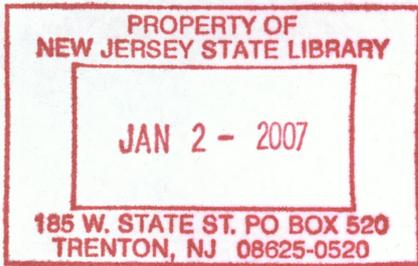


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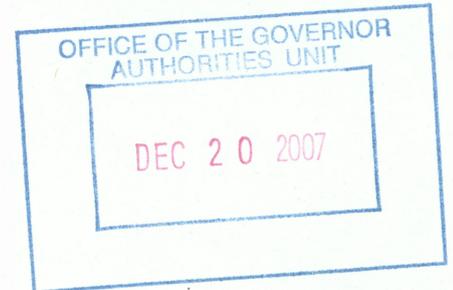
Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
November 20, 2007

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 16, 2007 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Timothy J. Dacey called the meeting to order at 10:12am.



Pledge of Allegiance



Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Thomas F. Daly, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, present; Commissioner Richard I. Amster, present; Commissioner Joseph Azzolina, present.

Minutes of Prior Meetings

On a motion by Commissioner Daly and seconded by Commissioner Wowkanech that the minutes of the October 16, 2007 regular meeting be approved. All voted in favor.

Treasurers Report

On a motion by Commissioner Wowkanech and seconded by Commissioner Daly that the Treasurer's report dated October 2007 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of a letter written to John Paff, Chairman of the New Jersey Libertarian Party in response to his OPRA request.

The Commissioners were given a copy of the open ad for Docking Pilot apprentice applicants that was placed in the December issue of Workboat Magazine and the January issue of

New Jersey State Library

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Professional Mariner Magazine. The applications will be updated and available on the Commissions website the date the publications hit the newsstand.

The Commissioners were given a copy of an incident report from the New York Board involving Captain Frank Boslet a New Jersey licensed pilot currently serving on the Hudson River. As in the past, the incident will be investigated by the New York Board. Mr. Licata will keep the Commission updated on the status of the investigation.

The Commissioners were given a copy of the Sandy Hook Apprentice Training Report.

The Commissioners were given copies of several emails circulating regarding the AKRR Bridge issue.

Mr. Licata will draft a letter to our Congressional delegation indicating the Commissions support for more VTS personnel and the flexible openings/closures of the bridge.

The next AMSC members at large meeting is scheduled for December 18, 2007. The focus of the meeting will be the TWIC rollout in New York, New Jersey and the port of Albany.

The Commissioners were given copies of a letter from Captain John Oldmixon regarding the rescue efforts of the crew of the Pilot Boat New York on October 20, 2007 in response to a capsized pleasure boat in the Ambrose Channel.

The Commissioners were given copies of the Port Authority 2006 Trade Statistics. The report shows a continuing increase in cargo tonnages.

Mr. Licata and Commissioner Wiklinski attended the Port Economic Brief hosted by the Port Authority. Dr. Norman Braverish was the keynote speaker. Dr. Braverish predicted a 5.7% volume increase in the Port of New York.

The Commissioners were given a copy of an article provided by Commissioner Amster from the New Jersey Lawyer regarding Port Security.

The Commissioners were given a copy of an article entitled **Pilot Terror** from Bob Couttie's Maritime Accident Casebook.

The Commissioners were given information on a newly released DVD by the American Club entitled **Stranger on the Bridge**. Mr. Licata has contacted the organization to obtain a copy.

The Commissioners were given copies of an article from the Professional Mariner Magazine regarding the use of helicopters to board ships.

The Commissioners were given copies of a notice of appeal from Captains Baker, Pinto and Hershey regarding their appointment as docking pilot apprentices.

The Commission has requested that Sandy Hook appoint a pilot to the Commission's Safety Committee.

Public Comment

Report from Captain Richard Schoenlank -President, The New Jersey Sandy Hook Pilots Association:

The test period for lowering and raising the bridge for rail operations comes to a close on November 22, 2007. To date VTS has been monitoring the operation of the bridge in relation to the movement of marine traffic. At a meeting of the port partners a clear need was communicated to Admiral Tim Sullivan for additional personnel at VTS to monitor the AKRR Bridge. At a follow-up meeting of pilots, pilot agencies, associations, etc. it was determined that total flexibility of the operation of the bridge with no set openings/closures was the best solution for everyone. This was communicated in a correspondence sent to the USCG under the signature of Rick Larrabee.

An announcement was made at the November 19, 2007 Harbor Ops meeting by VTS that since no additional personnel has been received to continue monitoring the bridge the only option would be to revert to a total fixed schedule with no flexibility.

The Committee is anticipating a big crowd at the next AMSC meeting on December 18, 2007. The contractor working on TWIC will be there to answer questions.

MOT and Bayonne Outreach Development Authority have dedicated 156 acres to the Port Authority. The bidding has been reopened to bidders willing to pay a higher price.

Dredging is taking place at the Jersey Flats. The dredging with a resulting channel shift has caused concern regarding the impact of surge and damage to ships docked in the area.

The crew of the Pilot Boat New York responded well to the fishing tragedy on October 20, 2007.

On November 3, 2007 a ship, without a pilot, struck the Ambrose light. The light is probably totaled. It has been replaced by a temporary buoy, which may become permanent if the tower is not repaired or replaced.

Comments from Edward Kelly, Executive Director, the Maritime Association of the Ports of New York/New Jersey:

When the rollout of the TWIC begins, there will be mobile stations set up for companies with 50 or more employees.

The Maritime Association has passes for anyone wishing to attend the Security Expo at the Jacob Javitts Center on November 27-28, 2007.

The Maritime Association offered the Shipping 101 course during the week of November 5-9, 2007. 18 people attended the course. They plan to offer the course every spring and fall.

Comment from Simon Zorovich, Docking Pilot, McAllister Towing of New York:

Captain Zorovich chaired a committee that was put together to check into the surge issue in relation to the dredging at Jersey Flats. The committee contracted a professor on Hydro Dynamics from Stevens College to study the issue.

Comment from Michael Riley, Manager, The Office of Maritime Resources:

Dredging will begin in the Port Jersey Channel in early December.

Resolution #07-14 amending Resolution #07-08

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster Resolution #07-14 amending Resolution #07-08 was passed. All voted in favor.

Committee Reports

B. Investigation Committee:

- I. **New Delhi Express** - 4/15/06 - Bottom Strike. See Executive Session.
- II. **MSC Mexico** - 10/18/07 - Power Loss. Based on the attached report, Commissioner Dacey recommended that the pilot be issued a letter of non-culpability. A

motion was made by Commissioner Daly and seconded by Commissioner Amster to accept the recommendations. All voted in favor.

- III. **M/V Zim Xiamen** - 11/7/07 - Allision. This incident is still under investigation by Commissioner Daly and has been carried.
- IV. **CMA CGM Seine** - 11/8/07 - Loss of Engine Power. This incident is still under investigation by Commissioner Dacey and has been carried.

Old Business

Commissioner Daly presented the Commission with the attached article from the Maritime Executive. The article entitled **Difference Life and Death** attributes the loss of life of pilots that fall overboard at sea to the inability of crews of the rescue boats.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss personnel, litigation, and occurrence investigation matters.

WHEREAS, the Commission desires to retire to closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy.

A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski the Commission went into Executive Session.

All voted in favor.

The Commission took a five-minute break at 10:58am.

Return to Public Session

A motion was made by Commissioner Amster and seconded by Commissioner Wiklinski that the Commission return to Public Session. All voted in favor.

The Commission returned to Public Session at 3:00pm.

Adjournment

A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 3:05pm.

Executive Session
November 20, 2007

The Commission reconvened for Executive Session at 11:05am.

Litigation Matters

DAG, Rick Little gave the Commission a brief summary on the notice of appeal received from Docking Pilot Apprentices, Baker, Hershey and Pinto.

Appearance of Maritime Pilots

Captain C.A. Massey - Piloted 177 vessels on the Regular New York (144); Hell Gate (2); and Perth Amboy (19) Boards. All licenses are up to date. Received signed physicians statements, that the pilot is competent for duty. Absent 0 days.

Captain Massey attends Commission meetings for New York and New Jersey, prepares documents for the Long Island Sound rotation, is a member of Sandy Hook's Laptop Committee and maintains updates on navigation computer software.

Captain Massey states that difficulties are being worked out in the Long Island Sound.

Captain Massey feels that his workload is just right and wouldn't mind working more.

Captain F.E. Reil - Piloted 195 vessels on the Regular New York (173); and Perth Amboy (22) Boards. All licenses are up to date. Received signed physicians statements, that the pilot is competent for duty. Absent 0 days.

Captain Reil reported that security is still an issue in terminals.

Captain Reil expressed his frustration over pilots not being able to order a tug when needed.

Captain T.J. Ferrie - Piloted 166 vessels on the Regular New York (120); and Perth Amboy (46) Boards. All licenses are up to date. Received signed physicians statements, that the pilot is competent for duty. Absent 0 days.

Captain Ferrie is the East Coast Regional Representative for I.O.M.M.&P. Pilot Group, President of the Marine Society of the City of New York, Trustee of the Sailor's Snug Harbors Trust NYC, and Councilman of the Point Pleasant Borough in New Jersey.

Captain Ferrie was invited to attend the Homeland Security Conference. The key topic of discussion was recreational boaters blocking the channel.

Captain F.J. Boslet - Piloted 47 vessels on the Hudson River. All licenses are up to date. Received signed physicians

statements, that the pilot is competent for duty. Absent 0 days.

Captain Boslet reported that traffic is increasing on the Hudson River.

Captain T.J. Keating - Piloted 234 vessels on the Regular New York (191); and Perth Amboy (43) Boards. All licenses are up to date. Received signed physicians statements, that the pilot is competent for duty. Absent 0 days.

Captain Keating feels that his workload is okay.

Appearance of Docking Pilots

Captain P.T. Harris - Docked/Undocked/Moved 382 vessels. All licenses are up to date. He received signed physicians statements indicating that he is competent for duty. Absent 64 days due to knee surgery.

Captain R.A. Moore - Docked/Undocked/Moved 399 vessels. All licenses are up to date. He received signed physicians statements indicating that he is competent for duty. Absent 0 days.

Captain Moore was a part of the original committee that helped set up the lights on the Bayonne Bridge.

Captain L.R. Bettinelli- Docked/Undocked/Moved 105 vessels. All licenses are up to date. He received signed physicians statements indicating that he is competent for duty. Absent 0 days.

Captain Bettinelli is the President of the Interport Pilots Assoc and serves in the following capacities: Harbor Ops and related sub committees, The Area Maritime Security Committee and the Maritime Association.

Captain T.A. Farrell - Docked/Undocked/Moved 470 vessels. All licenses are up to date. He received signed physicians statements indicating that he is competent for duty. Absent 0 days.

Captain Farrell pilots approximately 30-40 ships per month and feels that his workload is average.

Captain R.K. Ellis - Docked/Undocked/Moved 429 vessels. All licenses are up to date. He received signed physicians statements indicating that he is competent for duty. Absent 0 days.

Captain Ellis is the Director of the New York/New Jersey Harbor Pilots, LLC.

The Commission broke for lunch at 12:25pm.

The Commission reconvened at 1:24pm in Executive Session.

New Delhi Express

Captain John Bates, along with his counsel, appeared before the Board to answer questions regarding the New Delhi Express Incident. Captain Bates was sworn in by a court reporter.

Present during the question and answer session were: James Mercante, Counsel for Captain Bates; Sandy Bybel, Court Reporter; Rick Little, DAG; Commissioners Dacey, Daly, Amster, Wiklinski and Wowkanech; Charles Licata, Executive Director; and Andre Stuckey, Administrator.

Return to Public Session

A motion was made by Commissioner Daly and seconded by Commissioner Amster that the Commission return to Public Session. All voted in favor.

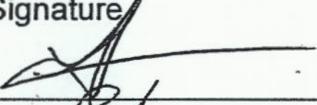
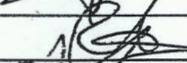
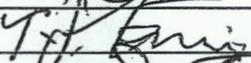
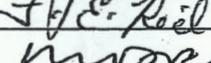
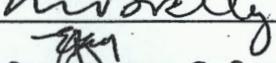
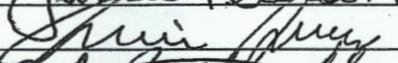
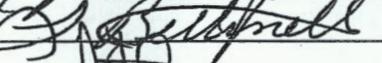
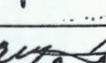
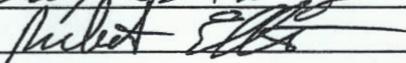
The Commission returned to Public Session at 3:00pm.

The New Jersey Maritime Pilot & Docking Pilot Commission

One Penn Plaza East * 9th Floor * Newark, NJ 07115

Monthly Meeting Attendance Record

November 20, 2007

Print Name	Signature	Affiliation
1. THOMAS FARRELL		METRO
2. R.A. Mave		MCA
3. Timothy J. Ferris		S.H. Pilot
4. THOMAS KETTING		SH PILOT
5. Rick Schoenlauk		NJ Sandy Hook Pilots
6. F. EIREIL		NJ Sandy Hook Pilots
7. Mike Riley		NJDOT
8. ED KELLY		MAPONY/NJ
9. JAMES PETERSON		N.J. SHIP REG
10. SIMON ZORNICH		NY/NJ HARBOR PILOTS
11. Lou Bettinelli		Interport Pilots
12. B. HARRIS		W.E. Allison
13. PHOENIX		
14. CAMASSEY		Sandy Hook
15. R. ELLIS		NY/NJ Harbor Pilots
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RESOLUTION AMENDING RESOLUTION #07-08

WHEREAS, the New Jersey Maritime Pilot and Docking Pilot Commission passed Resolution # 07-08 at its September 18, 2007 regular meeting; and

WHEREAS, a review of the Commission's records show that an anniversary date for merit increases for the Administrator has been established as January 1st of the calendar year.

NOW, THEREFORE BE IT RESOLVED by the New Jersey Maritime Pilot and Docking Pilot Commission that, Resolution #07-08 be amended as follows: The effective date of the Administrators merit increase is January 1, 2008. All other terms of Resolution #07-08 remain in full force and effect.

RESOLUTION SETTING STAFF SALARIES

WHEREAS, the New Jersey Maritime Pilot and Docking Pilot Commission employs an Executive Director and Administrator; and

WHEREAS, the Commission hired the Executive Director and Administrator on a full time basis on October 1, 2004 and

WHEREAS, the Commission's Administrator has received minimal salary increases since that time; and

WHEREAS, The Commission's Executive Director has, due to state budgetary concerns, not received a salary increase since October 1, 2004, and

WHEREAS, the Commission's Executive Director and Administrator have performed their job duties in an exemplary manner, implementing the licensing of Docking Pilots, updating the Commission's procedures and regulations and otherwise establishing a more professional and responsive Commission, and

WHEREAS, a review of the Commission's budget permits granting of a modest raise to staff to be effective on October 1, 2007.

NOW, THEREFORE BE IT RESOLVED by the New Jersey Maritime Pilot and Docking Pilot Commission that, effective October 1, 2007, a merit salary increase be given to the Executive Director in the amount of 6% and to the Administrator in the amount of 5%.

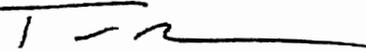
Memo to: The New Jersey Maritime Pilot and Docking Pilot Commission
From: Commissioner Timothy Dacey
Re: MSC Mexico incident of October 18, 2007

On Thursday, October 18, 2008, Docking Pilot Captain Frank Reinbold was assigned to assist in shifting the MSC Mexico from Berth 58 to Berth 72 at Port Elizabeth. The MSC Mexico is a 789' long, single screw containership. Captain Reinbold boarded the vessel at 0910. At about 0930, while shifting the vessel, it lost power. Captain Reinbold continued the shift with the tug Catherine Turecamo and safely docked the vessel at Berth 72 at 1010.

The MSC Mexico regained its power after the shift was completed.

Since there was no damage to either the vessel or dock and since Captain Reinbold safely completed the shift, I recommend that a letter of non-culpability be issued to him regarding this incident.

Respectfully submitted,



Timothy J. Dacey



THE NEW JERSEY MARITIME PILOT & DOCKING PILOT COMMISSION REPORT OF MARINE OCCURRENCE

Instructions: This report must be completed and faxed to the Commission's office at (973) 491-7693 not later than seventy-two hours after the Occurrence. In the event you are directed by the Coast Guard to appear for an interview, advise the Commission as soon as you know the date time.

Pilot Information

Name: FRANK REINOLD
(print)

Home address: 5 Fox Hollow Way Ansonia, NJ 0782

Email address: NYDOCKINGPILOT@gmail.com

Office phone: _____ Home Phone 973-574-7585 Cell phone 973-219-7670

Affiliation: METRO Pilots
(e.g. Sandy Hook Pilot, Metro Pilot, etc.)

Vessel Information

Name: MSC MEXICO Type: CONTAINER
(tank, container, etc.)

Flag: LR MONROVIA Port Agent: N/A
(name and telephone number)

Running Gear: SINGLE / FIXED Engine(s): DIESEL
(single, twin, azipod, fixed, variable, LH, RH) (diesel, turbine, diesel/elec., hp, or kw)

Drafts: Forward 28' aft 31' air _____ ballast: _____
(loaded, full, partial)

Length: 789' Breath: 106'

The Occurrence

Date, time and location of your boarding the vessel: 10/18/07 - 0930 - Port ELR CA

Time and location that you assumed the con: 0910 BERTH 58

Nature of Occurrence: POWER LOSS
(collision, grounding, allission, power loss, steering loss, near miss, etc.)

Passage segment: PORT ELIZ CHANNEL - SHIFTING SHIP SP-72 ELIZ
(e.g. Ambrose to KVK, berth to anchorage, etc.)

Location of Occurrence: PORT ELIZ CHANNEL
(e.g. KVK between buoys ___ and ___, latitude ___ longitude ___)

Date: 10/18/07 Time: APPROX 0930

Wind: from: SOUTH velocity: 10 KTS gusts: N/A
(degrees) (knots) (knots)

Visibility: CLEAR Weather conditions: CLEAR
(distance) (clar, rain, fog, etc.)

Tide: FLOOD Current: NEGLECTABLE
(e.g. 1 hour after low water at the Battery) (e.g. 100 degrees at 2 knots)

If a collision: Name and description of other vessel: N/A

Pilot by: _____ Damage: _____

Damage to other property, if not a vessel: _____
(describe property and damage)

Damage to vessel you were aboard: _____

Personal injuries: _____
(location of persons at time and extent of injuries)

Did the Occurrence result in any discharge into the water: _____
(if yes, identify substance)

Name and addresses of all witnesses and locations at time of occurrence: _____

Full details of the Occurrence: (use additional sheets if necessary to give a full description, include a sketch or sketches. Sketches need not be to scale)

ORDERS TO SHIP MASC. MEXICO, A 787' CONTAINER SHIP
FROM BEATH 58 to BEATH 72 PORT ELIZABETH. WHILE
SHIFTING SHIP LOSE ENGINE POWER. I CONTINUED
WITH TUG ASSIST (CATHARINE TURCOMO) and Completed
the DOCKING without INCIDENT. SHIP WAS SECURED
at BEATH 72 AT 1010. OF COURSE SHIP REGAINED
POWER AFTER JOB WAS COMPLETED!

In Your opinion, what were all of the causes of this Occurrence:

n/a

Notifications

Coast Guard notification: _____ date, time of notice: _____

Name of person giving notice: _____ method: _____
(VHF, landline, other)

NJ Commission notification: 10/18/07 1020 ^{MS} ^{ANDRE} date, time of notice: _____

Method: Phone
(telephone, fax, state number called or faxed)

Tests

Alcohol test, date, time and place: _____

Drug test sample collected, date, time and place: _____

Tracking Device

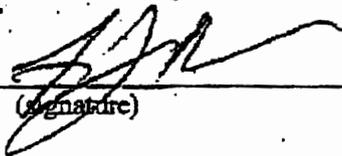
Was a carry on lap-top chart computer being used at the time of the Occurrence? _____

Was the tracking capability activated? _____ Was the track preserved? _____

Present location of the device and preserved track: _____

If currently available attach hereto: alcohol-testing form with results; evidence of drug test sample taken; pilot card; copy of deck log; copy of bell log, copy of deck log, copy of maneuvering card, copy of course recorder, photos.

The undersigned hereby certifies that to the best of his/her belief the information herein is true and correct.

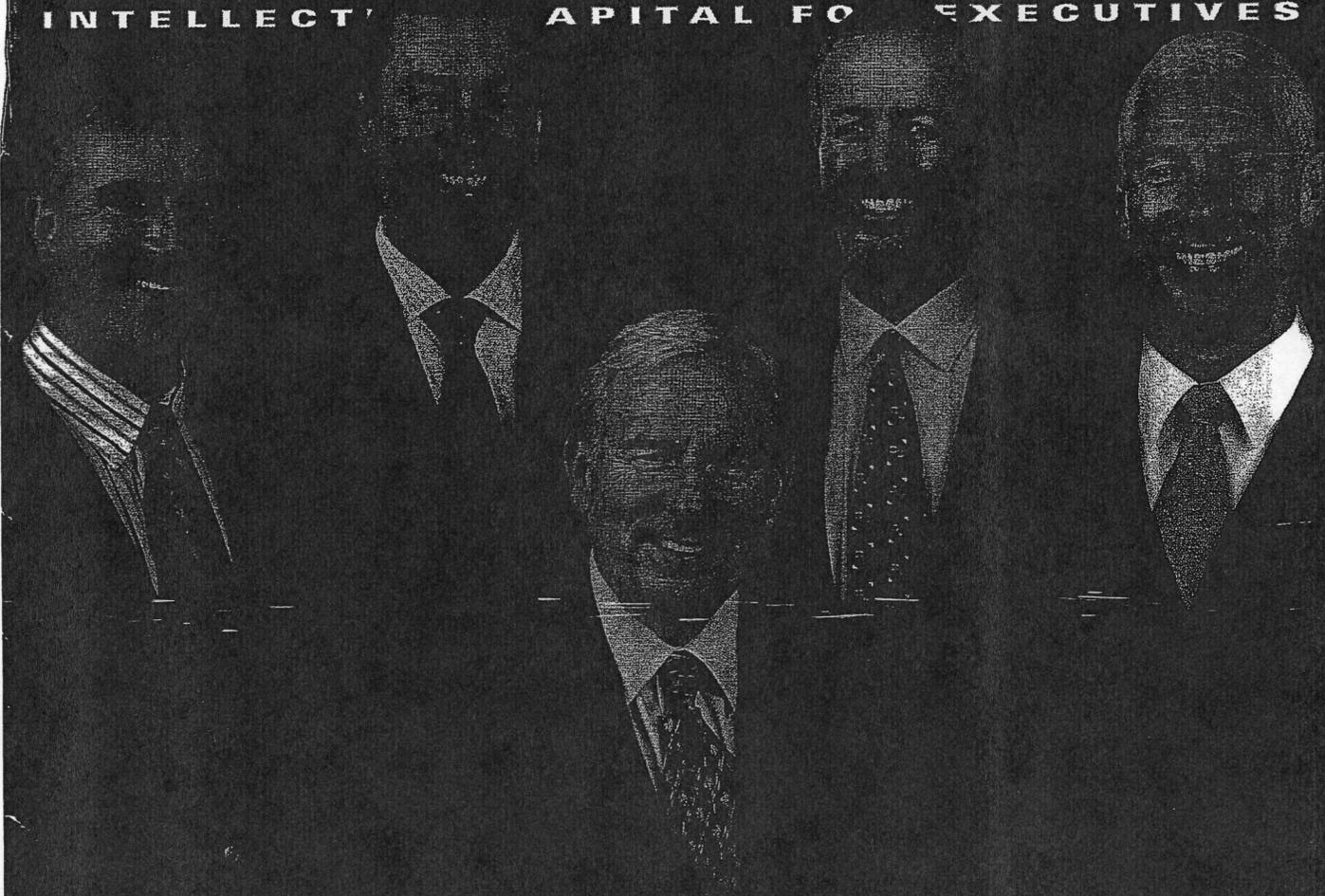
Pilot: 
(signature)

Date: 10/18/07

October 2007

The MARITIME EXECUTIVE

INTELLECT CAPITAL FOR EXECUTIVES



MITAGS/PMI

Maritime Institute of Technology and Graduate Studies/Pacific Maritime Institute

(From Left):

- John Scragg, Director of Training - PMI
- Glen Paine, Executive Director - MITAGS/PMI
- Walter Megonigal, Director of Training - MITAGS
- Gregg Trunnell, Director - PMI
- Robert Becker, Business Development Manager - MITAGS



Sobering Statistics

In January of 2006, a veteran harbor pilot died in Hawaii when he fell from a ladder after piloting a cruise ship out of the harbor. After falling in the water, he was hit by the pilot boat. In the same month, a Columbia River Bar Pilot lost his life on the job when he tried to disembark from a log carrier he had finished guiding during a storm. As he attempted to make the leap to a smaller shuttle boat that would return him to land, he went overboard and drowned. His body was finally recovered almost two days later. The Columbia River case is now mired in litigation.

In February of this year, a Chesapeake Federal Pilot fell as he attempted to board a U.S.-flagged tanker on a cold, icy winter evening. Another accident this year, involving a Texas-based pilot boat carrying two pilots back from an assignment in the U.S. Gulf, resulted in the drowning death of one individual. While returning from a Gibraltar-flagged research vessel, the pilot boat ran into trouble, and another pilot boat in the area sent a Mayday call. The U.S. Coast Guard (USCG) responded and was able to rescue one pilot in rough waters just south of the Galveston Jetties. The body of the other pilot was later located and recovered by a commercial dive team about three miles south of the Galveston Jetties. Both pilots were affiliated with the Texas City-Galveston Pilots Association. There was no immediate reason given for the capsizing of the 1983-built, 57-foot pilot boat.

In Boston, another pilot lost his life recently in a non-seagoing accident while his vessel was still alongside the pier. All of these incidents underscore the dangerous nature of the job, as well as the need to ramp up search-and-rescue capabilities while regularly performing local audits to ensure that responsible persons remain competent at these important tasks. Aside from the Boston incident, they all involved a man overboard and an unsuccessful attempt to rescue at least one individual. We will, in all probability, never know if one or all of the victims

of these accidents could have been saved with a more competent and vigorous response. Sadly, however, search-and-rescue is a skill which many organizations pay lip service to but few truly embrace with concrete action. It doesn't have to be that way.

U.S. Marine Pilots: Supremely Skilled and Well-Compensated – So, Where Is the Problem?

The job of marine pilot is arguably the most coveted position in the world for professional mariners, and especially for deck officers who continually work with them. And why not? In most places, pilots are the highest paid workers on the waterfront with pay scales that can rival a shipping company CEO's compensation. But pilots say they are worth the pay, given what is at stake as ships worth millions of dollars transport cargoes valued at hundreds of millions through congested waterways, narrow channels and treacherous tides. It is hard to argue with them.

The path to the "center window" in the wheelhouse is a long and arduous journey for most mariners, but the rewards for regularly guiding ships the length of four football fields safely to and from the berth are usually worth the effort. Though being a marine pilot usually means membership in a small, exclusive fraternity of men and women in a commercial region, it is common knowledge that pilots work under some of the most dangerous conditions known to man. In the past two years, no fewer than eight pilots – five right here in the U.S. – went to work and never returned. The fact that accidents occur in this highly industrial and weather-impacted business is not in itself news. On the other hand, some of these tragedies might have been averted had prior planning and rescue training for pilots been part of their basic curriculum.

According to the American Pilots' Association (APA), a national trade group of professional maritime pilots, there are approximately 60 groups of state-licensed pilots in the U.S., as well as the three groups of U.S.-registered pilots operating in the Great Lakes. There are also scores of federally licensed pilots (usually unaffiliated) guiding "enrolled tonnage" through the U.S. port systems. There are standards and regulations that govern pilotage in the U.S., and they are very stringent by design. The cold hard fact is it's not easy to become a pilot, not only in terms of achieving the required skill sets, but also in simply making it through the selection process, which can be a monumental task in itself. In stark



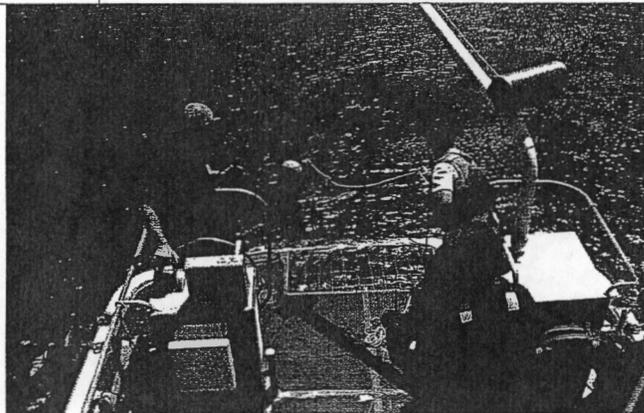
contrast, the regulatory pressure exerted by state and federal authorities to ensure adequate emergency response and rescue procedures for U.S. pilots, while well-defined, is arguably quite lax.

However, the pilot safety issue is finally beginning to get a lot more attention, and not just in the U.S. According to the International Maritime Pilots' Association (IMPA), "No fewer than eight pilots and IMPA members died in various incidents last year alone." In addition, as reported in the January 2007 issue of the IMPA magazine, The International Pilot, the International Maritime Organization's (IMO) Marine Safety Committee has approved a proposal to review the IMO requirements and standards for pilot ladders and other arrangements for pilot transfer.

Captain Gregg Farmer of the Boston Pilots Association recently told MarEx that part of the problem can possibly be traced to the enforcement of IMO standards regarding the proper use of equipment and the deployment of equipment by ships. "Port State Control is the key. Pilot boarding ladders have to be in compliance and must be deployed correctly off vessels," he said. Steve Wigely of Marine Rescue Consultants, LLC doesn't disagree, but also says, "What happens during a search-and-rescue operation is equally as important."

A Lack of Standards and Standardization

For the most part, pilot organizations have procedures for search-and-rescue of pilots or crew members ending up in the water. These procedures are rarely standardized because (a) there is a lack of standard pilot boat designs,



(b) operating environments are unique to every pilotage area, and (c) there are varying degrees of skill for pilot boat operators. As such, the argument that "my boat and operational environment are so unique that fundamental principles do not apply" is often heard in the wake of an incident. But Steve Wigely says, "After a mishap, this is seldom true." Since over the course of the last 24 months at least four of the five marine pilot deaths occurring in U.S. waters have involved men overboard and unsuccessful efforts to rescue them, he might very well be right.

The matter of safety can and does extend beyond the equipment being used. In Connecticut, worries over pilot safety at the Bridgeport Anchorage have prompted local pilots to use an "outside" launch service. According to Connecticut Pilot Commission meeting minutes, "Several pilots expressed concern over safety issues involving the Bridgeport launch service at the anchorage. Currently, the pilots use a competing launch service from New Haven at a substantial additional cost." Pilot officials are on record saying, "The launch proposed for use at the anchorage is deficient in its 'man overboard'

retrieval system, handrails, walkways, and means of egress." This issue remains unresolved and continues to be a matter for discussion at Connecticut Pilot Commission hearings.

On Long Island Sound, however, equipment deficiencies are just one of a myriad of headaches for local, so-called "Memorandum of Understanding" (MOA) pilots. These local pilots fall under the joint jurisdiction of both Connecticut and New York.

They have been negotiating and arguing about a pay raise for more than 24 years. Beyond that, there is no money allotted from the state of Connecticut for training, nor is there any real hope there will be in the near future. The Long Island Sound Pilots are easily the most poorly compensated and worst equipped in the United States. Furthermore, Connecticut remains one of the few – if not the only state – not to reimburse its state pilots for reasonable expenses related to the job.

Captain Vin Cashin of the Connecticut MOA pilots told MarEx that he was in the process of trying to obtain a "float coat" vest, which is a safety device that carries an emergency transponder to help locate a pilot if he accidentally falls into the water while boarding or disembarking from a vessel. "We may be able to get it from Rhode Island," said Cashin. Safety-conscious Rhode Island reportedly pays for the \$2,000 devices for all of its marine pilots. The vests are standard equipment elsewhere, but not on Long Island Sound, where pilots cannot afford the extra expense.

Recently, the prospect of the much-heralded arrival of a 1,026-foot Royal Caribbean cruise ship to the Port of New London, Con-

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necticut in September prompted Cashin and one of his fellow pilots to travel to Florida in order to get high-tech simulator training before the vessel's arrival. "It is important that we stay current with the newest technologies on these ships," said Cashin. He added that he had not been reimbursed for the trip or the training, which he stated was essential to ensuring the safety of the mega-ocean liner. Unspoken in all of this is the fact that Cashin and his colleagues are forced to choose between training for competency or trying to obtain rescue training for pilot boats that they do not own or even control.

There is good news, however, for all pilots, including those on a limited budget. Wigely's firm charges about \$1,000 per day for training, which usually lasts no more than four or five days. For pilots grossing as much as \$500,000 annually, the tab is a drop in the bucket when considering the downstream benefits of training, which can be amortized over as many as six pilots at once.

How It Works and Why It Does

Wigely calls for focused, standardized Rescue Training for Pilot Services in the same structured and logical manner in which he

conducts each of his training sessions. What he proposes for each and every pilot organization operating in U.S. waters makes a great deal of sense, especially since it is based upon years of experience in many small-boat regimens. Wigely and his staff lay out the case for formalized pilot rescue training below:

> Rationale for Rescue Training for Pilot Services

Standardized and formalized rescue training is clearly lacking at some pilot organizations. "Homegrown" procedures, currently in place, may or may not work, and may or may not be defensible afterwards. Some organizations – not just pilots – practice procedures that do not work in real life and are not in accordance with recognized principles. Professional boat operation organizations that will someday have a duty to perform rescue should conduct drills that will work in real life, that are referenced to known principles, and that are taught by professional trainers with an exhaustive background in actual water rescues.

> Benefits of Formal Training

Formal training compares well to an outside audit by testing procedures currently in use for

practicality and defensibility. The training also compares local practices with standardized procedures and establishes defensible references, as opposed to using the time-honored but rarely successful mantra of "We have always done it this way." Beyond this, the training is designed to prevent "devolution" or "procedure creep." Both homegrown and outside training will change over time without periodic refreshers or audits. Homegrown training is especially vulnerable because it had no standard reference at inception.

> Professional Training Provides Usable Curriculum and Instructors Skilled in Conveying It

Pilots get required, formalized training regularly at merchant mariner and union schools for very good reasons, and at a significant cost to these organizations. When the worst happens, their lives are in the hands of the pilot boat operator (and deck hand, if there is one). Providing equally professional training in rescue operations to pilot boat operators only makes sense, especially since a rescue boat operation is a rare occurrence for them. Most operators have rarely if ever been involved in a real-life rescue operation.

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> Training Provides Pilot Boat Operators With More Than One Option

The pilot boat crew (or sole operator, which can be the case at some pilot services) should know his or her practicable options and be able to perform them properly and immediately. Pilot boats are not standardized, and each pilot service operates in its own unique environment. Pilot boat operators are already expert in operating their boats and in their environments, but this can and is used as a specious argument: "My boat and environment are so unique that fundamental principles do not apply." After a mishap, this is seldom true. Instead, it is a fact that all pilot boats will utilize one of four modes of victim recovery. They are:

- A bow-on approach
- A stern-to approach
- A smaller boat launched from the pilot boat
- They will always have one or more persons aboard any of these boats.

Similarly, the environments in which the rescue will occur will always be:

- In open water
- In or near a hazard.

A body of knowledge, referenced procedures and shared principles apply to all of these situations.

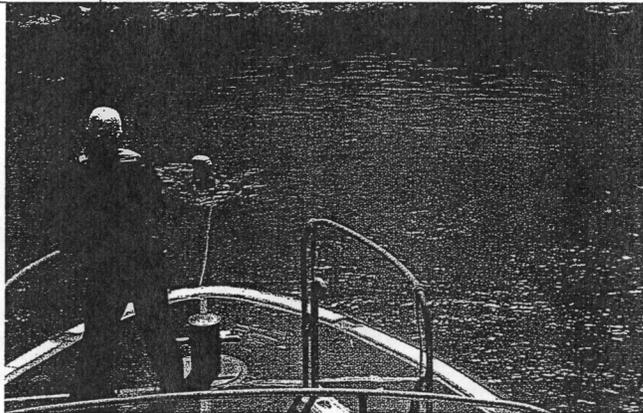
> Liability

After a mishap or fatality, there is always an investigation. Often, this is followed by legal action. In either case, the following questions are almost always asked and very early-on in the process:

- What training was provided to the boat operator and crew?
- Who did the training?
- How long ago?
- Were the procedures employed by the operator and crew IAW training?

> Risk Assessment and Team Coordination Training

In 1994, the USCG instituted "Risk Assessment and Team Coordination Training" nationwide. By 1997, mishap rates in small boat and cutter operations had declined by 71% compared to pre-1994 levels. Risk assessment training should also be implicit in formalized rescue boat training and can also be offered



independently. As a general statement, however, risk assessment and liability are two areas which should go hand-in-hand, with one meant to minimize the effects of the other.

> Search Patterns

Wigely says that "Search Patterns" are analogous to CPR – guidance changes two to three times per decade. Failure to learn how to do open water searches is equally analogous: Failure to update the training periodically is like failure to renew CPR training. Steve's experience is that very few of the clients he has trained – with the exception of Coast Guard personnel – have the slightest idea of how to conduct a search pattern in open water with a boat. Many do not even know that established procedures exist and almost universally expect to apply "common sense" to this essentially statistical problem. Familiarity with this subject is unobtainable except through formalized training and should be incorporated into an individualized SAR training program that is relevant to the type of boat, environment and personnel involved (per STCW).

Getting It Done: Use Any Qualified Trainer, But Do It, Without Fail

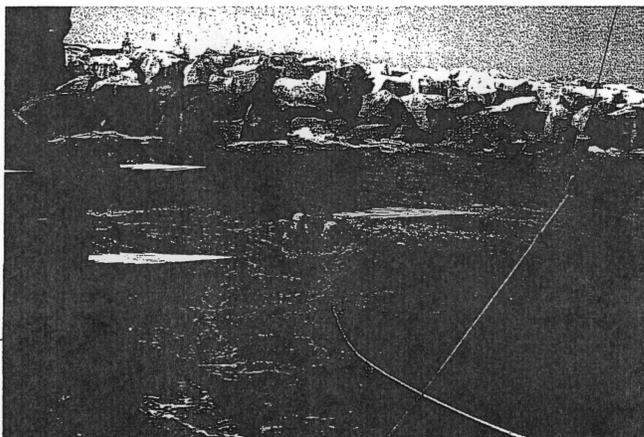
Steve Wigely makes his living doing one thing: He provides rescue training for pilot services and other similar entities where small-boat operations are an important part of the business model. As Wigely says, "This isn't part of a menu of fifty things that we do." He

also believes that the market for this type of training should be a large one and that every pilot service ought to have this kind of training, whether he does it or not. That having been said, Wigely has few peers in the business, both in terms of his depth of experience and his wide and varied client base.

Wigely started his business back in 1983 with his partner, both of whom were Marine Safety Officers at the City of Newport Beach,

California, Marine Safety Department. With 30 years of combined experience in ocean rescue, including rescue swimming and boat operations (30-foot, twin-screw surf rescue boat that made "stern-to" approaches to victims), he soon branched out into other areas. Initially specializing in Rigid Hulled Inflatable Boat (RHIB) and Inflatable Rescue Boat (IRB) training for the USCG, he has continued that relationship for more than 22 years. Over that period, he has conducted more than 1,000 training classes for the U.S. Coast Guard, the U.S. Army, the U.S. Marine Corps, Military Sealift Command, NOAA, and more than 100 U.S. Navy combat ships. Along the way, he has also taught at virtually every one of the better known merchant mariner or union schools – and helped to develop curriculum at some of them – and today continues to provide training at the Maritime Institute of Technology and Graduate Studies (MITAGS), the Marine Engineers Beneficial Association (MEBA), Pacific Maritime Institute (PMI) and the University of Alaska.

While Pilot Rescue Training is clearly one of his passions, Wigely's expertise does not stop there. As the first company to obtain the U.S. Coast Guard's Standards of Training, Certification and Watchkeeping-1995 (STCW-95) Fast Rescue Boat Certification, Wigely has trained and developed rescue procedures in RHIBs, single screws, twin screws, Arneson Drives and jets in boats ranging in size from 13 to 65 feet. He is also a recognized expert in davit operations and launch-and-recovery from ships, curriculum development and, interestingly, has worked as an expert witness in carefully selected rescue boat-related legal cases. But Steve still performs most of the training himself and regularly finds himself in the water being rescued by his students. Other staff includes a former USCG Academy Instructor, USCG retired Surf-





men, active and retired Marine Safety Officers and law enforcement officers.

Marine Rescue Consultants, LLC is by no means the only outfit out there providing this type of service. But for a while, back in the mid-1990s, MRC was the only source for STCW Fast Rescue boat training. Wigely's most recent and perhaps most high-profile clients include the San Francisco Bay Pilots and Los Angeles Pilot organizations.

More Than the Bottom Line

About fifteen years ago, and in another life as a marine consultant, a friend of mine told me that if I wanted to sell anything to anybody in the marine business, it had to be reduced to dollars – in other words, the bottom line. Looking at things objectively from a detached point of view, the case for Marine Rescue Training for pilot organizations probably fits under that business strategy as well. And while it is possibly callous to say so, the mitigation of risk and limitation of liability may well be the most compelling reasons to give Steve Wigely a call. But they shouldn't be.

Last year's accidental death of Columbia River Bar Pilot Kevin Murray resulted in a federal lawsuit against the operators of the pilot

boat, Chinook, and the ship, Dry Beam, from which the ill-fated pilot was attempting to disembark at the time of his death. Brought to United States District Court in December of last year, the suit alleged unseaworthiness, negligence, and also referenced Jones Act and Longshore Harbor Workers Act issues.

The fifty-year-old Murray was a seasoned mariner with about thirty years of experience, primarily in the coastwise tanker trades. Sometimes, these things end up being mere footnotes from which everyone moves on after tiring of reading about it. In 1982, however, I relieved Murray on a chemical tanker on the U.S. Gulf Coast. He and I then relieved each other in the Second Mate's slot for about eighteen months, but on that first trip the company had him ride for a week with me since I had never before sailed on this class of vessel. I found him to be an exceptionally sharp mariner, from whom I learned much.

I often wonder what happened on that last, deadly assignment that would end up costing Murray his life. Reportedly, as he disembarked the vessel, he fell into the water and attempts to rescue him were unsuccessful. His body was recovered days later. The federal lawsuit highlights a series of supposed mistakes that

led to Murray's death, and the lawsuit specifically alleges, "During the Chinook's attempts to rescue Captain Murray from the sea, Chinook ran over Captain Murray's body, causing him injury and impairing his ability to survive."

Earlier this year, Lori Murray's attorney, Joseph S. Stacey, told MarEx that both parties named in the suit had posted bonds of \$3.25 million each and that the Dry Beam continues to trade in the area. The case could bring to the forefront the question of liability for countless other U.S.-based, state pilot organizations. According to Stacey, Saddle Mountain, Inc. was a contractor to, and provided pilot boat services for, the Columbia River Bar Pilots. Stacey added, "The pilots are also shareholders in the company."

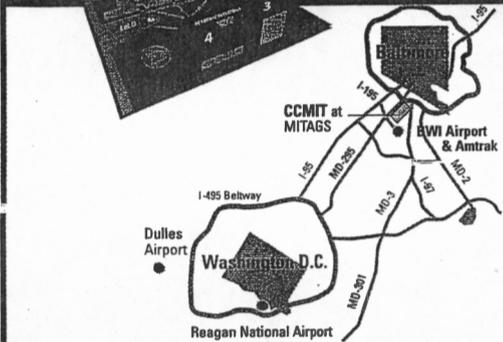
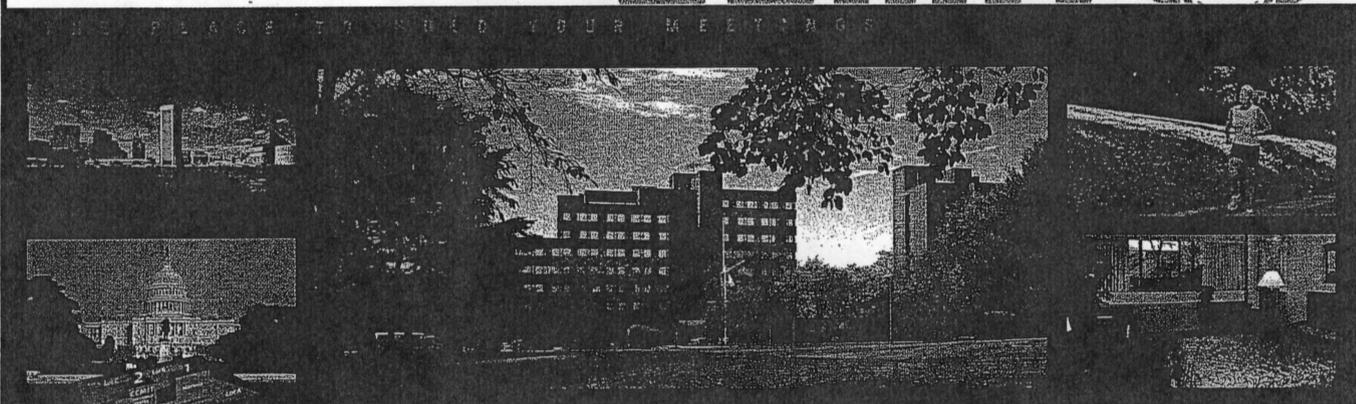
The Columbia River tragedy and other recent pilot deaths simply underscore the dangers of working as a marine pilot. More than that, this type of event should be a wake-up call for all pilot organizations to ramp up their knowledge in the area of marine search-and-rescue and also to make sure that the boat operators, on whom their lives may depend, are fully up to the task. To be sure, it's about money, risk and liability. But most importantly, it's about saving lives. **MarEx**



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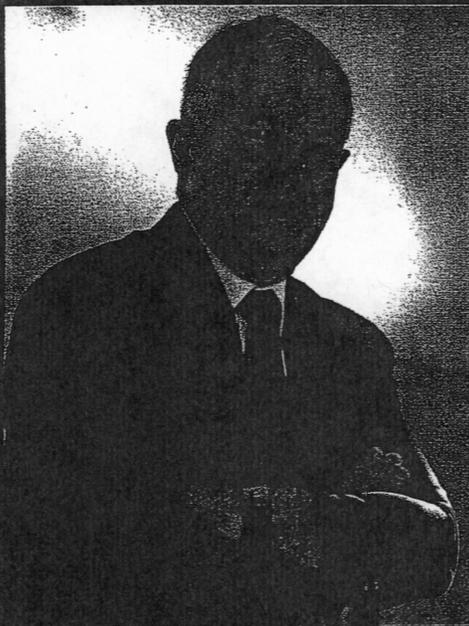
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BOURBON's CEO, Jacques de Chateauvieux

BOURBON Interview: Measuring Up in the Face of Tragedy

By MarEx Staff

In recent months, the French energy support giant, Bourbon Offshore, has made headlines around the world due to the accident involving the anchor-handling vessel *Bourbon Dolphin* and the deaths of some of its crew members off the Shetland Isles in the United Kingdom. No one will ever question the professionalism of BOURBON's crisis management team; as the event played out in full public view, its senior executives, who never shied away from the media, comforted the family members of the Norwegian crew. In fact, BOURBON's CEO, Jacques de Chateauvieux, recently traveled to the United States and made himself available to members of the global media in New York City in early September 2007.

The company released its first half of 2007 financial results on August 30, which reported that its gross operating income (EBITDA) was up 40.2%; operating income (EBIT) was up 59.8%, and net income (group share) was up 90.2%. Yet, just as de Chateauvieux spoke about the company's astounding growth, he courteously answered questions about the accident as well. MarEx used its allotted time to speak to the busy globe-trotting CEO about the *Bourbon Dolphin*, the company's huge investment in training simulators, and about crew recruitment and retention.

MarEx: First of all, we are very sorry about the circumstances surrounding the *Bourbon Dolphin*, and extend our condolences to everyone at BOURBON, the families, crew and others affected by this tragedy. However, can you offer us an explanation of what transpired in the UK?

JDC: First, let me say that we are appreciative of the many people and companies throughout the offshore industry, and throughout the world, who offered their support and comfort to the families and crew of the *Bourbon Dolphin*. Our company has established the *Bourbon Dolphin* Foundation for the families of the crew, and the outpouring of contributions has been heartfelt and very much appreciated.

In terms of what we can say, the *Bourbon Dolphin* was a six-month-old vessel designed by Ulstein. It was an A102 model with 194 tons of bollard pull that was built in Norway and was heavily tested during the winter of 2006 through 2007 in the North Sea. The crew was skilled and experienced in performing anchor-handling operations in the North Sea. Furthermore, Captain Odden Arve Remoy was one of our most experienced mariners and could have taught vessel

operations at the school. He had just finished working for us in Angola, and his work received numerous accolades from many of our customers. He truly was a good person and a very competent captain.

The *Dolphin* was contracted to move a rig in 1100-meter-deep water, per the client's specifications. Prior to beginning the project, its procedures were established by the company performing the rig move and were approved by both the rig owner and the client/operator.

A pre-job meeting was held in Aberdeen, which resulted in designating the *Bourbon Dolphin* as the "Assisting Vessel." However, during the rig move, the *Bourbon Dolphin* was substituted to act as the "Main Vessel." She capsized while deploying the last anchor due to the effect of three main factors: excessive weight on the anchor chain, a broadwise tension, and a strong transverse current.

With that being said, nothing can bring back the precious lives that were lost, and that is our biggest regret about the event.

MarEx: Tell us about the ongoing investigation, without going beyond what you can divulge.

JDC: Well, as you probably know, separate investigations are going on in the United Kingdom and Norway. These professional investigations will take time, but eventually the reports about what happened and why will become public. Our crew and our management have testified and done everything possible to ensure that the investigators have absolutely all they need from BOURBON. Beyond what I have just said, I cannot comment more on the subject. We must let the findings of the professionals take their course.



Bayonne to re-open bidding for port site

November 2, 2007

By Joseph Bonney / The JOURNAL of COMMERCE ONLINE

Officials in Bayonne, N.J., plan to reconsider their contract to sell part of a former military base to the Port Authority of New York and New Jersey, and will consider higher offers from other bidders.

The Bayonne Local Redevelopment Authority voted unanimously Thursday night to rescind a previous vote to sell the 156-acre site. The reason was that the earlier vote was taken without adequate public notice under New Jersey open-meetings law.

The port authority contends it has a legally binding contract to buy the property for \$50.5 million and that the redevelopment agency cannot make a new deal with another bidder.

"They're basically inviting a lawsuit," Christopher Hartwyk, assistant general counsel for the port authority, said after the redevelopment agency's vote.

The sale of the land at the former Military Ocean Terminal at Bayonne has been entangled in local politics. The redevelopment authority received the property in 1999 when the military declared it surplus.

Part of the property, a peninsula that juts into New York harbor, has been sold for housing and retail development. Those deals included covenants prohibiting the rest of the site from being developed into a container terminal.

At the redevelopment authority's insistence, the port authority agreed not to put a container terminal on the site.

Bayonne, however, is an attractive site for container handling. The former military terminal faces a channel that is scheduled to be dredged to 50 feet, and ships can reach it without having to squeeze under the Bayonne Bridge.

International Longshoremen's Association Local 1588 prefers a container terminal on the site because it would produce more jobs. Meanwhile, some residents of cash-strapped Bayonne have complained that the land is worth more than the port authority agreed to pay.

The redevelopment authority voted Thursday night to consider other offers from three private bidders, with the stipulation that the land not be used as a container terminal.

The bidders are Worldwide Group, led by New York port businessman Christopher Ragucci, and the Shaw Group; terminal operator Ports America, and Fortis Property Group.

The redevelopment agency set no schedule for its review of the offers. Hartwyk said the port authority has 45 days to decide whether to sue.

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