

BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK
Minutes of the Meeting of 28 January 2025

The following Commissioners were present:

James Mercante, President
Lucienne Bulow
Richard Hendrick
Joseph Ahlstrom
William Rowland
Jeffrey Loechner

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY VOTED UPON, (EXCEPT AS OTHERWISE MINUTED) IN A PUBLIC MEETING, WHICH CONVENED AT 10:30 A.M., THE BOARD CONDUCTED THE FOLLOWING BUSINESS:

1. The President called the meeting to order at 10:30 a.m.
- 1a. Kyle A. Weist was sworn in as Board Secretary & Executive Director.
2. Appearances in Public Session: None.
3. The Draft Minutes of the 21 January 2025 Board Meeting were reviewed and approved.
4. Adjournment to Executive Session for personnel, legal advice of counsel, medical, and/or official investigative matters, as necessary:

Pilot sick leave/other leave.

5. Return to Public Session from Executive Session.
6. Renewed, for a period of one year (unless otherwise noted), the following New York State pilot license(s) following a personal interview and review of work performance data, training, and medical/health records:

Robert Dobrowolski (FBSHP)

7. Other Pilot/Personnel Matters:
 - 7a. The Board discussed pilot liability. Continued on the docket.
 - 7b. The Board reviewed the Marine Certification and Authorization form. Continued on the docket.
8. Sandy Hook Pilots Association:
 - 8a. Pilot Boarding Deficiency Reports. Continued on the docket.
 - 8b. Pilot Ladder training and safety: Continued on the docket.
 - 8c. At the 27 August 2024 meeting, the Board voted unanimously to accept the recommendation of the SHPA regarding the proposed update to the apprentice training program and issued a letter confirming same. At the 1 October 2024 and 8 October 2024 meetings, the Board reviewed the revised training schedule for apprentices. Continued on the docket.
 - 8d. Apprentice Training: Board noted the response to the SHPA's request for tuition assistance for Manned Model Training in April 2025 for Apprentices Wynn and Pino. Continued on the docket.
 - 8e. Apprentice Report: Board reviewed December's report.
 - 8e. SHPA Pension Plan: At the 16 August 2024 meeting, the Board discussed the Plan. At the 5 November 2024 meeting, the Board reviewed the Sandy Hook Pilots' Pension Surcharge Board letter dated 01 November 2024 regarding the request by six pilots to change their pension plan retirement benefits. Continued on the docket.

- 8f. Apprentice Selection: At the 24 September 2024 meeting, the Board ratified the 2024 Apprentice Candidate List. Continued on the docket.
- 8g. The Board was advised that the SHPA implemented a shipboard pilot ladder training program for apprentices and pilots at a climbing facility in Northvale, New Jersey. Continued on the docket.
- 8h. State Licensed Pilot Security Training and Communications/FEMA Port Security Grants: At the 7 May 2024 meeting, the Board was advised that all of the financial and reporting requirements for the 2020 and 2021 Port Security Grants have been met and the Grants have been closed by FEMA. Continued on the docket.
9. Hudson River Pilots Association:
- 9a. Champlain Hudson Power Express Project (CHPE): At the 5 December 2023 meeting, the Board reviewed information provided by HRPA President Captain Ian Corcoran regarding the cable laying project on the Hudson River. At the 30 January 2024 meeting and the 5 March 2024 meeting, Commissioner Hendrick updated the Board on additional information received from Captain Corcoran. At the 16 April 2024 meeting, Captain Corcoran updated the Board regarding the CHPE project. At the 30 April 2024 meeting, the Board was briefed by Executive Director Garger regarding his meeting with the operators of the project vessels. At the 7 May 2024 meeting, the Board reviewed a pilotage proposal from the vessel operators. At the 28 May 2024 meeting, the Board discussed the proposal. At the 16 July 2024 meeting, the Board was updated on the status of the project. On 20 September 2024, the Board met with CHPE project representatives to discuss the project and pilotage services for same. At subsequent meetings, the Board has continued to discuss the project and pilotage services for same. Continued on the docket.
- 9b. The Board reviewed Hudson River Pilotage fees. Continued on the docket.
- 9b. At the 16 August 2024 meeting, the Board was updated on the activities of the HRPA Pension Surcharge Committee. At subsequent meetings, the Board has continued discussing the plan. Continued on the docket.
- 9c. At the 9 July 2024 meeting, the Board approved a letter that has been sent to vessel agents regarding docking fees. At the 16 August 2024 meeting, the Board continued to discuss the HRPA's recommendation regarding adjusting docking fees. At the 27 August 2024 meeting, the Board reviewed documents regarding the change to docking fees. At the 8 October 2024 meeting, the Board was advised that a Notice of Proposed Rulemaking concerning the docking fees was filed with the NY Department of State. Continued on the docket.
- 9d. At the 14 March 2023 meeting and 2 May 2023 meeting, the Board discussed the status of Hudson River dredging by the Army Corps of Engineers. At the 30 May 2023 meeting, the Board was updated on Hudson River dredging by HRPA President Captain Corcoran. At the 12 December 2023 meeting, the Board reviewed additional information provided by Captain Corcoran. Continued on the docket.
- 9e. Following the formation of the Hudson River Safety and Navigation Operations Committee (HR Committee) to address issues raised in the Port and Waterways Safety Assessment study of the Hudson River, the Board has been regularly briefed by Commissioner Hendrick on the HR Committees activities, including its review of legislation regarding the establishment of anchorages on the Hudson River. At the 12 January 2021 meeting, the Board was advised that the United States Coast Guard Authorization Act of 2020 was passed by Congress and contained provisions that address the establishment of anchorages on the Hudson River and circumstances when vessels can be anchored outside established anchorage grounds. At the 2 May 2023 meeting, the Board discussed the issuance of the Coast Guard report on Hudson River anchorages. At the 30 May 2023 meeting, the Board discussed the status of the establishment of Hudson River anchorages with Captain Corcoran. At the 21 November 2023 meeting, the Board reviewed US Coast Guard MSIB 2023-03 dated 8 November 2023 regarding Hudson River anchorages. At the 5 December 2023 meeting, the Board reviewed additional information provided by Captain Corcoran. At the 28 May 2024 meeting, the Board reviewed a press release from Congressman

Pat Ryan regarding the proposed legislation regarding anchorages. At the 16 August 2024 meeting, the Board discussed the proposed legislation. Continued on the docket.

10. Long Island Sound/Block Island Sound Pilotage:

10a. At the 20 February 2024 meeting, the Board reviewed correspondence from the Northeast Marine Pilots regarding proposed docking restrictions at New Haven Terminal. At the 27 February 2024 meeting, the Board reviewed additional correspondence received from NMPA. At the 23 April 2024 meeting, the Board discussed the docking restrictions with NMPA President Captain Astles. At subsequent meetings, the Board reviewed the New Haven Terminal draft restrictions and continues to monitor the dredging plan. Continued on the docket.

10b. At the 13 February 2024 meeting, the Board reviewed a Coast Guard MSIB regarding federal pilotage requirements in Sector Long Island Sound waters. Continued on the docket.

10c. Pilotage Requirements for offshore wind project vessels: The Board has reviewed and responded to several inquiries regarding New York State pilotage requirements for vessels operating in Long Island Sound and Block Island Sound. At the 14 February 2023 meeting, the Board approved a letter to DEME regarding the operation of the vessel LIVING STONE. At the 11 April 2023 and 18 April 2023 meeting, the Board discussed a request received from vessel operator Boskalis regarding pilotage requirements and discussed the request with Northeast Marine Pilots Association President Captain Richard Astles at the 2 May 2023 meeting. At the 9 May 2023 meeting, the Board was updated on the Rhode Island Pilot Commission's discussions regarding Boskalis' request. At the 4 June 2024 meeting, the Board reviewed information regarding the M/V JAY transit. The minutes of the 25 January 2022 and 24 October 2023 Board Meeting are incorporated herein by reference. Continued on the docket.

10d. At the 5 July 2023 and subsequent meetings, the Board discussed required documentation for LIS/BIS license renewals. Continued on the docket.

11. The New York State pilot associations utilize Pilot Boarding Deficiency Report forms when a deficiency is found. The following reports from the previous three months have been provided to and reviewed by the Board (prior reports on file):

11a. USNS PILILAAU (U.S. Registered Container Ship, Built 2000): 20 November 2024. New Jersey SHP T.O. Ferrie reported that the pilot ladder was not sized or configured properly.

11b. M/V TEXAS TRIUMPH (Panamanian Container Ship, Built 2017): 10 December 2024. New Jersey SHP Christine Razukas reported that the spreader bar on the pilot ladder was not rigged properly. The crew fixed the issue before the Docking Pilot boarded.

11c. M/V MSC VAISHNAVI R. (Liberian Container Ship, Built 2002): 10 December 2024. New York SHP John DeCruz reported that the combination ladder was not rigged properly. The crew adjusted the ladder before the outbound transit.

11d. M/V SEAPROMISE (Maltese Registered Tanker, Built 2022): 13 December 2024. New York SHP John DeCruz reported that the dockside gangway was poorly rigged with a pitch angle outside of SOLAS standards.

11e. M/T SILVER ELEANOR (Marshall Island Registered Tanker, Built 2015): 22 December 2024. New York SHP Stephen Feminella reported that there was no combination ladder available during boarding.

11f. M/T INDIGO SUN (Liberian Registered Tanker, Built 2012): 29 December 2024. New York SHP Matthew Haley reported ladder not properly rigged and the platform on the accommodation ladder was not parallel with the waterline.

12. REPORT(S) OF MARINE ACCIDENTS/INCIDENTS UNDER INVESTIGATION:

12a. M/V ZIM ASIA (Liberian Registered Container Vessel, Built 2010): 23 January 2025. While leaving berth 80, under the conn of Docking Pilot Alex Woodworth, the vessel lost propulsion in Newark Bay. Sandy Hook Pilot Kiersten Healy was on board but had not assumed the conn. The

Bridge was unable to restart the engines. Engine Room restarted the engine and maintained control of throttles. The Coast Guard issued a Captain of the Port Order directing the vessel to anchor in Stapleton under tug escort and complete a class survey. The Coast Guard was notified that loose wiring on the bridge engine order processing unit caused the loss of propulsion. Continued on the docket.

12b. M/V ASTREA (Greek Registered Cable Support Vessel, Built 1987): 10 January 2025. While transiting southbound to World's End for cable laying operations, under the conn of Hudson River Pilot Paul Chevalier, ice clogged the vessel's water intake system causing a loss of the auxiliary power generators. The vessel safely anchored in Newburgh Bay and cleared out all the ice from all the vessel's strainers, including the main engine strainers. The ASTREA determined that due to the ice conditions cable laying operations should be halted and the vessel should transit to Yonkers to anchor. Prior to its transit downriver the Coast Guard issued a Captain of the Port Order requiring tug escort and class survey for a transit to Port Newark. On 12 January 2025 the ASTREA proceeded to Port Newark. The Captain of the Port Order was removed and Class survey completed. Ship related issue: no violation of the New York Navigation Law or the New York Codes, Rules, and Regulations. No pollution or personal injury. Motion made and case closed.

12c. M/V EVER FOCUS (Panamanian Registered Container Ship, Built 2020): 4 January 2025. While transiting the Kill Van Kull outbound, under the conn of Metro Docking Pilot Fred Dashkoff, the EVER FOCUS was contacted on its port side by the Tug PEARL COAST's stern fenders while the tug was maneuvering a barge towards the Atlantic Cement Terminal located on the north side of the Kill Van Kull. Sandy Hook Pilot Matthew Haley was on board but had not yet assumed the conn. The Coast Guard was notified. Initial damage assessment for EVER FOCUS was possible hull indentation and black streak on hull from PEARL COAST's fenders. No damage reported from PEARL COAST. PEARL COAST moored up at Atlantic Cement without incident. EVER FOCUS continued transit without incident. Drug and alcohol tests were administered to Captain Haley with negative results. NJ Pilot Commission investigation is ongoing. Metro Docking Pilot Fred Dashkoff retained Commissioner Mercante as counsel. Commissioner Mercante recused himself from any/all discussions from the incident. Continued on the docket.

12d. M/V EAGLE TURIN (Singapore Registered Tanker, Built 2008): 5 August 2020. This incident involves the tragic fatality of Sandy Hook Pilot Timothy Murray resulting from a fall off a pilot ladder and onto the Pilot Launch AMERICA while boarding the M/V EAGLE TURIN at approximately 2230 upon its arrival at Ambrose Pilot Station. The P/L AMERICA then immediately proceeded back to the Pilot Boat NEW JERSEY (a three-minute transit) to pick up medical supplies, a stokes litter, and crew with paramedic training before departing for Staten Island. The U.S. Coast Guard, New York City Fire Department, and New York City Police Department were all notified. Crew personnel administered CPR and used the AED unit while proceeding to Staten Island. New York City Police Department Personnel were waiting at the Sandy Hook Pilot Base where Captain Murray was transferred to an ambulance and taken to Staten Island University Hospital.

After the incident, the EAGLE TURIN proceeded to anchor at the direction of the U.S. Coast Guard. On the morning of 6 August 2020, Sandy Hook Pilot Kevin Walsh piloted the vessel to Stapleton Anchorage where a further investigation ensued with the U.S. Coast Guard, Sandy Hook Pilot Association, and Executive Director Garger. The Board was designated as a Party in Interest by the U.S. Coast Guard. At the 10 January 2023 meeting, the Board was updated on the status of ongoing litigation against the vessel owner arising out of the incident. At the 17 January 2023 meeting, the Board reviewed the Third-Party Complaint filed by the vessel owner against the Sandy Hook Pilot Association. At the 21 March 2023 meeting, the Board reviewed the Sandy Hook Pilot Association's Answer to the Third-Party Complaint. At the 9 May 2023 meeting, the Board discussed the Coast Guard's Report of Investigation. At the 23 May 2023 meeting, the Board discussed the status of the litigation. At the 5 July 2023 and subsequent meetings, the Board discussed the Subpoenas served on the Board. At the 3 October 2023 meeting, the Board noted the Confidentiality Order entered by the Court. At subsequent meetings, the Board discussed the status of the litigation. Continued on the docket.

13. SAFETY AND SECURITY IN PILOTAGE WATERS:

13a. M/V DALI Collision with the Francis Scott Key Bridge: At approximately 0129 hours on 26 March the Singapore registered containership M/V DALI was transiting to sea out of Baltimore Harbor in

Baltimore, Maryland, when it experienced a loss of electrical power and propulsion, veered off course, and struck the Francis Scott Key Bridge (Key Bridge), causing part of the bridge to collapse onto the vessel and also into the Patapsco River. The casualty, which resulted in 6 fatalities and closure of the Baltimore Harbor shipping channel, is currently under investigation by several government agencies, including the National Transportation Safety Board (NTSB), United States Coast Guard, and the FBI. The NTSB issued its preliminary report on 14 May 2024 and an investigative update on 24 June 2024.

At the 2 April 2024 meeting, the Board discussed the M/V DALI collision and will continue to discuss the incident at subsequent meetings. At the 4 June 2024 meeting, the Board discussed general procedures for pre-departure and arrival testing requirements and the master-pilot exchange. At the 29 October 2024 meeting, the Board noted the settlement of the Department of Justice's claim against the vessel's owner and operator. Continued on the docket.

13b. The Board has previously reviewed cruise ship pier allisions in the Port of New York/New Jersey and elsewhere. The Board has also reviewed 46 U.S.C. Section 8501 regarding the coordination of federal and state law requirements with respect to pilotage of cruise ships when the master docks the vessel and has noted incidents in Alaska where cruise ships were docked by the ship's master with a compulsory state pilot aboard. In light of the foregoing, the Board recommended that the SHPA work with cruise lines calling at the Port of New York to develop a joint training program that would improve communications between state licensed pilots and cruise ship masters. At the 28 March 2023 meeting, the Board discussed cruise ship dockings with NYSHPA President Captain James Mahlmann. Continued on the docket.

13c. The Board has previously advised the Army Corps of Engineers New York District (ACOE) of its concerns with the lack of visibility of large, unlit mooring buoys, especially during periods of darkness, located within certain designated federal anchorages in New York Harbor. Continued on the docket.

13d. The Board has reviewed correspondence from the SHPA and the Northeast Marine Pilots Association regarding the proposed North Atlantic Right Whale Seasonal Speed Zones regulations. At the 28 March 2023 meeting, the Board discussed the Seasonal Speed Zone Regulations with NYSHPA President Captain James Mahlmann. At the 26 December 2023 meeting, Commissioner Hendrick updated the Board regarding proposed legislation addressing the regulations. Continued on the docket.

14. At the 22 February 2022 meeting, the Board reviewed the revised International Chamber of Shipping Industry Guidance on Pilot Transfer Arrangements. At the 15 November 2022 meeting, the Board was advised that the IMO Safety Committee will open the SOLAS Convention for amendment with respect to pilot boarding arrangements. At the 17 January 2023 meeting, the Board reviewed the notice issued by the UK Maritime Pilots Association regarding a recent pilot fatality. At the 16 May 2023 meeting, the Board discussed an article regarding the 5 May 2023 Japanese pilot fatality. At the 6 June 2023 meeting, the Board reviewed article regarding the conviction of ship operator and master after a pilot ladder fall injury in Perth Australia in August 2022. At the 20 June 2023 meeting, the Board discussed NY SHP President Captain James Mahlmann's attendance at the Maritime Pilots Institute in Covington, LA. At the 2 July 2024 meeting, the Board discussed amendments to SOLAS Regulation V/23 (Pilot Transfer Arrangements) and testing of a fall arrest system by the Puget Sound Pilot Association. At the 23 July 2024 meeting, the Board was updated on gear testing that took place at the Northvale, New Jersey climbing facility. Continued on the docket.

15. Proposed Legislation: S. 5424– Operating a vessel while under the influence/revocation of driver's license. Bill reintroduced in State Senate and Assembly in 2025 legislative session. Continued on the docket.

16. The Board approved the 2025 Budget.

17. The Board approved the option to exercise a 1 year renewal of the One Battery Park Plaza license agreement.

18. The Board discussed the Propellor Club's request to publicly message membership.

19. There being no further business to conduct, or public comment, the Board meeting was adjourned.

Kyle A. Weist

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Secretary