The following Commissioners were present:

James Mercante, President
Carmine Ragucci
Lucienne Bulow
Russell Johnson
Richard Hendrick
Andrew Garger

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 AM.

1a. Appearances in Public Session: None.

2. The Minutes of the 14 June 2016 Regular Meeting were reviewed, amended and approved.

3. 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:

   Edward Ireland - FBSHP.
   Ian Corcoran – FBHRP & Dep SHP (Grade 6).

4. The Board adjourned to Executive Session to discuss and/or act on personnel, investigative and/or legal matters.

5. The Board returned to Public Session from Executive Session.

6. Sandy Hook Pilots Association:

   6a. The Board reviewed the SHPA Monthly Apprentice Report.

   6b. The Board noted passage of the SHPA’s legislation, in the NYS Assembly and Senate, which amends the New York Navigation Law by adjusting the Capital Expense Surcharge Cap to an amount not to exceed $300.00 per vessel transit. Under the legislation, the current surcharge rate may not be increased by more than ten percent ($30.00) of the maximum authorized surcharge in each of the two, one-year periods following the effective date unless there is a declaration by the Surcharge Board of an emergency need.

7. Hudson River Pilots Association:

   7a. The Board has commenced the New York State Department of State’s rulemaking process with respect to the promulgation of HRPA’s proposed supplementary fees. Continued on the docket.

   7b. The Board was updated at today’s meeting by Captain Ian Corcoran, HRPA President, relative to the USCG’s Notice of Advance Rulemaking that seeks comments on the establishment of new anchorage grounds in the Hudson River from Yonkers, NY to Kingston, NY. Continued on the docket.

   7c. The Board previously reviewed correspondence from the HRPA requesting that the Board provide comments to the USCG Captain of the Port (New York) no later than 31 March 2016 on the proposed Champlain Hudson Power Express Transmission Project. The Board took the request under advisement. At the 30 June 2015 meeting, the Board reviewed the Navigation Risk Assessment Template
prepared by the project’s developer with respect to potential impacts on navigational safety on the Hudson River. At the 2 February 2016 meeting, the Board was updated on the 27 January 2016 stakeholder meeting relative to the status of the Navigation Risk Assessment. At the 16 February 2016 meeting, the Board reviewed a letter from the HRPA to the Army Corps of Engineers (New York District) with respect to the burial depth of the proposed transmission cable. At the 8 March 2016 meeting, the Board reviewed letters from the Maritime Association of the Port of New York and New Jersey as well as the Port of New York and New Jersey’s Tug and Barge Committee to the Army Corps of Engineers (New York District) providing additional comment on data contained in the developer’s draft Navigation Risk Assessment, proposed burial depth of the transmission cable and the use of navigation channels for placement of transmission cables or lines. At the 15 March 2016 meeting, the Board noted correspondence from the project’s developer on a 24 March 2016 stakeholder meeting relative to the completed Navigation Risk Assessment. At the 29 March 2016 meeting, Executive Director Keane reported on the 24 March 2016 stakeholder meeting. At the 31 May 2016 meeting, the Board was advised that the USCG requested additional information from the project developer. At today’s meeting, the Board was updated by Captain Ian Corcoran, HRPA President, concerning the USCG’s request for additional information regarding burial depth from the project developer. Continued on the docket.

7d. The Board reviewed a summary report on the status of the Tappan Zee Bridge construction project and the procedure to be utilized for the notification of navigation channel closures.

8. Long Island Sound/Block Island Sound Pilotage:

8a. The Board continued its review of the question raised by Captain Charles Jonas, a Connecticut State Pilot representing Interport Pilots, on whether the term “foreign vessel”, as used in the New York State Navigation Law, includes foreign vessels which are publicly owned, such as naval or government-owned and not engaged in commercial trade. At the 11 August 2015 meeting, Captain Jonas appeared before the Board to present Interport’s view in this matter. At the 22 September 2015 meeting Captain Jonas appeared before the Board with additional information regarding Interport’s position. The Board is also in receipt of a position paper dated 5 October 2015 prepared by the American Pilots’ Association. At the 27 October 2015 meeting, the Board approved the issuance of a letter to the New York State Office of the Attorney General (“NYAG”) requesting an opinion with respect to this issue. At the 3 November 2015 meeting, the Board noted that the New Jersey Maritime Pilot and Docking Pilot Commission sent a letter to the New Jersey Office of the Attorney General seeking an opinion on the same issue under New Jersey law. The Board received a Freedom of Information Request (“FOIL”) from Captain Jonas on 11 November 2015 seeking a copy of the American Pilots’ Association position paper. The Board provided the requested information on 12 November 2015. The Board received a letter dated 8 December 2015 from the SHPA with respect to this issue. At the 29 December 2015 meeting, the Board forwarded the letter to the NYAG. The Board followed up with the NYAG on or about 25 February 2016 as to the status of the requested opinion. At the 29 March 2016 meeting, the Board reviewed a letter from Joel Kreizman, Esq. of Scarinci Hollenbeck on behalf of Interport Pilots concerning this issue. The Board forwarded the letter to the NYAG. The Board contacted the NYAG during the week of 9 May 2016 concerning the status of the requested opinion and was advised the opinion was still in progress. At the 7 June 2016 meeting, the Board reviewed email correspondence from the LIS/BIS Rotation Administrator relative to an allegation concerning the piloting of a foreign flag public vessel in the LIS/BIS on 2 May 2016 without the Rotation Administrator’s knowledge. The Board will hold the investigation of this incident in abeyance, pending the issuance of the NYAG’s opinion in this matter. Continued on the docket.

8b. H. R. 3070, the EEZ Clarification Act introduced by Congressman Lee Zeldin, proposes changes in the exclusive economic zone at the eastern end of the Long Island Sound. The legislation was brought to the Board’s attention by the Connecticut Pilot Commission. Continued on the docket.

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

9a. M/V XIN YA ZHOU (Built 2007): 4 May 2016. FBSHP Kevin McNamara. Surge Damage. Shortly after departing Berth 66 Port Elizabeth under the conn of New Jersey State Licensed Docking Pilot Douglas Brown, the vessel passed close-by the M/V ITAL LUNARE moored at Berth 72 Port Elizabeth. The close passing caused the ITAL LUNARE to surge alongside its berth resulting in damage to the gangway. The USCG was notified. Drug and alcohol tests were administered to FBSHP McNamara with
negative results. At the 7 June 2016 meeting, the Board reviewed the log replay from the State Pilot’s DGPS Laptop Navigation Computer of the vessel’s undocking and transit past the ITAL LUNARE. At today’s meeting, the Board approved the issuance of its Opinion & Order finding no fault on the part of FBSHP Kevin McNamara.

10. The Board noted the May 2016 Statutory Fees:
   
   - BIPA - $ 1,010.83
   - HRPA - $ 2,648.75
   - SHPA - $ 68,978.69

11. The Board reviewed the May 2016 operating statements.

12. The Board was advised of the USCG’s recently published Final Rule on the Inspection of Towing Vessels.

13. There being no further business to conduct, or public comment, the Board meeting was adjourned at 11:45 AM.

Frank W. Keane
Secretary