

MAINE STATE LEGISLATURE

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MAINE PILOTAGE COMMISSION

Annual Report

August 1, 2016

Coverage: Fiscal Year 2016

SOS Tracking: 387



Report Completed by:

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Administrator,
Maine Pilotage Commission

Mission Statement

It is declared to be the intent of the Maine Pilotage Commission to provide a system of state pilotage that,

- 1) offers maximum safety from the dangers of navigation for vessels entering or leaving the waters of the State of Maine,
- 2) is devoted to the safety of vessels, crew, and cargo, and the continuing protection of the environment, and vessels,
- 3) provides high standards for proficiency,
- 4) enhances commerce and navigation, and
- 5) educates the public about the role of pilotage.



MAINE PILOTAGE COMMISSION

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Remembering our Own *El Faro* October 1, 2015

On September 30, 2015, the cargo ship *El Faro* departed for the last time from Jacksonville, Florida with a crew of 33. The voyage should have been routine to deliver a cargo of 391 shipping containers and 294 trailers and vehicles to San Juan, Puerto Rico. Sadly, the voyage was anything but routine ending in the worst U.S. maritime tragedy experienced in over 30 years. The ship was lost at sea approximately 30 miles off of the Bahamas in seas estimated to be over 50 feet high fueled by Hurricane Joaquin.

Despite what surely was a harrowing and valiant effort to save the ship, all souls perished.

This annual Maine Pilotage Commission Report is dedicated to all aboard *El Faro*, but in particular, to those graduates of Maine Maritime Academy who were the back-bone of the ship's crew:

Captain Michael Davidson, 53, Master, Windham, Maine, Maine Maritime Academy 1988

Danielle Randolph, 34, Second Mate, Rockland, Maine, Maine Maritime Academy 2005

Mitchell Kuflik, 26, Engineer, Brooklyn, New York, Maine Maritime Academy 2011

Michael Holland, 25, Engineer, Wilton, Maine, Maine Maritime Academy 2012

Dylan Meklin, 23, Engineer, Rockland, Maine, Maine Maritime Academy 2015



*The state of Maine has made tremendous contributions to the shipping industry and American trade for centuries. Maine Maritime Academy continues this rich Maine tradition by educating future maritime leaders each year. Nearly all of the active pilots licensed by the Maine Pilotage Commission are Maine Maritime Academy graduates and have a deep connection with *El Faro's* loss.*

1. Preamble

Pursuant to Maine Revised Statute, Annotated (MRSA) 38 § 90-A, this annual report of the Maine Pilotage Commission is provided to the Commissioner of Transportation covering Fiscal Year 2016 (July 1, 2015 - June 30, 2016). As required by the aforementioned law, this report provides details on the Pilotage Commission's operations and financial position. The report also offers comments and recommendations that the Commission considers essential.

2. Background

Following MRSA Chapter 38 (Waters and Navigation), the Maine Pilotage Commission oversees and maintains the state marine pilotage system devoted to the preservation and protection of lives, property, the environment and vessels entering or leaving state waters at the highest standard of efficiency. The Commission achieves this mission by ensuring the availability of well qualified pilots for the discharge of their duties in aid of commerce and navigation.

Additionally, the Commission establishes the rules, policies, and procedures that govern the licensing, training, and discipline of marine pilots in the state's waters under the jurisdiction of the Commission. The Commission also approves the rates which pilots may charge for services. Administrative responsibility for the Maine Pilotage Commission was transferred to the Department of Transportation in July 1998. Since that time, the Office of Freight and Business Services has served as the administrative arm of the Commission.

3. What is a Marine Pilot?

The maritime industry is critical to Maine's economy. Marine pilots ensure that vital cargo is delivered to consumers safely and efficiently. Most Mainers are not aware of how dependent they are on Maine state pilots and that virtually every ship entering a Maine port is piloted by skilled local experts, many with decades of seagoing experience.

Ships serving the ports of Maine are becoming larger and more sophisticated requiring the highest level of professionalism. Often ships are staffed with foreign crews who are unfamiliar with the challenging Maine coast with its significant tides and currents, further highlighting the need for skilled pilots.

State pilots serve virtually all types of vessels 24 hours a day, 365 days a year, ranging from cruise ships to oil tankers. Pilots board inbound and disembark outbound ships at sea using pilot boats and climbing a rope ladder on the side of the ship. Pilots make this challenging climb in all weather, regardless if the conditions are calm, stormy, or freezing.

How it All Works

Transporting high volumes of cargo and passengers by sea is often the most efficient, economic, and sustainable option for most applications but it is extremely intricate. Varying weather, tides, currents, fog, wind, waves and vessel traffic, make navigating and docking a ship in coastal waters among the most complex command and control scenarios in the bulk transportation industry. Invisible hazards including rocks, shoals, wrecks and other obstructions lurk below the water's surface further challenging safe passage.

Ships from all over the world arrive in Maine waters and require the skills of pilots to maneuver some of the largest vessels afloat through some of the trickiest waters in the country. They also rely on a network of services including tug boats, agents, and facility employees to ensure safety.



Captain Robert Peacock explaining local conditions to a visiting navigation team.

Team-work

Ships crews are responsible to ensure the safe loading, transport and discharge of cargo as well as the maintenance of the ship and its equipment.

Ships' captains and crews are highly skilled in navigation and collision avoidance at sea. Coastal navigation, however, is typically the most critical point of a voyage similar to a take off and landing of an airplane.

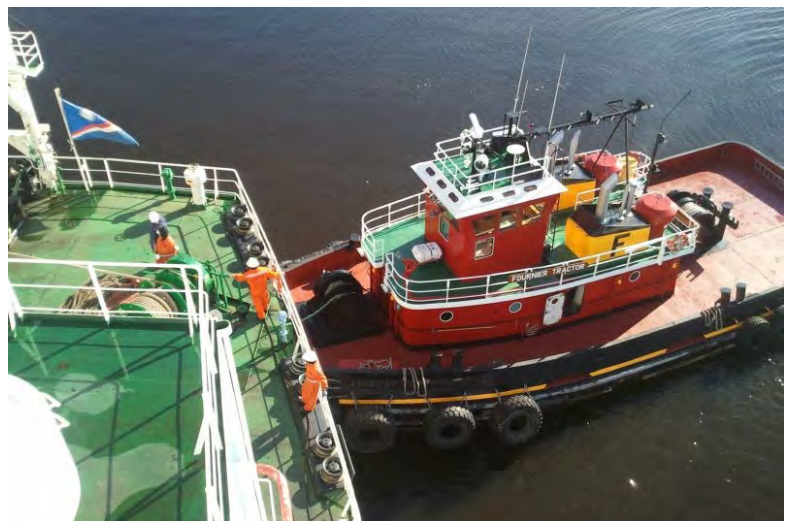
Since captains and crews can't be experts in coastal navigation of every port they encounter, they team with local pilots to guide their ships through challenging and complicated port areas to ensure safety and environmental protection.

Tug-work

Ships are large, powerful, and capable of moving extremely heavy loads across vast oceans. However, their power and size often make them less nimble in tight quarters situations.

Pilots work closely with towing vessels to help guide large cumbersome vessels within the compressed confines of harbors and anchorages.

Towing vessel captains must develop their own skill set to safely moor ships as a team with the ships' crews and pilots.



A tug boat provides a gentle push to help moor a tanker in Bucksport.



Two ships discharging their cargo of wind power components at Mack Point in Searsport.

Shore-work

Ashore, ships transfer their cargo with the help of extensive shore support including stevedores, line-handlers, ship's agents, warehouse workers, crane operators, truck drivers, and a host of others. Only through the coordinated effort of pilots and all of the transportation workers involved, can we enjoy an uninterrupted supply of energy, goods, and transport services.

Protecting the Environment, Economy & Fishery

In addition to moving cargo safely and efficiently, Maine's pilots also protect the marine environment from accidents and oil pollution from ships. A grounding, collision or other marine accident could endanger the coastal environment in which we work, live, and play. Environmental protection of Maine's coastal habitat is essential to the state's 5.5 billion dollar tourism industry.¹

Further, pilots skillfully work with agencies and fishermen to avoid gear conflicts, reducing fishing gear damage. At the height of summer, Maine's coastline is mottled with millions of lobster traps. Through keen navigation skills, Maine pilots help to protect our signature \$495 million dollar lobster fishery.

Did you know?

- ⇒ Acadia is in the top 10 most visited National Parks³.
- ⇒ Bar Harbor will receive 121 cruise ships in 2016⁴.
- ⇒ Bar Harbor cruise ships disembark 159,500 visitors⁴.
- ⇒ About 75% of foreign and domestic freight is moved by water.



2.8 Million Lobster Traps²

121 Million Pounds of Lobster²

495 Million Dollar Value²

4. Maine Pilotage Commission Details

The MRSA 38 § 89 requires the Maine Pilotage Commission to be comprised of seven individuals who are citizens of the United States and Maine and appointed by the Governor as follows:

- Three licensed pilots who are active in pilotage representing each of the Commission’s coastal zones;
- Two members who are not licensed pilots but are from a maritime industry that utilizes pilots; and
- Two members representing the public who are not licensed pilots but have a maritime background.

The Commission elects a Chairperson who liaises with the Commissioner of Transportation and the Governor as needed. Captain Weeks was the Chairperson for the period of this report and was re-elected at the April 2016 Commission meeting.

The table below depicts the current membership of the Maine Pilotage Commission.

Seat	Name	Date of Commission	Expiration	Status	Component
1	David Gelin ¹	October 10, 2013	October 10, 2016	Active	Pilot
2	Mark Klopp	August 19, 2015	August 18, 2018	Active	Pilot
3	Gerald Morrison	October 23, 2014	October 23, 2017	Active	Pilot
4	Shawn Moody	October 23, 2014	October 23, 2017	Active	Industry
5	Thomas Dobbins ¹	August 18, 2013	August 18, 2016	Active	Industry
6	John Worth ¹	October 10, 2013	October 10, 2016	Active	Public
7	Charles Weeks ^Δ	October 23, 2014	October 23, 2017	Active	Public

¹ Commission member’s term is due to expire.

^Δ Chairperson

Governor LePage confirmed the appointment of Captain Mark Klopp as a Commission member on August 19, 2015. Captain Klopp filled a seat vacated by long standing member, Captain Earl Walker. Three Commission members are due for re-appointment in the late Summer and Fall of 2016. Re-appointment application packages for the three expiring commissions were submitted to the Governor’s Office for re-appointment between May and June of 2016.



The universal shipboard signal to indicate that a pilot is aboard a vessel is the “H” or *Hotel* flag. Beyond a maritime tradition, the Hotel flag is listed in the International Code of Signals and is the globally recognized pilot flag. The flag’s use dates back to the Royal British Navy in 1691.

Meet the Maine Pilotage Commission

Captain Charles Weeks - *Commission Chairperson*; Professor Emeritus, Maine Maritime Academy with over 50 years of shipping & education experience. Master of vessels of unlimited tonnage. Commission member since 1998.

Captain David Gelinas - President, Penobscot Bay & River Pilots Association, Master of vessels of unlimited tonnage. Commission member since 1998.

Captain Mark Klopp - Kennebec River pilot. Master of vessels of unlimited tonnage and is a prior tankship Master. Captain Klopp also serves as a pilot in Portland Harbor/Casco Bay and is the current President of Portland Pilots Inc. Captain Klopp also has experience as a Portland Harbor Commission member. Commission member since 2015.

Captain Gerald Morrison - Eastport and Quoddy area pilot, Master of vessels of unlimited tonnage. Over 35 years of seagoing and pilotage experience. Commission member since 2008.

Captain Shawn Moody - Operations Manager at Chase, Leavitt Ship Agents, Master of vessels of unlimited tonnage. Commission member since 1999.

Mr. Thomas Dobbins - Operations consultant to Sprague Energy with over 45 years of vessel, facility and marine logistics experience. Serves as Portland Harbor Commissioner. Master of near coastal vessels of 100 tons. Mr. Dobbins also served the Maine marine industry as a Past President of the Portland Chapter of the Propeller Club of the United States. Commission member since 2013.

Captain John Worth - Professor, Maine Maritime Academy, extensive experience in shipboard operations and prior tug boat company owner. Master of vessels of 1600 tons. Commission member since 2007.

Mr. Brian Downey - Commission Administrator, retired senior Coast Guard officer with over 25 years of experience in marine safety and regulatory enforcement. Licensed deck officer of vessels of unlimited tonnage. Commission Administrator since 2013.

Ms. Kim King - Transportation Planning Specialist with the Maine DOT Office of Freight and Business Services with over 34 years of multi-modal transportation experience. Liaises and coordinates administration and financial transactions for the Commission. Commission Liaison since 2007.

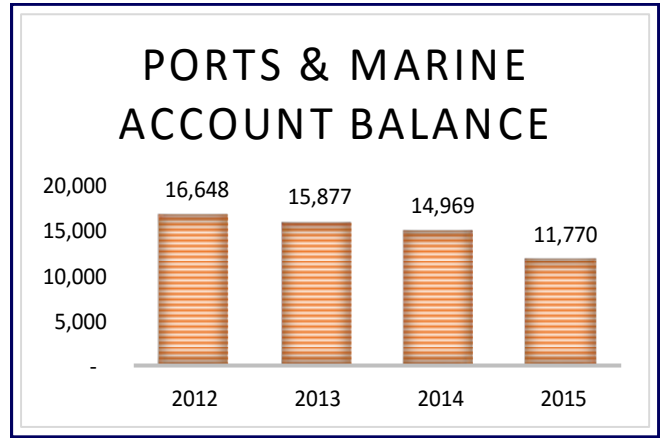
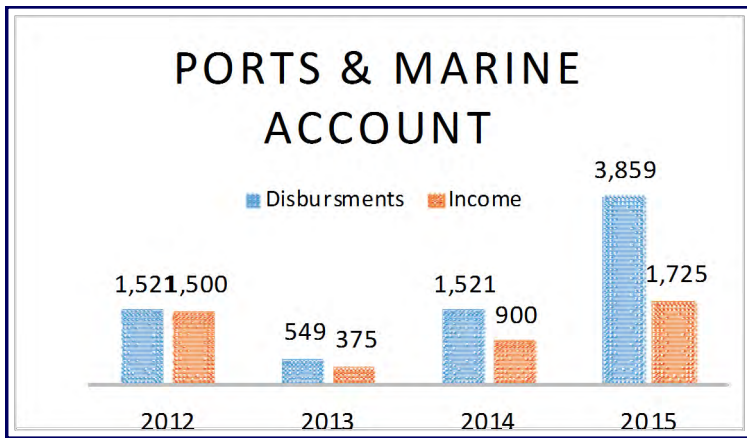


Captain Mark Klopp guides the USS Zumwalt down the Kennebec River on its historic first transit to sea.

5. Financial

Ports and Marine Account

The Commission maintains a “Ports and Marine Account” which is the repository from which income (pilot license fees) and expenses (insurance, hearings and miscellaneous costs) flow. The bulk of the Ports and Marine Account is a vestige of a legacy account that is no longer a replenishing funding source. The only current income is provided through pilot licensing and renewal fees, which falls far below the annual costs to run the Pilotage Commission. The current Marine Account balance at the close of Fiscal Year 2016 was \$11,770.13.

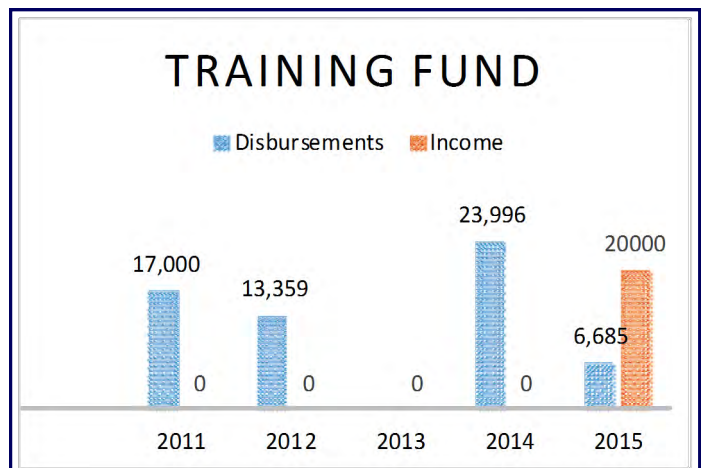


Pilot Training Fund

Training funds for pilots are available separately through the Maine Coastal & Inland Surface Clean-up Fund through 38 MRS § 551. Through legislation, the fund was combined with the Groundwater Oil Clean-up and Response Fund. The new fund remains under the management of the Maine Department of Environmental Protection (DEP) and an oversight board (previously the Marine Oil Spill Advisory Committee (MOSAC)).

The current balance of the Pilot Training Fund is \$39,003.25 with \$6,685 disbursed in FY 2016 for:

- Fatigue Management Training; and
- Portable Pilot Unit training.



6. Meetings and Hearings

The following offers specific details of Commission public forums during the period of July 1, 2015 – June 30, 2016. All meetings and hearings are open to the public.

Typically, routine and recurring Pilotage Commission business is managed with three or four meetings per year. Matters warranting public interaction, such as rate adjustments or rule updates require public hearings which are more formal and transcribed by a stenographer. There were no public hearings held by the Pilotage Commission during Fiscal Year 2016.

Commission Meetings

Meeting November 19, 2015

Location: Augusta, ME

Commission Quorum: 6

Parties in Interest/DOT Reps/Others: 11

Length of Meeting: 2.5 hours

Meeting April 29, 2016

Location: Augusta, ME

Commission Quorum: 7

Parties in Interest/DOT Reps/Others: 8

Length of Meeting: 2.0 hours

Meeting June 30, 2016

Location: Augusta, ME

Commission Quorum: 5

Parties in Interest/DOT Reps/Others: 4

Length of Meeting: 2.25 hours



Did you know?

- ⇒ The Port of Eastport boasts the deepest natural port in the continental United States.
- ⇒ Maine has the closest deep water ports to European markets.
- ⇒ Maine's navigation system uses 64 iconic lighthouses.
- ⇒ 80% of all United States lobster is from Maine.



7. Roster of Licensed State Pilots

Active Pilots	Expiration
Doug Fournier	2020
David Gelinas	2017
Mark Klopp	2016
Gerald Morrison	2017
Robert Peacock	2020
Adam Philbrook	2019
Ryan Read	2017
David Smith	2017
Prentice Strong	2019

Active Pilots

Active pilots are licensed individuals who currently serve one or more routes and maintain currency by meeting annual recency mandates, annual eye & physical exams, continuing education & drug testing requirements.

Inactive Pilots	Expiration
Michael Ames	2020
Doug Lord	2019
Earl Walker	2017


Inactive Pilots

Inactive pilots may hold a state pilotage license but do not meet one or more of the currency requirements of an active pilot. Inactive pilots cannot pilot ships until all currency requirements are met.

Pilot License Activity

The current roster of state licensed pilots includes 12 individuals. During Fiscal Year 2016 pilot license transactions were as follows:

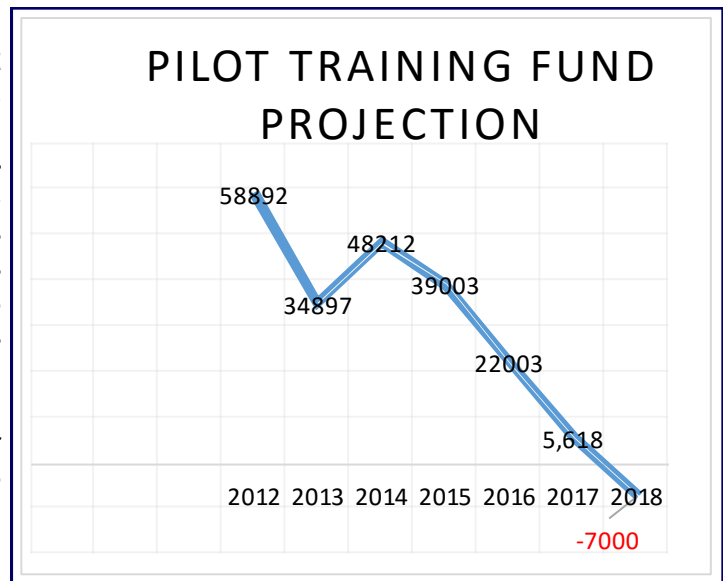
- i. New Licenses Issued: 1
- ii. Current Licenses Renewed: 2
- iii. Licenses Suspended (for cause): None
- iv. Licenses Deactivated: None
- v. New Route Endorsements Issued: 3

 Captain Douglas Fournier completed an apprenticeship under the sponsorship of the Penobscot Bay and River Pilots Association. He successfully tested for initial licensure on Penobscot Bay (Zone B) on July 13, 2015 and later successfully tested for Frenchman Bay/ Bar Harbor (Zone E) on August 11, 2015. Captain Ryan Read successfully tested for Ft. Point to Bucksport (Zone C) on August 25, 2015.

8. Pilot Training

On June 30, 2016 the Maine Pilotage Commission approved a three year strategic training plan. The plan is a continuation of a long-term training plan initiated on September 10, 2013. The plan maximizes the limited training funds of the Ground & Surface Waters Clean-up & Response Fund (38 MRS § 551) which is managed by the Maine Department of Environmental Protection (DEP). The training fund supports continuous training to pilots to safeguard Maine's pristine coastal waters and shoreline against marine accidents and pollution. The Commission is thankful for DEP's past generous support and hopes for continued participation in the pilot training fund.

The plan justifies and urges a continued annual allocation of \$20,000 to the Pilot Training Fund. Further, the plan supports renewal of the April 9, 2015 DEP/Pilotage Commission Memorandum of Understanding (MOU). The recurring \$20,000 from the Ground & Surface Waters Clean-Up & Response Fund and MOU renewal is imperative for the Maine State Pilotage Commission to maintain a training program to prevent accidents leading to oil spills. Despite applying creativity to deliver training at 49% below budget during the last three year training cycle, funding will continue to challenge the Commission.



The Commission has committed to a broader training strategy to stretch sparse funding.

- 1. Consolidation of more courses and requiring larger pools of pilots to attend set course dates when possible. This standardizes training, permits group discounts, and reduces travel costs.*
- 2. Where possible, the Commission is teaming with Maine Maritime Academy to support training (though partnership with outside vendors or directly). This approach embraces Maine based education and directs training funds from out-of-state back into the Maine economy.*
- 3. Class room style courses (typically set cost), are availed to ferry and tug boat operators as well as Maine Maritime Academy faculty. This strategy maximizes navigation safety, protects more of Maine's natural resources and supports Maine public transportation safety.*
- 4. The Maine Pilot Commission requires a 25% co-pay for training and associated costs for any training supported with the Ground & Surface Waters Clean-up & Response Fund. This assures a high level of commitment of the course attendee, reduces the fund burden by 25%, and makes each pilot an invested stakeholder in the training.*

In Fiscal Year 2016, the Pilot Commission supported the following training opportunities.

- Fatigue Management Seminar
- Portable Pilot Unit Training

9. Commission Comments

Northeast Regional Ocean Council

The Maine Pilotage Commission partnered with the Northeast Regional Ocean Council to support ecologically-based analysis of Maine's marine environment to better manage Maine's marine resources. The Council is part of the National Ocean Policy, established by Presidential Executive Order in 2010, and is one of nine regionally focused Regional Planning Boards to better manage the nation's oceans and coasts. The Northeast Council is comprised of 10 Federal agencies, 10 Federally recognized tribes, the New England Fishery Management Council, the public, and non-government agencies. The council sought the knowledge, perspectives and needs of Maine's pilots, as well as, other ocean stakeholders including; scientists; boaters; environmental groups; leaders in the shipping, ports, and energy industries; and all New Englanders with an interest in the ocean. The Council, will use data collected with the support of the Maine Pilotage Commission to make accurate, up-to-date databases to best understand competing waterway demands and protect the environment.



A Maine salt Marsh.

Regulatory Compendium

The Commission revised and re-issued a spiral-bound Regulatory Compendium. The booklet contains all recent legislative and pilotage rule changes and includes new policy documents to provide a simple single reference for pilots and Commission authorities.

L'Hermoine Visit

On July 14, 2015, the L'Hermoine, a replica of the 18th Century French Frigate visited Castine. The trip was part of an trans-Atlantic East coast tour to commemorate the 1780 voyage which brought the Marquis de Lafayette to support the American fight for independence. The arrival necessitated a unique pilotage assignment in that it is rare for commercial pilots to maneuver a vessel under sail.



Captain Skip Strong pilots L'Hermoine to an awaiting Castine berth.

Auditing Program

In order to ensure quality and accuracy of pilotage licensing records, the Maine Pilotage Commission initiated a voluntary internal auditing system which reviews all pilot records which are retained in a MaineDOT electronic database. The system follows a standardized record verification process in which the Administrator examines each pilot's record periodically to verify that all legal requirements are satisfied and that records properly reflect the pilot's current licensing status, recency, physical wellness, continuing education requirements, as well as other routine administrative items. The program has been successful in closing some minor administrative gaps and has enhanced the record keeping system.

Examination Updates

Written examinations remain an important component in verifying the local knowledge element of pilotage. Considering that the marine environment is dynamic and ever-changing, it is important to remain abreast of changes to environmental conditions, navigation aid updates, and changes in traffic flow and volumes. Such changes need to be accurately reflected in the Commission's test bank in order to maintain a reliable test system.

In 2015 the Commission committed to conducting regular reviews of the Commission's written examinations and answer banks to assure quality and accuracy. The Commission's decision sparked a significant project in 2015 to systematically review, refresh, and update an expansive bank of test questions and answers used to verify the knowledge of apprentice pilots. The review verifies each question and answer's accuracy and relevance making updates and revisions as required. The project required extensive research of navigation charts, Coast Pilot records, survey data, and pilot feedback.

During Fiscal Year 2015 examinations for five pilotage routes were reviewed and revised. In Fiscal Year 2016, licensing examinations were reviewed and updated as necessary for:

- Zone F Quoddy/Eastport
- Zone G Sheepscot River
- Zone H Somes Sound



Eastport Pilot Boat



Eastport's replacement pilot boat after delivering a pilot to a ship.

The Eastport/Quoddy Pilots welcomed the arrival of a replacement pilot boat. The sturdy vessel is a 44 foot self righting pilot boat constructed in 2010. The boat is leased from Maine Maritime Academy for 3 years.

The replacement boat was needed following the December 4, 2014 structural failure of the Eastport Breakwater. The collapse of the iconic 1960's era breakwater caused major debris to fall into the water landing on moored vessels. Fortunately, there were no major injuries, however, several vessels were impacted

including the Eastport pilot boat, MEDRIC 2. The new pilot boat is a critical component to the local maritime economy.

Marine Pilots Earn 2015 Mariners Award

The Maine Maritime Museum honored all current and prior pilots and their Commissions with the Mariner's Award during a ceremony at their Bath location on August 26, 2015. Both Rear Admiral Linda Fagan, Commander, First Coast Guard District and Senator Angus King attended and delivered comments. The Mariner's Award is presented annually to an individual or organization that has made extraordinary contributions to Maine's maritime heritage and significantly impacted the state's culture and economy.



Members of the Maine Pilotage Commission accepting recognition by the Maine Maritime Museum with Senator Angus King. Left to right, Brian Downey, Tom Dobbins, Charles Weeks, David Gelinas, Earl Walker, Senator Angus King, & John Worth.

10. Maine Shipping Data

While traditional cargo volumes are down regionally, the ripples of the slowing trend are impacting Maine's marine industry. Ship volumes were consistently down in all Maine ports across the board, which significantly strains local pilot groups. A bright spot in this slow period is a consistent and strong cruise ship market which requires Maine pilots to safely bring thousands of visitors to the state each year. The two principal large cruise ship destinations remain Bar Harbor and Portland although other ports, such as Rockland, Eastport, and Camden also see small ship traffic.

Cruise Ships by the Numbers⁴

46.2 million dollars in Maine revenue.

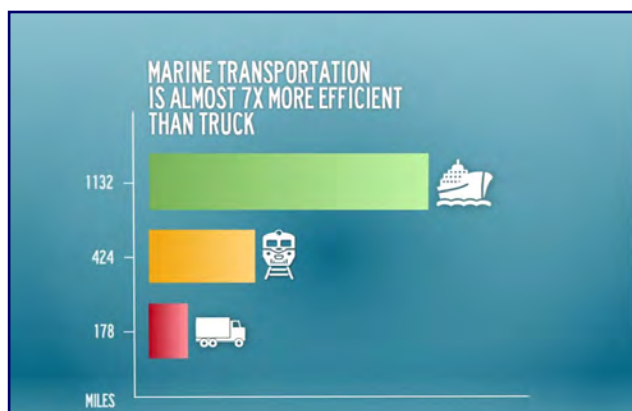
747 cruise industry related jobs in Maine.

25 million dollars in cruise related salaries.



A coastal cruiser passing an anchored ship off Bar Harbor.

Marine Transportation is *Green* Transportation⁵



Compared to competing transportation modes, per gallon of fuel used, ships move one ton of cargo nearly seven times farther than truck and over twice as far as rail. Maine pilots are proud to be part of an industry that inherently delivers more cargo more efficiently with less fuel than road and rail options.

11. Commission Recommendations

The Commission strongly supports continuation of the MOU with the Department of Environmental Protection for pilot training. The Commission remains convinced that preventative measures in the form of training, is the best means to avoid environmental damage caused by an oil spill. Pilot training, in pertinent disciplines, is a highly cost effective use of the Ground & Surface Waters Clean-up & Response Fund. To this end, the Maine Pilotage Commission will endeavor to recommend a candidate to be nominated by the Speaker of the House to represent the Commission on the Ground & Surface Waters Clean-up & Response Board.

Maine State Pilotage Waters



End Notes

- ¹ Maine Office of Tourism – 2014
- ² Maine Department of Marine Resources - 2015
- ³ National Geographic.com –2015
- ⁴ Cruise Maine—2015
- ⁵ Maritime Industrial Transportation Alliance –2014

**Maine Pilotage
Commission**

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