



# ON STATION

The Newsletter of the American Pilots' Association

June 30, 2023

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## APA REPRESENTS PILOTS ON CAPITOL HILL

On June 6th, Executive Director—General Counsel, Clay Diamond testified before the House of Representatives Committee on Natural Resources, Subcommittee on Water, Wildlife and Fisheries at a hearing, “Examining the impacts of the National Oceanic and Atmospheric Administration’s (NOAA) proposed changes to the North Atlantic Right Whale (NARW) Vessel Strike Reduction Rule.”



Executive Director-General Counsel, Clay Diamond

Diamond testified that NOAA’s proposals would increase dangers faced by pilots and pilot boat crews and would negatively impact the navigation safety of large vessels that must operate in East Coast Federal Navigation Channels (FNC). While APA remains committed to working with NOAA to protect the North Atlantic Right Whale (NARW), Diamond made the case for Congress to consider legislation to protect pilots and pilot boat crews as well ensure that pilots are able to safely navigate large vessels that must operation in restricted FNCs.

*“Unfortunately, NOAA is promulgating policies that do very little for the Right Whale, but which could be devastating to all types of boating and shipping activity on the east coast...These proposed changes reduce safe operation of vessels in Federal Navigation Channels...NOAA can and must do better than this.”*

- Chairman Cliff Bentz (R-OR)

Other witnesses testifying before the subcommittee were the Honorable Janet Coit, Deputy Administrator for NOAA; Captain Fred Gamboa, Andreas’ Toy Charters; Mr. Frank Hugelmeyer, National Marine Manufacturers’ Association; and Dr. Jessica Redfern, Ocean Conservation Science.

The hearing was well-attended by subcommittee

members as well as the public. In addition to members of the subcommittee, Representative Buddy Carter (R-GA) asked to attend the hearing so that he could ask NOAA necessary oversight questions.

The subcommittee’s questions focused on the significant negative impacts NOAA’s proposed rule would have on shipping and boating on the East Coast; NOAA’s failure to appropriately consider the economic impacts the proposed rule will have; the increased dangers that pilots and pilot boat crews will face as a result of having to operate

*“APA is committed to working with the federal government to protect the North Atlantic Right Whale, but we must do so in a way that protects the safety of pilots and pilot boat crews, ensures the safety of navigation, and considers the detrimental impacts of slowing maritime commerce on the entire Eastern Seaboard for half of the year.”*

- Clay Diamond

outside of ideal operating parameters during dangerous pilot transfer operations; and the impacts to the safe navigation of large vessels operating in the FNCs.

A video of the full hearing is available at: <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=413367>



Witnesses Appear Before a Crowded U.S. House of Representatives Natural Resources Committee Hearing Room



### IMO ADVANCES EFFORTS TO IMPROVE PILOT TRANSFER SAFETY

The 10th Session of IMO’s Sub-Committee on Navigation, Communications, and Search & Rescue (NCSR 10) was held from May 10-19. APA President, Captain Jorge Viso, served on the IMPA Delegation and APA Executive Director-General Counsel, Clay Diamond, served on the U.S. Delegation.



Clay Diamond (left) with Coast Guard official, Kevin Kiefer (who served as head of the U.S. Delegation to NCSR 10).

In response to proposals by the International Maritime Pilots’ Association (IMPA), China, Bahamas and New Zealand, along with considerable public debate and behind-the-scenes negotiations, NCSR, the IMO Sub-Committee responsible for the SOLAS regulation on pilot transfer arrangements (V/23), agreed that all stand-

ards for pilot transfer arrangements shall be MANDATORY. The most likely way this will be achieved is by combining enhanced requirements of V/23 and IMO recommendations (Resolution A.1045) into a new mandatory performance standard.

The Coast Guard, which represents the U.S. at IMO meetings, has been very supportive of APA’s efforts at IMO to enhance pilot safety.

While there is still work to be done, this is a very positive outcome and demonstrates that the international maritime community has come together to enhance pilot safety!

#### AMERICAN PILOTS’ ASSOCIATION

499 South Capitol Street, S.W., Suite 409  
Washington, D.C. 20003  
(202) 484-0700 • www.AmericanPilots.org

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ON STATION is published by the American Pilots’ Association, a non-profit professional association composed of groups of state-licensed pilots operating in each of the coastal states, as well as groups of U.S. registered pilots in the Great Lakes region. Each pilot in APA-member groups receives ON STATION, the costs of which are paid from the member’s dues. Any comments, suggestions or questions concerning ON STATION should be directed to the attention of the APA office at the above address.

### IMO CONTINUES WORK ON AUTONOMOUS SHIPS

The 107th Session of the Maritime Safety Committee (MSC 107) met from May 31-June 9 to discuss a variety of issues, including continuing work on developing a non-mandatory instrument for Maritime Autonomous Surface Ships (MASS). APA executive Director-General Counsel, Clay Diamond, served on the U.S. Delegation to MSC 107.

MSC earlier agreed the MASS Code will initially be non-mandatory, but will later be converted to a mandatory instrument. MSC 107 made the following broad decisions: (1) There is no need to amend the COLREGs to accommodate MASS; (2) The MASS Code should not repeat provisions or regulations of SOLAS and other existing IMO instruments; and (3) When there are seafarers on a MASS, the STCW will apply to them, but STCW will not apply to Remote Control Operators and masters at a Remote Operations Center (the MASS Code itself will address the training for such persons).

IMO continues to maintain an aggressive, if not overly optimistic, timeline to complete its work on the MASS Code, specifically: (1) Finalize the non-mandatory MASS Code during the second half of 2024; (2) Finalize the mandatory MASS Code during the first half of 2025; and (3) Adopt the mandatory MASS Code during the first half of 2026, with a planned entry-into-force of January 1, 2028.

Although neither pilots nor pilotage were directly raised at this meeting, APA (and IMPA) will remain fully engaged in IMO’s work on MASS and the MASS Code to ensure compulsory pilotage is appropriately considered as IMO’s work progresses.



### VISO PARTICIPATES IN IMPA ADVISORS MEETING

On May 22, Captain Jorge Viso, APA President, participated in a meeting of IMPA Advisors (see photo below). These Advisors provide advice on a variety of topics to IMPA President, Captain Simon Pelletier, as well as to the IMPA Vice Presidents.

Captain Viso has been an IMPA Advisor and has attended these meetings since 2017. While as an Advisor Captain Viso is engaged on a wide range of



key issues affecting pilots, he has been particularly active in providing detailed input on efforts to enhance pilot transfer arrangement safety.





### **BIPARTISAN BILLS DIRECT NOAA TO USE TECHNOLOGY BEFORE CHANGING SPEED RULES**

Driven largely by the House hearing held on June 6 (see page 1), House and Senate members have introduced legislation related to NOAA's proposal to amend its NARW speed rule. On June 7, Senators Joe Manchin (D-WV) and John Boozman (R-AR), introduced the Protecting Whales, Human Safety, and the Economy Act of 2023 (S.1833), which would prohibit NOAA from modifying the NARW vessel speed regulation until technological solutions recently authorized by Congress can better track whales and avoid strikes. On June 23, Representatives Buddy Carter (R-GA) and Mary Peltola (D-AK), along with Gregory Murphy (R-NC), John Rutherford (R-FL), and Nancy Mace (R-SC) introduced a similar bill (H.R. 4323).

NOAA has proposed amendments to existing NARW speed regulations that would (1) apply the seasonal 10 knot speed restriction to all vessels greater than or equal to 35 feet, which would capture offshore pilot boats on the East Coast; (2) more than double the existing speed restriction area, blanketing the entire East Coast; and (3) make significant changes to the existing navigation safety "deviation clause."

These legislators – democrats and republicans – had strong views on NOAA's proposal. "I'm proud to introduce [this bill] to prevent yet another example of dangerous federal overreach," said Sen. Manchin. Sen. Boozman added, "I'm pleased to join on this legislation to encourage a reasonable solution for safeguarding the [NARW] without imposing overly restrictive mandates and inviting unintended consequences."

The House co-sponsors had similar opinions. "We all want to protect the right whale, but this is the wrong way to do it," said Rep. Carter. "Before implementing a sweeping rule that will kneecap small businesses up and down the east coast...we must use all of the technological advancements at our disposal." Rep. Peltola stated, "Alaskans know that the ocean is unpredictable; limiting a vessel's speed can have catastrophic consequences for human life and new regulations should not create additional hazards for our nation's mariners."

As the sponsors of these bills have noted, NOAA has proposed these changes despite a lack of scientific evidence that the proposed changes would further protect Right Whales. APA will watch these bills closely and keep membership apprised.

### **COAST GUARD AUTHORIZATION ACT**

The House introduced and marked up H.R. 2741, the Coast Guard Authorization Act (CGAA) of 2023 on April 26. The short bill contains 34 sections and awaits full consideration by the House. To date, there has not been a Senate companion bill.

Two sections of the bill are of interest. One section authorizes \$11,000,000 to fund the acquisition, development, and implementation of new credentialing processing system for merchant mariner credentials. Given the delays the NMC has been experiencing this is welcome news. Another section proposes the establishment of a National Advisory Committee on Autonomous Maritime Systems. The draft language has a position on that committee for a maritime pilot.

APA will continue to monitor and report on the progress of the CGAA.

### **COAST GUARD ISSUES POLICY ON MMC APPLICANTS WITH SEXUAL ABUSE CONVICTIONS**

As required by the 2022 CGAA, the Coast Guard a Policy Letter to provide guidance on safety and suitability determinations for applicants for Merchant Mariner Credentials (MMCs) with convictions for sexual assault. This policy guidance will be used by the National Maritime Center (NMC) when evaluating applications for original/renewal MMCs.

APA encourages pilots to read the policy letter in its entirety, but below are some key points:

- (1) An MMC application will be denied to an individual who has been convicted of a sexual abuse offense (e.g., aggravated sexual abuse, sexual abuse, and sexual abuse of a minor) under federal criminal law or for sexual abuse or "a substantially similar offense under State, local, or Tribal law."
- (2) An MMC application will be evaluated for sexual contact under 18 U.S.C. § 2244(b) (abusive sexual contact) for convictions < 5 years old and may be denied for a conviction within 5 years of the application.
- (3) Evaluation for convictions for other sexual offenses remain the same and will be evaluated in accordance with Table 1 of 46 C.F.R. § 10.211.
- (4) Applicants who believe their criminal history information is not accurate may follow the procedures set forth in 28 C.F.R. § 16.34 to correct the same.
- (5) Applicants denied an MMC (original or renewal) will be advised in writing of their appeal rights.

The policy letter is available at the following link:

[https://www.dco.uscg.mil/Portals/9/NMC/pdfs/announcements/2023/mmc\\_policy\\_letter\\_03-23.pdf](https://www.dco.uscg.mil/Portals/9/NMC/pdfs/announcements/2023/mmc_policy_letter_03-23.pdf)

### **COAST GUARD RESUMES IN-PERSON ADVISORY COMMITTEE MEETINGS**

The Coast Guard recently held in-person meetings for the National Merchant Mariner Medical Advisory Committee (NMEDMAC) and National Merchant Marine Personnel Advisory Committee (NMERPAC). Captain Beth Christman (Maryland Pilots) serves on NMEDMAC, and APA Deputy Director-Associate General Counsel Brendan O'Shea represented the interests of pilots at both meetings.



## MERCHANT MARINER CREDENTIALING DELAYS

In the past two months, the National Maritime Center (NMC) has issued several updates on the delays in the issuance of Merchant Mariner Credentials (MMC). Marine Safety Information Bulletin (MSIB) 06/23 encourages the use of the verification tool or NMC email as acceptable verification while awaiting the issuance of a MMC.

**It is strongly recommended that mariners apply at least 90 days in advance for your MMC and you can apply up to 8 months early with no changes between expiration and renewal dates.**

Mariners serving on domestic voyages may use the NMC verification tool to determine whether they have met the credential verification process.

### Use MMC Application Verification Tool

1. Go to the NMC website and click “check your application status” button on the left.

[https://www.dco.uscg.mil/national\\_maritime\\_center/](https://www.dco.uscg.mil/national_maritime_center/)

Or, go directly to the following link:

<https://homeport.uscg.mil/missions/merchant-mariners/merchant-mariner-application-status>

2. Select Single Mariner Search in the bottom dropdown and enter reference # and last name
3. Under the “Credential Status” section for the MMC, verify the “Credential State” is “Approved to Print, Printed, or Issued”. If the MMC is in any other status, then the MMC application is still In-Process and not yet Approved.

### Using Credential Verification Process

1. Go to the NMC website and click “credential verification” in the center navigation button.

[https://www.dco.uscg.mil/national\\_maritime\\_center/](https://www.dco.uscg.mil/national_maritime_center/)

Or, go directly to this link:

<https://homeport.uscg.mil/missions/merchant-mariners/merchant-mariner-credential-verification>

2. Select Single Mariner Search in the bottom dropdown and enter reference # and last name.
3. Once on this page, both the MMC and Medical Certificate issue and expiration dates can be validated. Ensure the credential issue and credential expiration dates reflect the newly issued credential, not the previous issuance. The new MMC information will not be displayed until it has moved to a “Printed or Issued” status. If this occurs, contact NMC for verification.

4. To verify endorsements for the approved MMC, click on the hyperlink associated with the Credential Number

### **Print and Provide the Following as Adequate Proof While Awaiting MMC**

#### **Original or Raise of Grade:**

1. MMC Application Status with an Approved to Print, Printed, or Issued status.
2. MMC Credential Verification displaying MMC Issued and Expiration dates (if applicable) OR email verification from NMC.
3. MMC Credential Verification displaying Credential Details with appropriate endorsements OR email verification from NMC.
4. Previous MMC (if not original issuance).

#### **Renewal ONLY:**

1. MMC Application Status with an Approved to Print, Printed, or Issued status.
2. Previous MMC.

## COAST GUARD RELEASES MSIB NO. 04-23

The Coast Guard issued Marine Safety Information Bulletin (MSIB) 04-23, “Reduced Visibility from the Navigation Bridge” to address break-bulk and retrofitted bulk carriers carrying wind turbine parts in a manner that substantially limits visibility from the navigation bridge.

The USCG clarified that vessels must still comply with U.S. requirements on navigation bridge visibility found in 33 C.F.R. § 164.15, and that dispensation letters issued by flag administrators or recognized organizations do not exempt vessels from complying with these regulations. Operators requesting to deviate from the bridge visibility rule must submit written application to the local Captain of the Port (COTP). The COTP may authorize a deviation from the rule if the deviation does not impair the vessel’s safe navigation under anticipated conditions and will not violate the rule for preventing collisions at sea. The USCG does not typically grant deviations for situations intentionally counter to the regulations or solely for convenience or financial incentive.

This was a great example of the Pilots in the Columbia River and the Columbia River Bar working together and with local Coast Guard to stress “safety first” and elevating the issue as needed.

The complete MSIB may be found at:

[https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/MSIB/2023/MSIB-04-23\\_Reduced\\_Visibility\\_Navigation\\_Bridge.pdf?ver=4toV6dJwvBgdefzq2MT63A%3D%3D](https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/MSIB/2023/MSIB-04-23_Reduced_Visibility_Navigation_Bridge.pdf?ver=4toV6dJwvBgdefzq2MT63A%3D%3D)



## MITAGS 50th ANNIVERSARY

On June 4, MITAGS celebrated its 50th anniversary. Part of that event included a panel discussion on maritime technology. APA President Captain Jorge Viso participated in that discussion with other leaders in the maritime community.



MITAGS Technology Panel (left to right): Rear Admiral Simon Harden, UK Hydrographic Office; Anthony Fisher, Deputy Great Lakes Seaway Administrator; Captain Jorge Viso, APA President; William Doyle, Executive Director Port of Baltimore; and Mark Heward, Director of MITAGS.



## PETITION FOR RULEMAKING ON RICE'S WHALE

In April NOAA / NMFS published a Notice in the Federal Register announcing that it received a petition from a number of environmental and conservation organizations (The Natural Resources Defense Council, Healthy Gulf, Center for Biological Diversity, Defenders of Wildlife, Earthjustice, and New England Aquarium) for rulemaking to establish a year-round 10kt vessel speed limit and other vessel-related mitigation measures in the Gulf of Mexico for the Rice's whale "core" habitat area.

Specifically, the petition proposes a year-round 10-knot vessel speed restriction within waters between 100 meters (m) and 400 m deep from approximately Pensacola, FL, to just south of Tampa, FL (e.g., from 87.5° W longitude to 27.5° N latitude) plus an additional 10 kilometers (km) around that area (referred to in the petition as the "Vessel Slowdown Zone").

The petition proposes the following additional restrictions within this "Vessel Slowdown Zone": (a) no vessel transits at night; (b) vessels transiting through the zone must report their plans to NMFS, utilize visual observers, and maintain a separation distance of 500 m from Rice's whales; (c) use and operate an Automatic Identification System, or noti-

fy NMFS of transits through the zone; and (d) report deviations from these requirements to NMFS.

To be clear, this is not yet a NOAA / NMFS proposed rulemaking, but is rather a petition sent by private parties urging NOAA / NMFS to pursue a rulemaking.

NMFS is requesting comments on the petition and will consider all comments and available information when determining whether to accept the petition and proceed with the suggested rulemaking. Any comments must be submitted by July 6, 2023.

APA will be working directly with the Tampa Bay Pilots, the Florida Harbor Pilots' Association, and any other directly impacted pilot groups as we development comments in response to this petition for rulemaking, but wanted to ensure APA membership had full visibility on this latest NOAA / NMFS development.

[https://www.govinfo.gov/content/pkg/FR-2023-04-07/pdf/2023-06978.pdf?](https://www.govinfo.gov/content/pkg/FR-2023-04-07/pdf/2023-06978.pdf)

[utm\\_source=federalregister.gov&utm\\_medium=email&utm\\_campaign=subscription+mailing+list](https://www.govinfo.gov/content/pkg/FR-2023-04-07/pdf/2023-06978.pdf?utm_source=federalregister.gov&utm_medium=email&utm_campaign=subscription+mailing+list)



## NTSB DETERMINES CAUSE OF A CRUISE SHIP STRIKING A PIER

The NTSB released its report involving an incident in which a cruise ship master was doing his own docking. "Overreliance on an electronic chart, miscommunication and an outdated navigational chart were all factors in a cruise ship damaging a cruise terminal pier last year near Sitka, Alaska" according to the NTSB.

The NTSB also noted that the Sitka Sound Cruise Terminal pier was extended in 2021 but that NOAA was not informed and the electronic charts were not updated. The NTSB report highlighted the importance of ports and terminals reporting significant modification to the appropriate hydrographic authority so charts can be updated.

<https://www.nts.gov/news/press-releases/Pages/NR20230613.aspx>

### DON'T FORGET THE APA PAC FUND

Send your voluntary contribution to:  
**APA Political Action Committee**  
 499 South Capitol St., SW—Suite 409  
 Washington, DC 20003-4023





## APA NEWS SOUTHEAST ALASKA PILOTS PLAY KEY ROLE IN RESCUE



On June 5, the SAPHIRE PRINCESS, under the pilotage of two Southeast Alaska Pilots, rescued 51 passengers from the WILDERNESS SEA which was disabled following an engine room fire. Captain John Herring and Captain Chris Biagi continued to pilot the SAPHIRE PRINCESS as well as taking on the task of conducting external communications with the Coast Guard during the rescue effort.



## SABINE PILOT BOAT CAPTAINS RESCUE TUG CREW

In the early morning hours of March 31, Sabine Pilot Boat Captains Michael Deemy and Dylan Simmons responded immediately to a request to assist the sinking tug SEA CYPRESS. Recognizing the dire circumstances, Captain Simmons requested additional aid which was immediately answered by Captains William McMaster, Marcus Beaver, Colby Hearn, and David Seymour. Captains Seymour and Deemy made contact with two trapped crew members in the sinking tug and directed the crew to use the cutting torch from the barge to create an opening large enough to free the trapped crew. Once cut, the responders used available tools and equipment to move the cut steel sufficiently to allow for the egress of the trapped crew.



Captains Michael Deemy, David Seymour, and Dylan Simmons of the Sabine Pilots and USCG Captain of the Port, Captain Molly Wike

The crew of the tug was taken to safety by the Sabine Pilot Boat PORT ARTHUR.

The local Captain of the Port (COTP), Captain Molly Wike honored the responders with a lifesaving letter from the Coast Guard.



Captain Viso being lowered from the Columbia Bar Pilots Helicopter

## VISO CONTINUES TO RIDE COAST TO COAST

APA President, Captain Jorge Viso, continues his effort to ride with pilots on the pilotage waters of every APA-member pilot group.

In April, Viso, along with APA Deputy Director -Associate General Counsel, Brendan O'Shea, rode with both the Columbia River Bar Pilots and the Columbia River Pilots.

In June, Captain Viso continued his efforts by riding with the Pilots' Association for the Bay and Delaware River, the Biscayne Bay Pilots, and the Virginia Pilot Association.



Delaware River and Bay Pilot Apprentices (left to right): Captains Mike Carroll Raina Barnes, Haleigh Simmons, Jorge Viso, Dennis Cluff, Austin MacElrevey, Grier Wakefield, Paul Boudart, and Kevin Roche.

### ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

The following pilots associations announced new officers:

- ♦ Canaveral Pilots Association: **Captain Ben Borgie** (Co-Chairman), **Captain Sean Morrissey** (Co-Chairman), and **Captain Matt Lynch** (Secretary).
- ♦ Mobile Bar Pilots: **Captain Jason Comer** (President), **Captain David Bender** (Vice-President), **Captain Curtis Wilson** (Secretary/Treasurer), **Captain Dave Berault** (Boat Captain), **Captain Jay Miller** (Director).
- ♦ The Virginia Pilot Association: **Captain J.W. Whiting Chisman** (President), **Captain Frank M. Rabena** (Vice-President), **Captain January N. Collins**, **Captain Charles I. Boggs Jr.**, **Captain Michael S. Eubanks**, **Captain Jacob R. Johnson** (Board of Directors).