

## **APPROVED MINUTES**

### **RI STATE PILOTAGE COMMISSION MEETING**

**September 8, 2011**

**held at 235 Promenade Street, Room 250**

**Providence, Rhode Island 02908**

#### **MEMBERS IN ATTENDANCE:**

**Capt. E. Howard McVay Jr., Chair**

**Capt. J. Peter Fritz, Member**

**Larry Mouradjian, Member**

**Chief Steve Hall, Member**

#### **OTHERS IN ATTENDANCE:**

**Capt. Vincent Kirby, NMP, RI State Pilot Board**

**Joanne Scorpio, Recording Secretary**

**Atty. Gary Powers, Legal Counsel**

**Capt Richard Astles, NMP, RI State Pilot Board**

**Terri Bisson, RIDEM, Planning & Dev.**

#### **I. REVIEW OF PREVIOUS MEETING MINUTES:**

**Quorum being present, the chair called the meeting to order at approximately 9:30 a.m. Member Chief Hall made a motion to approve the minutes of the June 2, 2011 meeting. The minutes were approved by assent. 3-0 in favor**

## **II. OLD BUSINESS:**

**A. Annual Report - Terri Bisson distributed the final and approved 2010 State Pilotage Commission report to the members and attendees for their review. Chair McVay gave Terri Bisson the approval to upload the report on the DEM website.**

**B. Apprentice Pilot Update - Capt. Kirby, Chair of the State Pilot Board addressed the Commission and stated that he would like to recommend Capt. Barnaby to the commission for the R.I. apprentice pilot program for Narragansett Bay. He also updated the members on Capt. Bogus and said that he continues to work on his probationary license. The Board is waiting to evaluate Capt. Bogus's performance in more challenging weather conditions before recommending him for a full branch license. Capt. Kirby went on to state that the Board inquired with Atty. Powers if there was a need for a written provision in the regulation explicitly requiring demonstrative proficiency and higher degree of difficulty in weather and traffic conditions during the apprentice and licensing process. He said that there is not a written regulation but they are insistent on these provisions for licensure. Capt. Kirby felt that it was unnecessary for a regulation to be written because it is already provided for and required in their training for fog, restricted visibility, high winds, and high traffic.**

**Chair McVay stated that Atty. Powers drafted a waiver for the**

**apprentice pilots to sign before apprenticing in Narragansett Bay or Block Island Sound. Atty. Powers then distributed a copy of the draft waiver to the members (“Waiver of Liability for Damages Sustained Due to Participation in the Pilot apprentice Program”) and went on to explain the context of the draft. Member Mouradjian stated that some of the language needs to be revised and simplified to ensure clear and concise understanding. Members and Capt. Kirby made some revisions to the current document. Revisions will continue at a later date through email. Member Chief Hall made a motion to accept the waiver in its current form and to continue to make revisions. Member Mouradjian seconded the motion. Voted 3-0 in favor.**

**C. Capt. Bruce Barnaby - Chair McVay advised the Commission and attendees that Capt. Barnaby has completed his apprenticeship in Block Is. Sound and would like to recommend him for Narragansett Bay. Member Capt Fritz made a motion to certify Capt. Barnaby for Narragansett Bay; Member Chief Hall seconded the motion. Voted 3-0 in favor.**

**D. Review of RI Statutes: Yacht exemptions, Possible Bonding - Members continued discussing revisions for yacht exemptions (§46-9-3 Vessels exempt from chapter). Atty. Powers addressed the Commission and explained the provisions on posting a bond for vessels that do not pose an environmental threat to the waters of RI and coastline. He advised them and recommended statutory changes so the Commission will be permitted to have the authority to post a**

**bond in lieu of a vessel boarding a pilot.**

**Chair McVay recommended that the Commission make a motion to pursue a bond posting for specified yacht exemptions and to begin revising the language to the statutes through email. He would like to have a draft ready for next month's (Oct) meeting. Chair McVay went on to state that the revised regulation will then go to public hearing held prior to the December RIPC meeting. Once approved the regulation will then be posted on the RIPC website under "Regulations: yachts that are exempt from state pilotage". Member Capt. Fritz made a motion to begin revisions to the regulations. Member Mouradjian seconded the motion. Voted 3-0 in favor.**

**E. Report of Atty. Powers on Bonding Tug/Barge Units and legal opinion of enforcement of State Pilots aboard Coastwise Tug/Barge Units - the Chair stated that he would call the operator of the bunker barge and get technical information (gals of oil, max draft, etc) and also the vessel's financial responsibility and bonding provisions. He will then email that information out to the Commission and have it ready for the next RIPC meeting.**

**F. Report on Treasure Coast Tug - The Chair advised the members that no action has been taken yet against the Treasure Coast tug for not boarding a pilot (cleared for foreign to/from Canada). He then explained that the shipping agent for the tug advised them that they did not have to board a pilot. The Chair asked the members what**

**action they wanted to proceed with and to take into consideration that this was an oversight through the shipping agent's recommendation that the tug was not legally obligated to board a pilot leaving/entering Narragansett Bay.**

**Member Mouradjian reminded the commissioners that a vote to pursue a fine was already voted on at the June meeting (2-0 in favor). Member Capt. Fritz made a motion to reconsider original motion made at the June 2011 meeting and send a formal letter of warning instead. Member Mouradjian seconded the motion. Member Chief Hall Abstained. Voted 2-0 in favor. Chair McVay will have Atty. Powers draft the letter.**

**G. State Pilot ID Badge Update - Member Chief Hall advised the Commission that Officer Ogren has a draft ID Card ready. He will scan and email a copy to the members for their review.**

### **III. NEW BUSINESS:**

**No new business**

### **IV. EXECUTIVE SESSION:**

**No executive session**