



# ON STATION

The Newsletter of the American Pilots' Association

June 1, 2019

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## PILOT LADDERS AND THE ORIGINS OF THE "PILOT MARK"

By Captain Kevin Vallance, Trinity House Deep Sea Pilot

There are many things in both our everyday and professional lives which we take for granted and never question the origins. An example of this might be the IMPA recommended "pilot mark or pilot line," which is sometimes seen on the side of vessels indicating where a vessel's freeboard exceeds 9 meters.

Having first ventured to sea back in 1974, my memory is that occasionally entering or leaving port I would see a vessel with a "red and white box" painted on the ship side. At that time I was working on relatively small vessels with low freeboard that did not require a pilot, so I had no incentive to find out its relevance.

It was not until I became a pilot that I started to take an interest in the freeboard of large vessels before boarding them. Much later, after publication of my book *The Pilot Ladder Manual*, by Witherby Seamanship International, I was asked by Captain Jorge Viso, President of the American Pilots' Association, if I knew anything about the origins of the Pilot Line; the short answer to which was no. Fortunately I had an inkling that I might know somebody who did know.

Although it is often said that "pilots don't make old bones," fortunately there are still a number of retired pilots who are around to pass on their collective knowledge and experience. My first point of contact was retired Tees Bay Pilot, Captain Geoff Taylor. Geoff, who I have known for many years since my days in command running into the Tees, is a former President of IMPA. Geoff was able to quickly put me in touch with another retired Tees pilot, Captain Stuart Hellier, who it transpires is a major player in this story. Not for the first or last time did it take a tragedy to shock the shipping industry into trying to find the solution to an ongoing and often well-documented problem.

In September 1974 the P&O ferry *Eagle* was on passage across the Bay of Biscay from Southampton to the Iberian Peninsula with 170 passengers aboard. She encountered heavy weather and was hit by a huge wave which crashed over the accommodation, smashing wheelhouse windows and causing flooding on the bridge. This disabled all bridge equipment except the engine controls. Due to the continuing storm, the Master of *Eagle*, Captain "Curly" Renshaw took the decision to divert the storm

battered vessel to Falmouth to enable the damage to be assessed and subsequently repaired.

On *Eagle's* arrival at the Carrick Roads pilot boarding area, a gale force wind and heavy sea continued when the allocated Trinity House Falmouth pilot, Captain Laurence (Laurie) Kerr Mitchell, attempted to board her. Tragically during the pilot ladder climb, Captain Mitchell fell from the ladder between the *Eagle* and the pilot launch *Kernow*. Despite the best efforts of the pilot launch crew, the attending tug and a rescue helicopter, Captain Mitchell, on recovery of his body, was tragically pronounced dead.

On his death, Captain Mitchell left a widow and four children as a direct result of trying, in the best traditions of the sea in general and pilots in particular, to assist a vessel in distress. In memory of his tragic passing the Falmouth Harbour Commissioners in 1977 named their new pilot boat the *L. K. Mitchell*. Incidentally, and nothing to do with this story, she was the first UK built pilot boat to have an orange wheelhouse.

When Laurie's widow, Mrs Maureen Mitchell, tried to sue the P&O Company for liability, despite the fact that her late husband was attempting to render assistance to their severely distressed vessel, she lost the case. The United Kingdom Maritime Pilots' Association (UKMPA) asked for contributions from their members to enable an appeal to be made, sufficient funds were raised but the case at the Court of Appeal was also lost. The defense raised by the P&O was that the pilot chose to climb the ladder even though he could see that the ladder was more than 9 metres long. There was then, and remains now, no obligation for a pilot to climb a non-compliant ladder.

Stuart Hellier said, "The conduct of the P&O Company infuriated me and I was determined to do something about it – but what? The answer suddenly came to me – the Pilot Mark. I presented the idea at a monthly Tees Bay Pilots Meeting."

The requirement that the longest pilot ladder a pilot should

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The "Pilot Mark": The line between the white and red sections marks 9 meters freeboard—the maximum continuous climb a pilot is required to make under SOLAS regulations.



### HTW SUBCOMMITTEE CONSIDERS E-MARINER CREDENTIALS

IMO's Sub-Committee on Human Element, Training & Watch-keeping met for its sixth session (HTW6) from April 29th to May 3rd. Clay Diamond, APA Deputy Director/Associate General Counsel, and Captain Andrew McGovern (NJ Sandy Hook Pilots) served on the U.S. Delegation as private sector advisors.



Left to right: IMO Secretary General, Kitack Lim; Ms. Mayte Medina (USCG); and Clay Diamond (APA)

The U.S. Delegation was led by Ms. Mayte Medina (Chief, USCG Office of Merchant Mariner Credentials), who is also HTW Chair. The spokesman for the U.S. Delegation was Mr. Luke Harden (Chief, USCG Mariner Credentialing Policy Division).

Mr. Nick Cutmore (IMPA Secretary-General), Captain Erik Dalege (German Pilots' Association) and Captain Julian Lancaster (Tees Bay Pilots) also attended HTW6 to represent the interests of pilots.

At this session it was decided to establish a correspondence group to consider how to address the use of electronic documents for seafarers. Among the issues the group will consider are verification of authenticity; security assurance; data form; physical location (storage); privacy; and provisions of the STCW Code that might need to be amended in order

#### AMERICAN PILOTS' ASSOCIATION

499 South Capitol Street, S.W., Suite 409  
Washington, D.C. 20003  
(202) 484-0700 • Fax: (202) 484-9320

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to allow and facilitate the use of electronic mariners' credentials and documents. APA will participate in any such IMO correspondence group on this topic.

HTW6 also discussed developing guidance on how to utilize casualty "lessons learned" in seafarer training. In addition, HTW laid the ground work for considering a comprehensive review and update of the STCW Code, which was last completed in 2010.

Ms. Medina was re-elected HTW Chair by the 100+ countries in attendance, a position she has held for the past five years.



### NEW ISO PILOT LADDER STANDARDS

APA pilots should all be well aware of the SOLAS regulation for pilot transfer arrangements, Regulation V/23, which was last updated in 2012. Section 2.3 of this regulation contains a statement, "*A pilot ladder shall be certified by the manufacturer as complying with this regulation or with an international standard acceptable to the Organization.*" (Emphasis added) That statement includes a footnote to the International Organization for Standardization (ISO) Standard ISO 799:2004 for pilot ladders, which allows ladders meeting the ISO standard to be acceptable under SOLAS.

Since the ISO 799 standard had not been updated since 2004, ISO has begun the task of amending the standard. In its work to update ISO 799, ISO separated the standard into three parts: (1) Construction; (2) Maintenance; and (3) Attachments and Associated Equipment (A&AE). The new Construction standard, ISO 799-1, was recently published. When published, the Maintenance standard will be designated ISO 799-2. The A&AE standard, which will be designated ISO 799-3, will address, among other things, securing of ladders to the ship with items such as traditional rigging, deck tongues, cradles, shackles, etc.

The ISO working group on Miscellaneous Safety Equipment—the group charged with updating ISO 799—met from May 20th-24th at the British Standards Institute in London. Bill Cairns, APA Technology Director, and IMPA Secretary General, Nick Cutmore, represented pilot interests. The group finalized the Maintenance standard, but the A&AE standard requires further development. It is anticipated that both will be published in 2020. The working group also considered a new work item on a standard for Pilot Ladder Winch Reels.

APA has been active in this ISO standards development process and will continue to work to ensure that any pilot ladder standards that are published address critical pilot safety objectives.



## HOUSE HOLDS HEARING ON HARBOR MAINTENANCE TRUST FUND

The Subcommittee on Water Resources & Environment of the House Committee on Transportation & Infrastructure (T&I) conducted a hearing on April 8th entitled “The Cost of Doing Nothing: Why Full Utilization of the Harbor Maintenance Trust Fund and Investment in our Nation’s Waterways Matter.” Witnesses included representatives from various ports, vessel operators, and maritime associations.

The Chairman and Ranking Member of the T&I Committee, Peter DeFazio (D-OR) and Sam Graves (R-MO) are both supporters of expanding harbor maintenance funding and attended this hearing. The two have jointly introduced a bill (H.R. 2396) to ensure full use of the Harbor Maintenance Tax (HMT).

Originally enacted in the Water Resources Development Act of 1986, the HMT is a fee assessed on owners of cargo handled at the Nation’s ports. Funds generated by the tax are placed into the Harbor Maintenance Trust Fund (HMTF) from which Congress appropriates funds for Army Corps of Engineers’ (ACOE) operation & maintenance activities.

Although the HMT generates enough annual revenue (currently estimated at \$1.7 billion) to maintain all of the Nation’s ports, budget constraints and partisan bickering have prevented Congress from fully appropriating necessary funds. This has resulted in a \$9.3 billion surplus balance (that is, money collected, but not spent on port projects as intended) in the trust fund. As pilots know well, inadequate ACOE funding has resulted in a backlog of needed maintenance dredging work.

For years, virtually all segments of the maritime industry - including pilots - have urged Congress to fully use all HMT revenue. H.R. 2396 would attempt to achieve this goal by providing special budgetary treatment to expenditures from the HMTF by exempting such expenditures from Congressional budget caps. Should this legislation be enacted, House and Senate appropriators would have little motive to continue to constrain spending on badly needed harbor maintenance and dredging projects. The legislation is expected to free up both the past surplus balance and also enable full spending of future HMT revenue - \$34 billion over the next decade.

The House legislation is similar to a provision championed by Senate Appropriations Committee Chairman, Sen. Richard Shelby (R-AL). The Senate provision was included in a disaster funding bill that ultimately stalled; however, the bill is expected to move forward in the coming months.

## APA URGES INCREASED PORTS® FUNDING AND HONOR FOR WWII MARINERS

Because pilots have a vital interest in the availability of timely, accurate, and reliable navigation information, and NOAA’s Physical Oceanographic Real-Time System (PORTS®) is a key source of some of this information, APA has long supported PORTS®. On April 29, APA sent a letter to the Senate and House Appropriations Committees requesting that federal PORTS funding be increased in FY2020.

In the letter, APA reminded Congressional Appropriators that PORTS® “provides trusted inputs to PPU’s on port-specific hydrographic and meteorological conditions and is therefore critically important to pilots around the country.” PORTS® has grown over the past decade and is now in place in most of the Nation’s largest and most active ports, but this expansion occurred despite receiving flat annual funding of only \$5 million over the past decade.

PORTS® has managed to survive while receiving so little funding in large part because local ports, sponsors, or other entities have been able to provide stopgap funding for some of the systems’ costs. In the April 29 letter to Congress, APA noted that this patch-work funding scheme has frequently led to serious doubts by some stakeholders – including pilots – as to whether PORTS® would remain operational.

In the letter, APA urged Congress to increase Federal funding for PORTS® from the current \$5 million per year to \$15 million for FY2020. APA understands this additional \$10 million could be used by NOAA to reduce the maintenance backlog on existing PORTS® equipment, modernize equipment across the nation, and implement new information services. In short, this additional modest investment would yield valuable returns in terms of improved navigation safety.

On a different topic, APA has added its support to that of many other mariner organizations for the *Merchant Mariners of World War II Congressional Gold Medal Act of 2019* (H.R. 550 and S. 133).

U.S. merchant mariners were the unsung heroes of World War II. Collectively, 250,000 merchant seamen served in this war, delivering seven million servicemen to the war zone and tens of millions of tons of essential war equipment, ammunition, and other supplies. No service suffered more losses and has received so little recognition. One out of every 26 merchant mariners was lost, *the highest casualty rate of any service.*

World War II merchant mariners were promised benefits equivalent to the G.I. Bill by President Franklin Roosevelt; however, they waited 43 years (until 1988) and then only received limited benefits.

The letter urging passage of the *Merchant Mariners of World War II Congressional Gold Medal Act of 2019* concludes by stating, “We are proud to serve in an industry associated with these courageous men and women.”



## NOAA RELEASES NEW EDITION OF NAUTICAL CHART SYMBOL GUIDE

NOAA's Office of Coast Survey recently announced that Edition 13 of U.S. Chart No. 1 is now available for download at:

<https://nauticalcharts.noaa.gov/publications/us-chart-1.html>

Paper copies may also be purchased from any of the four NOAA Chart No. 1 publishing agents, a list of which can be found at: [www.nauticalcharts.noaa.gov/publications/print-agents.html](http://www.nauticalcharts.noaa.gov/publications/print-agents.html)

This 130-page book describes the symbols, abbreviations, and terms used on paper NOAA nautical charts and for displaying NOAA electronic navigational chart data on Electronic Chart Display and Information Systems (ECDIS). The changes implemented in this latest edition of U.S. Chart No. 1 are available at: <https://nauticalcharts.noaa.gov/publications/docs/us-chart-1/US.ChartNo1.Ed-13-Changes.pdf>



## MARAD CELEBRATES NATIONAL MARITIME DAY

Each year on May 22 our country celebrates National Maritime Day. In a press release, MARAD Administrator, Rear Admiral Mark H. "Buzz" Buzby, made the following statement about the meaning of this special day:

*The United States has always been and will always be a great maritime nation. From our origins as 13 British colonies, through every period of peace and conflict since, the Merchant Marine has been a pillar in this country's foundation of prosperity and security. They power the world's largest economy and strengthen our ties with trading partners around the world, all while supporting our military forces by shipping troops and supplies wherever they need to go.*

*In 1933, Congress declared National Maritime Day to commemorate the American steamship Savannah's voyage from the United States to England, marking the first successful crossing of the Atlantic Ocean with steam propulsion. During World War II more than 250,000 members of the American Merchant Marine served their country, with more than 6,700 giving their lives, hundreds being detained as prisoners of war and more than 800 U.S. merchant ships being sunk or damaged.*

*Maritime Day is a time-honored tradition that recognizes one of our country's most important industries. This year, ceremonies and celebrations throughout the country will recognize Maritime Day and the people our maritime nation depends on."*

For more on National Maritime Day, including a Proclamation by the President, see Page 5.

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have to climb is nine meters is long enshrined in the SOLAS Convention and its regulations. Any pilot who has climbed a ladder longer than 9 meters, either intentionally or inadvertently, will probably agree it is excessive. Any pilot who has arrived on a launch and had to question the length of a pilot ladder presented to him will appreciate the difficulty this can pose, particularly at night in adverse weather conditions with a severely disabled vessel.

What Captain Hellier proposed to the Tees pilots was a simple, fool proof and effective solution to a tricky problem. Paint a "white over red" pilot flag on the ship's side with the boundary between the colors marking 9 metres freeboard. If any of the red paint is visible, the freeboard exceeds 9 metres and a combination ladder must be rigged for the pilot transfer operation.

The task of promoting the concept fell to another Tees pilot—the late Captain Gerald Coates. Captain Coates was at that time a member of the UKMPA and a founding vice president of IMPA. The idea was put before the UKMPA technical & training committee and taken forward at the International Maritime Organization (IMO) by another Tees Bay pilot Captain Mike Irvine.

In 1981, the "Pilot Line" made its first appearance. A strong advocate of the "Pilot Line" was former Sydney pilot, Captain Malcolm Armstrong, another former IMPA vice president. Although long retired from pilotage, Captain Armstrong is now a marine artist in British Columbia who regularly updates his book *Pilot Ladder Safety*. In its 6<sup>th</sup> Edition Captain Armstrong states the following:

*[IMPA] recommends the following mark on the ship's side to indicate the most suitable place for boarding and to show the pilot whether the height is excessive.*

*At a suitable position for the pilot ladder to be rigged, a PILOT LINE shall be painted on both sides of the hull to indicate whether the distance from sea level to point of access is in excess of the maximum 9 metres permissible under Chapter V Regulation 23, 3.2 of the SOLAS Convention.*

*The pilot line shall consist of a vertical stripe not less than 50 cm in breadth and 4 metres in length.*

*The upper half of the pilot line shall be white and the lower half shall be red.*

*If the hull of the vessel is white or red, suitable contrasting colours shall be substituted.*

*The dividing line between the upper and lower halves of the pilot line shall be 9 metres below the point of access, and it is recommended that this dividing line should be welded on the ship's side so that it is as conspicuous and permanent as the load line.*

Despite the best efforts of a small dedicated group of then serving pilots who fully appreciated the problem, it is probably fair to say that 45 years after the tragic loss of Captain Mitchell, the IMPA-recommended pilot line, which was intended to offer a relatively cheap solution to easily ascertain if a vessel's freeboard exceeds 9 metres, so far has not been given enough publicity or promotion.

**[This article was originally published in the Spring 2019 edition of *The Pilot*, the official publication of the United Kingdom Maritime Pilots' Association]**



## NATIONAL MARITIME DAY PROCLAMATION

As part of longstanding tradition, each year the President of the United States offers a proclamation in recognition of the importance of the United States Merchant Marine. President Donald Trump's National Maritime Day 2019 proclamation is provided in full below:

*On National Maritime Day, we honor the men and women who, throughout our history, have served with professionalism, dedication, and patriotism in the United States Merchant Marine. We recognize these seafaring merchant mariners for helping to fuel our economy, maintain our sea power, and support our national security.*

*Merchant mariners extend goodwill into all parts of the world, serving as a peaceful United States presence on international waterways. Today, American mariners facilitate the import and export of billions of dollars of goods, including fuel, agricultural products, and raw materials through the Marine Transportation System. They are also among the first to respond to help their fellow citizens in the wake of national disasters.*

*During times of war, merchant mariners courageously sail into combat zones to provide sealift for the Department of Defense, carrying weapons and supplies to America's fighting forces. In every conflict, United States citizen mariners have answered the call to duty and risked their lives. Some have sadly made the ultimate sacrifice for their country.*

*Because the United States Merchant Marine plays a central role in bringing American goods to market and in bolstering our military readiness abroad, we must encourage more people to pursue career opportunities on America's waterways and the oceans of the world. For this reason, I recently signed an Executive Order to help veterans of the Armed Forces transition seamlessly into civilian careers in the United States Merchant Marine by allowing them to apply relevant military training and experience toward becoming credentialed merchant mariners. This will help support a robust, well-equipped, and safe merchant fleet crewed by well-trained mariners.*

*The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day" to commemorate the first transoceanic voyage by a steamship in 1819 by the S.S. Savannah. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.*

**DONALD J. TRUMP**  
President of the United States of America



National  
Maritime  
Center

## APPLICATION BACKLOG REMAINS AFTER PARTIAL GOVERNMENT SHUTDOWN

More than four months after reopening following the partial federal shutdown early this year, the National Maritime Center (NMC) is struggling with a backlog of Merchant Mariner Credential (MMC) and Medical Certificate applications, this according to NMC Deputy Director, Anne Seither. Seither made this point while speaking to a Regional Exam Center workgroup meeting on May 20th.

The NMC was shut down from December 22nd until January 25th during a budget dispute, the longest government shutdown in history. According to Seither, during the shutdown, the NMC had only a skeleton staff of a handful of military and civilian personnel. There was no one to pick up the mail; so hundreds of applications were returned to mariners with no record that they arrived.

The statistics on the NMC website show that processing problems persist as a result of the "bulge" in unprocessed applications. The "average net processing time" per application, which had dropped to 11 days before the shutdown, has more than doubled to 27.6 days. The backlog of MMC applications, which was 1,800 before the shutdown, has now ballooned to nearly 7,000 and the average processing time for Medical Certificates has climbed to 20.7 days, nearly the highest on record.

While the NMC is working to clear these backlogs and is seeking to upgrade outdated IT systems, in order to relieve some of the pressure it has again extended expiration dates for MMCs, national endorsements (including First Class Pilot Endorsements), and Medical Certificates.

In "Update 5" to its expiration date extension policy, issued on May 6th, the NMC stated, "MMCs and Medical Certificates (for national endorsements only) that expire in December 2018, January 2019, February 2019, March 2019, April 2019, May 2019, or June 2019 are extended as valid until July 31, 2019."

**APA continues to recommend that pilots submit their renewal applications for MMCs and Medical Certificates in the same timely manner that applications would be submitted had the NMC not granted these extensions.**

The full text of Update 5 is available at:

[www.dco.uscg.mil/Portals/9/NMC/pdfs/announcements/2019/fiscal\\_year\\_appropriations\\_mitigation\\_update\\_20190506.pdf](http://www.dco.uscg.mil/Portals/9/NMC/pdfs/announcements/2019/fiscal_year_appropriations_mitigation_update_20190506.pdf)

### DON'T FORGET THE APA PAC FUND

Send your voluntary contribution to:  
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## APA NEWS



### CRESCENT RIVER & BAR PILOTS RECOGNIZED

Late last year, during the Annual Lt. Governor's Travel Summit, Louisiana Lt. Governor Billy Nungesser closed out the summit by taking time to recognize the 2018 *Champions of Tourism* as ambassadors for helping to promote travel to Louisiana.

Among those honored were Captain E. Michael Bopp, President of the Crescent River Port Pilots' Association, and Captain Michael T. D. Miller, Presi-



Pictured left to right: Captain Miller, Lt Governor Bill Nungesser, and Captain Bopp

dent of the Associated Branch Pilots, for their contribution to the tourism industry "by safely and timely guiding cruise ships and their precious cargo up and down the Mississippi River."

A press release on the Travel Summit and the recognition of the pilot groups noted, "The Mississippi River is rated as one of the most difficult and treacherous

routes in North America. Rain or shine and in dense fog, these river pilots guide ships up and down the Mississippi in a safe and timely manner."

The Associated Branch Pilots and Crescent River Port Pilots safely directed the navigation of well over 230 cruise ship into New Orleans during 2018, and nearly 125 cruise ships so far in 2019.

#### APA Board of Trustees Meeting

Washington, DC, October 20-23, 2019

#### eNAV Conference

Seattle, WA, December 3-4, 2019

#### 25<sup>th</sup> IMPA Congress

Cancun, Mexico, May 24-30, 2020

#### 2020 APA Biennial Convention

New York City, New York, October 18-23



### APA HONORS PAST PRESIDENTS WITH NEW PLAQUE

APA recently added a plaque in our Washington offices to honor the past presidents of the Association.

"As pilots, we all know that we stand on the shoulders of the men and women who came before us and built our profession into what it is today," said APA President Captain Jorge Viso. "Similarly, those who came before me as APA President have laid a foundation that has helped to make the APA a premier trade association in this country." Captain Viso concluded, "I am pleased we can honor these men and their contributions by having their names prominently displayed in the APA office"

A list of past APA Presidents is shown below.

<b>Captain Henry Harbison</b> of New York	1884-1897
<b>Captain J. Ed O'Brien</b> of Florida	1897-1911
<b>Captain Edward Tunure</b> of New York	1911-1913
<b>Captain Benjamin Michell</b> of Louisiana	1913-1923
<b>Captain John H. Low</b> of Massachusetts	1923-1933
<b>Captain John S. Delano</b> of Maryland	1933-1956
<b>Captain W. Hilton Lowe</b> of New Jersey	1956-1965
<b>Captain Ernest A. Clothier</b> of New York	1965-1978
<b>Captain Pat J. Neely, Jr.</b> of Texas	1978-1992
<b>Captain Jack Sparks</b> of Pennsylvania	1992-2000
<b>Captain Michael R. Watson</b> of Maryland	2000-2015
<b>Captain Peter McIsaac</b> of California	2015-2016

### ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

The following pilots' associations announced new officers:

♦ Northeast Marine Pilots: **Captain Clint Walker** (President), **Captain Vince Kirby** (Board Member), **Captain David Gray** (Board Member), and **Captain Adam Sanford** (Board Member).

♦ Hawaii Pilots: **Captain Tom Heberle** (President), **Captain Sinclair Brown** (Vice President), **Captain Steve Baker** (Secretary), and **Captain Tom Collins** (Treasurer).

♦ Mobile Bar Pilots: **Captain David M. Berault** (President), **Captain W. Curtis Wilson, III** (Vice President), **Captain Kirk M. Barrett** (Secretary/Treasurer), **Captain Jackson C. Miller, III** (Boat Captain), and **Captain Jason A. Comer** (Director).

♦ Crescent River Port Pilots' Association: **Captain E. Michael Bopp** (President), **Captain James E. Cramond** (Vice President), **Captain Tommy F. Bryan** (Secretary), **Captain Eric M. Short** (Director), and **Captain Shawn P. Gibbs** (Director).