FLORIDA CONVENTION SET

The Florida State Pilots Association, hosts for the 2006 Biennial APA Board of Trustees Meeting and Convention, and the APA office are busy finalizing the arrangements for what is expected to be one of the most heavily attended APA conventions. The 2006 edition will feature an impressive line-up of outside speakers, informative and educational presentations, support from important sponsors, exhibitors and special friends of the APA, and the attractions of Walt Disney World’s spectacular Grand Floridian Resort and Spa. A number of pilots from other countries will also be there.

The week’s substantive work begins Monday, October 23 when the traditional APA Attorneys meeting is held. A crowd of perhaps 100 persons is expected to experience the wonders of the American legal system as attorneys representing pilots and pilot groups share recent developments in the law affecting how pilots and pilot groups operate. Later that afternoon, APA committees will meet to prepare their reports for Friday’s meeting.

On Tuesday, the official business meetings get underway. The Honorable Buddy Dyer, Mayor of Orlando, is scheduled to welcome the attendees. He will be followed by Rear Admiral Craig E. Bone, United States Coast Guard’s Assistant Commandant for Prevention, who will provide a keynote address discussing Coast Guard programs of importance to pilots as well as the long-standing cooperative relationship between the Coast Guard and the APA. Captain Mike Watson will then give his APA President’s Report. Regional reports by each of the APA Vice Presidents will begin during the remainder of the day’s meeting.

Wednesday speakers include Florida State Senator Jim King and Victoria Robas, chairperson of the Florida State Board of Pilot Commissioners. Bernard Groseclose, President and CEO of the South Carolina Ports Authority and current chairman of the American Association of Port Authorities, will talk about port issues. Allen Thompson, Jr (USCG Capt. Rec.), Executive Director of the Tampa Bay Pilots, will offer some reflections on pilots and the Coast Guard — from both of his vantage points. The APA Navigation and Technology Committee will meet in the afternoon. Wednesday will also feature the opening of the exhibition/trade show in which over 25 vendors will show off their products and services.

Thursday is another full day of speakers and presentations. Each of the four outside Convention sponsors, the Masters, Mates and Pilots; Gladding-Hearn Shipbuilding; Port Revel Manned Model School; and the Maritime Pilots’ Institute, will address the meeting. John H. (“Jack”) Dunnigan, head of NOAA’s National Ocean Service, will talk about the various NOS programs of value to pilots, including PORTS. The APA is particularly pleased to have Joseph J. Angelo, Director of Regulatory Affairs and the Americas, INTERTANKO, give what is sure to be a very interesting talk. Christian Hempstead, a professor at the United States Merchant Marine Academy will discuss ECDIS and other wheelhouse electronics subjects. Finally, NAVTECH Committee Chairman Jorge Viso will report on the Committee’s meeting the previous day and on its activities and projects.

As always, Friday will be a closed, pilot-only meeting to conduct the business of the APA. Remaining regional reports will be given. The various APA Committees will give their reports, and the Trustees will review the activities and operations of the association, including its finances. Finally, the Hawaii Pilots will provide information on the 2008 Convention to be held in Kauai during the month of October.

It will not be all work for the Trustees and the other attendees during the week, however. Social events and assorted festivities have been arranged by the Florida State Pilots Association and the APA. The fun begins on Sunday with the biennial APA golf tournament and concludes Friday evening with the traditional gala dinner dance. Costs of the social events have been underwritten by our generous outside sponsors (“Friends of the APA”), APA pilot group sponsors, and exhibitors. They are listed on page 6 ±.
NAV CLOSES IMO BUILDING

The 52nd session of the IMO’s Sub-Committee on Safety of Navigation, held July 17-21, was the last meeting in the IMO’s headquarters building in London before it was closed for renovations that will last at least a year. Meetings of the various IMO bodies during the period will take place at other locations in London or at sites in other countries. For example, the Maritime Safety Committee, NAV’s parent, will hold its upcoming 82nd session November 29 – December 8 in Istanbul.

Despite the impending move, NAV addressed a typically wide assortment of navigation safety subjects, including ship design and equipment standards and navigation operations. In the ongoing project developing performance standards for Integrated Navigation Systems and Integrated Navigation Bridges, a NAV workgroup established a subgroup under the chair of IMPA to prepare a set of guidelines for applying bridge resource management principles to the design, arrangement, and installation of INS/IBS. That is an outgrowth of the direction adopted at the suggestion of the United States that standards for INS/IBS incorporate the requirements of SOLAS that such equipment facilitate the tasks of the pilot and the bridge team. The subgroup will start its work at a meeting in Bonn, Germany on November 6 – 8. Paul Kirchner will attend the meeting on behalf of the US delegation.

In another action of interest, the Sub-committee adopted US-proposed changes to the existing traffic separation scheme for the approaches to Boston. The changes would narrow the width of the lanes and shift them away from areas where right whales have reportedly concentrated in the past. This is just one more measure urged by NOAA to reduce potential ship strikes and protect the endangered right whale population.

The next important IMO meeting for pilots will be the December MSC meeting in Istanbul. A paper has been submitted to the session asking the MSC to add an item to the work programme of the NAV and Ship Design and Equipment Sub-Committees to consider changes to the IMO requirements, standards, and recommendations for pilot ladders. The paper was a joint submission of the US, Brazil and IMPA and is the result of work done by an IMPA Pilot Ladder Committee chaired by Captain Mike Watson. Captain Watson will attend the session as a member of the US delegation.

US PILOTS TO CUBA

A number of brave and determined US pilots will attend the 25th Congress of the International Maritime Pilots’ Association when it meets November 20-24 in Havana, Cuba. They will have complied with the strict restrictions on travel by US citizens to Cuba and have overcome the disappointment of their families over their absence during the Thanksgiving holiday. The US pilots have been helped in making their Congress registrations and hotel reservations as well as the chartered flight arrangements by Marazul Charters, Inc, an agency licensed to arrange travel to Cuba, which has worked with the APA and the Congress organizers in Cuba.

The Congress will have its usual full schedule of addresses by leading members of the international shipping community and presentations on technology and pilotage regulation subjects. It will also feature important elections for president, senior vice president, and three vice president positions.

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UPDATE ON CHANGES TO USCG MARINER CREDENTIALING PROGRAMS

A PA pilots, and certainly readers of this newsletter, should be aware that significant changes are being considered in almost every aspect of the USCG’s handling of mariner licenses and identity documents. Most of the changes were reviewed at a meeting of the Merchant Personnel Advisory Committee (MERCAC) on September 13-14 at the Maritime Institute of Training and Graduate Studies in Linthicum Heights, Maryland. USCG officials there reported on the status of the various projects and initiatives.

TWIC Card. On August 21, the TSA announced that it was severing the portion of the TWIC card rulemaking requiring ships and facilities to install card scanners and delaying the implementation of those requirements pending further review and an additional opportunity for comments. The remainder of the rulemaking, including the requirements for pilots and other mariners to obtain the identity cards, however, will proceed. At the MERCAC meeting, the USCG officials indicated that a final rule on that portion is in “its final stage of review.” The original plan to start processing TWIC applications by the end of the year is presumably on track.

In moving forward with the proposed TSA-issued cards and application procedures, the Department of Homeland Security did not accept the recommendation of the overwhelming majority of commenters, including the APA, the maritime unions, and MERCAC, that the existing Coast Guard-issued Mariner Document be reformulated to meet the requirements for a transportation security card set in the Maritime Transportation Security Act and be used by mariners for that purpose. According to USCG officials, the decision was made that the approximately 250,000 mariners should have the same card and use the same procedures as the other 750,000 individuals who work in and around US ports and would be required to have a TSA-issued TWIC.

Consolidated Merchant Mariner Credential. In the separate rulemaking published at the same time as the TWIC package, the USCG is proceeding with its proposal to replace mariner licenses and MMDs with a new consolidated “Merchant Mariner Credential.” The MMC would be a single, multiple page document that would combine the authorizations and certifications currently provided on licenses, MMD, and STCW certificates, as well as other types of qualification information about the holder. USCG officials indicated that a final rule for this is also in its final stages of review.

The determination to move ahead with the consolidated MMC project means that the USCG rejected the recommendation of, again, the overwhelming majority of the commenters, including the APA, the maritime unions and MERCAC, to scrap the plan and retain the existing licenses and documents. In an indication of this decision, the USCG officially asked MERCAC to provide advice on the form and specific contents of a consolidated MMC.

Centralization of Processing into NMC. The USCG is also moving ahead with its plan to shift most aspects of the mariner license and documentation process from the RECs to the larger National Maritime Center. Evaluation of applications handled by the New Orleans REC has already been moved to the NMC. In a forecast of the national plan, a “storefront” REC remains in New Orleans to handle the necessary face-to-face transactions. The USCG believes that this centralization plan, which has been in the works for some time, will increase efficiency and customer satisfaction and will ensure uniformity in evaluations.

NMC move to West Virginia. The move to West Virginia, mandated by Congress at the instigation of the state’s acquisitive senior senator, Robert Byrd, has already begun. So far, 27 people have been shifted to the first of two temporary locations near Martinsburg. That number will increase by the end of the year. When the second temporary facility is ready, the NMC command will move to West Virginia. The permanent NMC headquarters building is expected to be ready by August 2007, at which time all remaining NMC personnel will move.

Medical Review Program. In a notice in the September 27 Federal Register, the USCG announced the availability of a draft Navigation and Vessel Inspection Circular outlining its revised and expanded program for reviewing the medical condition of mariners. Comments may be filed on the draft and are due by November 27. The NAVIC explains the review process, including the procedures for applying for a medical waiver, and contains a listing of over 200 “potentially disqualifying” conditions and medications (i.e., those requiring a waiver). The NAVIC also specifies necessary physical capabilities and provides guidance on physical/exam examinations. As a result of a decision made by USCG officials, it does not, however, disclose the criteria that will be used to determine if a waiver will be granted.

A separate notice was also published on September 28 requiring pilots to submit the results of their annual physicals to the USCG. The requirement is effective immediately with physicals due by December 27. The requirement also applies to so-called “serving as” pilots on tank barge units. A licensed pilot or a serving as pilot who is not actively providing piloting services does not have to submit his or her annual physical until such time as he or she provides piloting service.

The APA office sent both the notices and the draft NAVIC to each of its officers and member groups. They will be discussed at the 2006 Convention.

The USCG believes that additional measures to improve its medical review process will be necessary and anticipates that the reform process will continue for some time. A separate advisory group to help is being considered, either a MERCAC subgroup or a stand-alone committee. Current plans for a larger medical review staff (“NMC Medical Review Evaluation Branch”) call for a complement of seven persons within the NMC in West Virginia – one Public Health Service physician, two contract mid-level medical professionals (e.g., physician assistant, registered nurse), two contract data/coding technicians, and two support staff.
CONGRESS CONSIDERS REC BACKLOGS

While the Coast Guard is busy with its projects for revising the mariner credentialing programs, complaints about current delays in the processing of applications for initial and renewed licenses and documents have drawn the interest of Congress. On July 20, the House Subcommittee on Coast Guard and Maritime Transportation held an oversight hearing on the USCG’s Merchant Mariner Credentialing Program and specifically on the reports of increasing delays and backlogs in the processing of mariner applications. According to Subcommittee Chairman Frank LoBiondo (R-NJ):

It is apparent the evaluation process for mariner credential applications has become significantly more elaborate and time consuming for all involved, especially the Coast Guard. The service has experienced a 25 percent increase over the past 10 years in the number of applications received annually. ... Despite this increased workload, staffing levels have changed little since 1982, except for the addition of some contract employees in recent years. The lack of an increase in personnel commensurate with the increase in workload is troubling. Mariners and industry rely on the Coast Guard to process mariners’ applications quickly, because a mariner is not permitted to work without a valid credential. Any backlog can have a serious effect on hardworking men and women, as well as our economy.

Rear Admiral Craig E. Bone, USCG Assistant Commandant for Prevention, testified at the hearing, as did representatives of the Passenger Vessel Association, the Maritime Trades Department (AFL-CIO), American Waterways Operators, and Offshore Marine Service Association. The witnesses were asked to assess the current status of the credentialing program, how the TWIC card will affect the process, and whether it will aggravate current backlogs. They were also invited to suggest possible solutions to the problem. Admiral Bone outlined the USCG projects currently underway intended to improve the credentialing program, particularly the centralization of the application process. He described that measure as providing “the ability to focus our efforts and gain economies of scale while reducing backlogs...” Among the industry witnesses, the PVA’s Captain Beth Gedney provided particularly compelling testimony describing her own difficulties in getting her captain’s license and STCW certificate renewed. She stated that after submitting her application and related necessary documents in February 2005, she did not receive her license renewal until eight months later and, 16 months later, had still not received her STCW certificate or any explanation for the delay.

The subcommittee considered the testimony and additional information and suggestions from other groups, including the APA, and prepared legislation to make changes designed to expedite the credentialing process and provide for temporary extensions of some credentials in the event of processing delays. The subcommittee staff had hoped to have the full committee mark up the legislation and then add it to the FY 2007 Coast Guard Authorization Bill, which was approved by the House on September 28. Those fast track plans suffered a setback, however, when the Coast Guard objected to many of the provisions in a draft of the legislation, entitled the “Merchant Mariner Credentials Improvement Act of 2006.” A revised version of the legislation is now being developed.

At the MERPAC meeting on September 13-14, Admiral Bone stated that both he and the Commandant feel that the credentialing program needs to be beefed up and the delivery of services improved. He said that he had recently shifted significant funds within the Office of Prevention to the program. Among other measures that have been taken are: the addition of 10 REC personnel, remote satellite REC’s established at eight locations with more to follow and staffed by volunteer auxiliaries to handle simple non-evaluative tasks; use of volunteer auxiliaries at REC’s for simple tasks; and modifications to processing procedures to reduce cycle times.

WINDFALL FOR PORTS?

Last year’s hurricanes Katrina and Rita have provided NOAA’s vital but chronically underfunded PORTS program a bit of help. A supplemental appropriations bill passed by Congress in June includes $2 million in funding for NOAA to establish PORTS systems in Gulf of Mexico areas impacted by the 2005 storms. Entitled the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006,” the bill provides $500,000 each for the ports of Mobile, Alabama; Pascagoula and Gulfport, Mississippi; and New Orleans, Louisiana.

The funding was inserted in the bill by Senator Richard Shelby (R-AL), chairman of the Senate Appropriations Subcommittee for Commerce, Justice, and Science. The Subcommittee had investigated the benefits of the PORTS system in Houston, particularly during and after the 2005 hurricanes, and decided that similar systems in the four other Gulf ports would be extremely valuable in dealing with future storms.
FIGHT CONTINUES OVER MASS. OIL SPILL ACT

On July 24, a U.S. District Court struck down the Oil Spill Prevention Act adopted by the Commonwealth of Massachusetts in 2004. On September 7, The Massachusetts Attorney General appealed the decision to the US First Circuit Court of Appeals.

The Oil Spill Prevention Act was enacted in response to a 2003 spill that occurred when a tug and tow grounded in Buzzards Bay. The unit was not under the control of an individual with either a state or a federal first class pilot license at the time. The Act establishes a far-ranging set of requirements for coastwise and foreign trade tank vessels, including escort tugs, minimum manning levels, tank vessel designs, routing, VTS, and financial assurances. It also includes a compulsory state pilotage requirement that would apply to coastwise vessels.

At the urging of the vessel operating industry, the Coast Guard filed suit, challenging the Act on federal pre-emption grounds. The AWO and INTERTANKO later joined in the suit. The District Court eventually sided with the federal and shipping industry plaintiffs, concluding, “The challenged provisions of the Oil Spill Prevention Act are pre-empted, invalid and unconstitutional under the Supremacy Clause of the United States Constitution. The Commonwealth of Massachusetts is therefore permanently enjoined from enforcing the statute.”

In announcing his appeal of the decision, Massachusetts Attorney General Tom Reilly stated:

We will fight the federal government to ensure our waters and our coastlines are protected from the types of accidents that necessitated the Oil Spill Prevention Act in the first place. Because the Coast Guard failed to enact adequate protections themselves, the law set reasonable yet critical restrictions on the oil shipping industry to improve and enhance safety. We must continue fighting for these important regulations for the health and well-being of our environment.

As reported in the last edition of ON STATION, the APA filed comments in June inresponse to a set of rules proposed by the Coast Guard for certain tank vessels in Buzzards Bay. The proposed rules were clearly intended to strengthen the federal government’s position in the litigation that it is actively regulating tank vessels in the area. The APA argued that the proposed rules were inadequate, however. In particular, the APA objected to a proposal to establish a system of remote “almost piloting” for most tank vessels in the area, noting that it would weaken the existing minimal federal pilotage requirements and decrease safety in that environmentally sensitive area. The federal government was urged to set aside turf concerns and work with the Commonwealth to establish sensible and effective navigation safety requirements. Apparently, however, the two sides will continue to fight over which has jurisdiction.

APA News

PASCAGOUALA GETS BOAT

For any pilot group, a new boat is a big deal, but for a small group it is a real occasion. On August 8, the Pascagoula Bar Pilots received their new 54-foot pilot boat, named HORN ISLAND. It is their first new boat in 13 years. The boat was christened by Mrs. Jazzie Torjusen (wife of founding member Charles Torjusen and mother of current pilot Mike Torjusen). The vessel is an aluminum deep “V” hull built by Silver Ships, Inc. of Theodore, Alabama and is powered by twin MTU series 60 marine propulsion units with two 17 inch twin disc TDJ 170 water jets. It has a service speed of 38 knots. The name HORN ISLAND refers to the treacherous Horn Island Pass transited by all vessels calling in Pascagoula.

All six of the proud pilots in the Pascagoula association stand in the bow of their new boat. From left to right: Captain Robert T. "Bobby" Baker; Captain Ronald T. Robertson; Captain Walter W. Gauthier; Captain Frederick A. Lund; Captain Joseph P. Mass; and Captain Michael C. Torjusen.

APA GETS NEW WEB SITE

Although the APA website, www.americanpilots.org, may not look all that different from its appearance a few weeks ago, the site has been significantly upgraded. The underlying infrastructure of the site has been changed to allow the APA office to make changes and add features more easily. Over the next few months, the office expects to make improvements in both the look and the contents of the site. Please excuse any glitches or construction debris during that process.

One improvement is already underway and can be easily seen. The APA store now contains considerable new merchandise, and more is being added. Working with our store partner, Colorworks Productions, Lisa Kates has selected a number of attractive, top-quality items of women’s and men’s clothing. The prices for the items have been kept extremely low, and most items can be personalized for a small additional charge. Click on “APA Store” in the menu at the top and then select “Products.”
APA News

HAWAII PILOTS DEDICATE "KAWIKA"

When the Hawaii Pilots took delivery of a new boat this summer, their latest in a fleet modernization program begun in 2002, it seemed entirely appropriate to name the boat after their friend and partner, Captain David “Kawika” Lyman, who was tragically killed while disembarking from a ship this past January. On August 1, friends and colleagues gathered to christen the boat KAWIKA. Dave’s widow, Lori Ikehara-Lyman, did the honors, breaking a bottle of beer on the boat's hull. Kahu Kaleo Patterson, pastor of Ka Hano O Ke Akua Church, who gave the blessing, said, “It’s as if his spirit is still with us. The ship will be a good reminder of the great soul that he was here on Earth.”

KAWIKA is a 31-foot aluminum-hulled boat build by Reliance Engineering of Nelson, New Zealand. Powered by twin 225-horsepower outboard motors, it has a top speed of 48 mph with a cruising speed of 29 mph. The new boat will serve as a backup to the pilots’ main boat during times of peak traffic in Honolulu harbor.

Ed Enos, Hawaii Pilots, and Lori Ikehara-Lyman depart boat on return from dedication ceremony.

ELECTIONS, SELECTIONS, ETC.

- The Texas State Pilots Association has elected the following officers: Captain Ellen Warner, Sabine Pilots, President, and Captain Mike Morris, Houston, Vice President and Secretary-Treasurer.
- The officers for the Galveston-Texas City Pilots for 2006-2008 are: Captain Chris J. Gutierrez, Presiding Officer; Captain David B. Manney, Vice President; Captain Christos A. Sotirelis, Secretary-Treasurer; and Captain David R. Dion, Marine Superintendent.
- The Crescent River Port Pilots’ Association’s new Board of Directors, including Officers, are: Captain Allen J. “A.J.” Gibbs, President; Captain Scott Loga, Vice President and Treasurer; Captain Greg Vogt, Secretary; Captain Kevin Blondiau, Director; and Captain Tim Seidell, Director.

APA 2006 CONVENTION & SUPPLIERS’ EXHIBITION

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