

UNITED STATES COAST GUARD

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MEETING OF

GREAT LAKES PILOTAGE ADVISORY COMMITTEE

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Great Lakes Maritime Center
51 Court Street
Port Huron, Michigan

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8:00 a.m.

Thursday,
September 12, 2019

COMMITTEE MEMBERS:

CAPTAIN DAN GALLAGHER, CHAIR
MR. JOHN BAKER, JR.
CAPTAIN JOHN BOYCE
MR. STEVE FISHER
MR. MICHAEL KLEIN
CAPTAIN JON OLNEY

DFO RAJIV KHANDPUR

ATTENDEES:

PAUL AIELLO, Petro Canada Lubricants
CHAD ALLEN, Shipping Federation of Canada
JOHN D. BAKER, ILA
CLAY DIAMOND, APA
ELLEN ENGLEMAN CONNERS, USCG
KEVIN D. FLOYD, USCG
FULVIO FRACASSI, Laurentian Pilotage
Authority
DAN FRANKLIN, Lakes Pilots
STEVE HABERMEHL, Lakes Pilots
TODD HAVILAND, USCG
GEORGE HAYNES, Lakes Pilots
JEFFREY HORN, USCG
RAJIV KHANDPUR, USCG
MICHAEL KILPATRICK, GLPA District 2 Pilots
TINA KIMBLE, TATA Steel
WENDELL KOI, SeaPro Solutions
PAUL C. LAMARRE, Port of Monroe
MARK LAVACCER, Lakes Pilots
TIM PAVILONIS, USCG
BRIAN ROGERS, USCG
RANDY SIMMONS, Petro Canada Lubricants
SCOTT SKRZYPCZAK, Lakes Pilots
STUART THEIS, US Great Lakes Shipping
Association
HEIDI WAGER, Lakes Pilots
REBECCA YACKLEY, SLSDC
WILLIAM YOCKEY, ILA

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P R O C E E D I N G S

(8:19 a.m.)

1
2
3 MR. GALLAGHER: Welcome. Just a
4 couple of safety things. Of course the exits
5 both on one end going out the building either end
6 also, and restrooms are to the left and to the
7 right outside. We're going to have a lunch break
8 around noon, we'll have some sandwiches and
9 salads brought in. And then a coffee break
10 around 9:45 and 2:45 if we're still here.
11 Captain Jon Olney is going to be sworn in for his
12 appointment from Western Great Lakes Pilots
13 Association. At this time I'll turn it over to
14 Rajiv for the swearing in.

15 MR. KHANDPUR: Okay. Good morning.
16 Captain if you swear to stand, please? So I'll
17 ask -- and raise your right hand and repeat after
18 me. I, state your name.

19 MR. OLNEY: I Jon Olney --

20 MR. KHANDPUR: Do solemnly swear --

21 MR. OLNEY: -- do solemnly swear --

22 MR. KHANDPUR: -- that I will

1 faithfully execute the duties --

2 MR. OLNEY: -- that I will faithfully
3 execute the duties --

4 MR. KHANDPUR: -- as a member of the
5 Great Lakes Pilotage Advisory Committee.

6 MR. OLNEY: -- as a member of the
7 Great Lakes Pilotage Advisory Committee.

8 MR. KHANDPUR: And will to the best of
9 my ability --

10 MR. OLNEY: And will to the best of my
11 ability --

12 MR. KHANDPUR: -- fulfill and carry
13 out --

14 MR. OLNEY: -- fulfill and carry out
15 --

16 MR. KHANDPUR: -- the policies and
17 purposes --

18 MR. OLNEY: -- the policies and
19 purposes --

20 MR. KHANDPUR: -- of the Federal
21 Advisory Committee Act.

22 MR. OLNEY: -- of the Federal Advisory

1 Committee Act.

2 MR. KHANDPUR: I take this obligation
3 freely --

4 MR. OLNEY: I take this obligation
5 freely--

6 MR. KHANDPUR: -- without mental
7 reservation --

8 MR. OLNEY: -- with mental reservation
9 --

10 MR. KHANDPUR: -- or purpose of
11 evasion --

12 MR. OLNEY: -- or purpose of evasion
13 --

14 MR. KHANDPUR: -- so help me God.

15 MR. OLNEY: -- so help me God.

16 MR. KHANDPUR: Thank you. You are now
17 a member of this August party.

18 (Audience applauds)

19 MR. KHANDPUR: Go ahead.

20 MR. GALLAGHER: Thank you everybody
21 for attending. We'd like to give you a thank you
22 to Acheson Ventures for allowing us to use this

1 facility. Mr. Acheson is very involved with the
2 Coast Guard individuals and the maritime
3 community in itself. So we'll start with the
4 introduction of the GLPAC meeting. I'm Dan
5 Gallagher, President of the District Two Pilots.

6 MR. OLNEY: I'm Jon Olney, President
7 of District Three Pilots.

8 MR. KLEIN: Mike Klein, and I
9 represent CHS, a grain company from Minneapolis,
10 Minnesota.

11 MR. BOYCE: I'm John Boyce, President
12 of District One Pilots.

13 MR. FISHER: I'm Steve Fisher, I'm
14 Executive Director of the American Great Lakes
15 Ports Association. And in this capacity at this
16 meeting, I'm the representative of Great Lakes
17 Vessel Operators.

18 MR. BAKER: John Baker Jr., President
19 of the Great Lakes District Council ILA.

20 MR. KHANDPUR: So I'm Rajiv Khandpur,
21 I'm the DFO, the Designated Federal Official for
22 this committee. We have a sixth member which is

1 vacant -- a seventh member, sorry. So we have
2 only six members present today, and that's the
3 entire membership of this committee, and we have
4 a full quorum. So we are ready to proceed.

5 MR. GALLAGHER: We'll declare a quorum
6 present; correct?

7 MR. KHANDPUR: Yes.

8 MR. GALLAGHER: We'll go around and
9 have everybody introduce themselves. We want to
10 start maybe in the back.

11 MR. ROGERS: I'm Brian Rogers. I
12 represent WWM with the United States Coast Guard.

13 MR. D'EUSTACHIO: Kevin d'Eustachio,
14 United States Coast Guard.

15 MR. YOCKEY: Bill Yockey,
16 International Longshoremen.

17 MR. HAYNES: George Haynes, Lakes
18 Pilots.

19 MR. LAMARRE: Paul LaMarre, Port of
20 Monroe, and American Great Lakes Ports
21 Association.

22 MR. HABERMEHL: Steve Habermehl, Lakes

1 Pilots.

2 MR. FRANKLIN: Dan Franklin, Lakes

3 Pilots.

4 MR. SKRZYPCZAK: Scott Skrzypczak,

5 Lakes Pilots.

6 MR. HORN: Jeffrey Horn, US Coast

7 Guard.

8 MR. DIAMOND: Clay Diamond, American

9 Pilots Association.

10 MR. PAVILONIS: Tim Pavilonis, US

11 Coast Guard.

12 MR. FLOYD: Captain Kevin Floyd, Coast

13 Guard 9th District, Cleveland.

14 MS. KIMBLE: Tina Kimble, Tata Steel.

15 MS. YACKLEY: Rebecca Yackley, Saint
16 Lawrence Seaway Development Corporation, based in
17 DC.

18 MR. FRACASSI: Fulvio Fracassi,

19 Laurentian Pilotage Authority.

20 MR. KILPATRICK: Mike Kilpatrick,

21 President of the District 2 and District 3

22 Canadian Pilots.

1 MR. LAVALLEY: Mark LaValley, Lakes
2 Pilots Association.

3 MR. SIMMONS: Randy Simmons with Petro
4 Canada Lubricants.

5 MR. AIELLO: Paul Aiello, Petro Canada
6 Lubricants.

7 MR. BAKER, SR.: John Baker with the
8 ILA.

9 MR. KOI: Wendell Koi with SeaPro
10 Solutions.

11 MR. HAVILAND: Todd Haviland, Director
12 of Great Lakes Pilotage US Coast Guard.

13 MR. THEIS: And Stuart Theis,
14 Executive Director of US Great Lakes Shipping
15 Association.

16 MS. ENGLEMAN CONNERS: Ellen Engleman
17 Connors, Alternate Designated Federal Official.
18 New kid on the block, thank you all for your
19 help. I do want to mention at the end of this
20 table it will say "public microphone." So for
21 any future comments you would have during the
22 meeting, we do need you to come up and use the

1 microphone there so that we have it for the court
2 reporter. All right? Thank you very much.

3 MR. GALLAGHER: And if everybody when
4 they introduce -- I mean, if you've got something
5 to say, you've got to at least give your name for
6 -- the court reporter can have it dictated
7 correctly.

8 MR. KHANDPUR: Also, please take a
9 moment to sign your name, the sign-up sheets at
10 the back. We'd like to have a full -- of all the
11 folks that are present here today. So your name
12 and affiliations would be good, please. Thank
13 you.

14 MR. GALLAGHER: At this time we'll
15 turn it over to Rajiv.

16 MR. KHANDPUR: All right. I have a
17 few required statements to open up this
18 committee. My name is Rajiv Khandpur, I'm the
19 Designated Federal Officer for the Great Lakes
20 Pilotage Advisory Committee. I welcome you all,
21 and thanks nice to see a pretty good showing.
22 Nice facilities here, so thank you, Captain, for

1 that. A couple of other routine formalities that
2 I need to address. I'm responsible for ensuring
3 all provisions of the FACA are met regarding the
4 operation of the committee. Also in my role as
5 the DFO for the committee I work with agency
6 officials to ensure all appropriate ethic
7 regulations are satisfied.

8 For the record, the Great Lakes
9 Pilotage Advisory Committee was established on
10 November 13th, 1998 in the Coast Guard
11 Authorization Act of 1998. GLPAC's charter was
12 last renewed earlier this year under the
13 authority of 46 USC Code Section 9307. It's
14 renewed for two years. And the charter talks
15 about making recommendations to the secretary on
16 matters relating to Great Lakes pilotage,
17 including review of proposed Great Lakes pilotage
18 regulations and policies.

19 The US Government establishes advisory
20 committees so that non governmental citizens,
21 most of you, can provide advice and input on
22 specific issues. In this instance, the Coast

1 Guard, not the committee members, own the Great
2 Lakes Pilotage Advisory Committee. We expect
3 this committee to provide us with its candid
4 opinions and feedback, but the members must
5 understand that you are present today to help us
6 tackle the issues that concern you and that we
7 can put in regulation.

8 The meeting was announced to the
9 public in the Federal Register on Monday, August
10 19th, 2019. Federal Register volume 84, number
11 160, notices paid 42937. The committee has a
12 full agenda today. Understand the times are
13 approximate, but we'll try and go through
14 sequentially as the agenda is written. We'll
15 ensure adequate time is provided for
16 presentations and committees discussions and
17 public discussions. So I'll just go through the
18 agenda that we have.

19 We'll start off with the status of
20 GLPAC member terms and appointments; a rulemaking
21 update; a demonstration of SeaPro; presentation
22 on rulemaking methodology; traffic projections

1 and methodology; separate rates for voluntary
2 pilotage; use of financial information in rate
3 setting; current pilot work force levels;
4 transparency improvements; training expenditures
5 investments. Next we'll take about dispatch
6 procedures; current and cruise ship impact and
7 tanker proposals; pilot association projects and
8 updates, which the pilots presidents will give
9 us; stakeholder engagement. GAO did a study of
10 this so one of the other topics is going to be
11 GAO report update; cost control and efficiency
12 study; Coast Guard Maritime safety risk study;
13 amending designated waters; we'll talk about the
14 Canadian pilotage reform legislation; legal fees;
15 and then public comments.

16 None of these issues is a particular
17 matter for the purposes of the criminal conflict
18 of interest statute. General information about
19 GLPAC is available at the Office of Waterways and
20 Ocean Policy website under Great Lakes Pilotage,
21 CG-WWM/2. The meeting agenda is also available
22 at the back of the table, so you need to get a

1 copy, please do so. Any additional information
2 will be made available back there if it becomes
3 available.

4 Finally, the public meeting is being
5 recorded for a permanent record in addition to
6 the official minutes, which will appear at
7 CG-WWM/2's website within 90 days of this
8 meeting. In order to be fully heard and
9 understood, each time you speak you must speak --
10 call out your name and speak loudly. Also,
11 please identify yourself and state your
12 affiliation before you begin your comments. This
13 includes the membership, the GLPAC membership.
14 Thank you.

15 That's pretty much it. You already
16 met Ms. Conners, so if you have any questions
17 about travel and other logistics and details, she
18 can help you with that. We have a court reporter
19 here who is going to take down your every word.
20 That's it. And I thank you guys for coming.
21 Thank you for being here, and I'm glad to see
22 such a large participation at this GLPAC Advisory

1 Committee. Thank you. Captain?

2 MR. GALLAGHER: Okay. We have a very
3 full agenda so I ask everyone to assist us in
4 staying on schedule. We welcome public
5 participation and thank everyone for attending
6 the Great Lakes Pilotage Advisory Committee
7 meeting today. We have many items on the agenda,
8 some with multiple parts. Only GLPAC members
9 will participate in the discussion of each topic.
10 After each topic is discussed, time permitting, I
11 will open it up to the floor questions and
12 statements from the audience. Please remember to
13 state your name with affiliation each time before
14 you speak. We'll have two breaks, a lunch break
15 today around noon, and a coffee break around
16 9:45, about 15 minutes, and then at 2:45. I'll
17 do my best to have our discussions end or begin
18 prior to a break, but some of the topics may
19 extend over the break time. After we have
20 discussed all the agenda topics, we will open it
21 up to the public for comment. We'll then end the
22 meeting when discussion is finished. Following

1 the meeting today, the GLPAC members will have a
2 short administrative session. So let's begin.

3 After we have discussed all the agenda
4 topics, we will open to the floor to the public
5 comments. We will then end the meeting once the
6 discussion is finished. Our first order of
7 business is to approve the minutes from the
8 September 10th, 2018 Great Lakes Pilotage
9 Advisory Committee. Do we have a motion to --

10 MR. BOYCE: I'll move to accept the
11 minutes.

12 MR. FISHER: Second.

13 MR. GALLAGHER: Seconded by Steve,
14 moved by John Boyce. All in favor?

15 MR. BOYCE: Aye.

16 MR. FISHER: Aye.

17 MR. GALLAGHER: Aye.

18 MR. BAKER: Aye.

19 MR. OLNEY: Aye.

20 MR. KLEIN: Aye.

21 MR. GALLAGHER: All right. The first
22 item is status of the Great Lakes Pilotage

1 Advisory Committee members and term appointments.
2 Steve Fisher and Stu Theis asked for this topic
3 to be on the agenda. I will turn the meeting
4 over to Ellen Conners from the Coast Guard to
5 provide this information.

6 MS. ENGLEMAN CONNERS: Hi. Ellen
7 Engleman Conners, ADFO. Yes, we have full
8 membership right now barring the seventh member
9 which Mr. Khandpur mentioned earlier. The three
10 associations presidents have no fixed terms, they
11 go along with their position and so they're in
12 plan. The other gentlemen, Mr. Baker, Mr. Klein,
13 and Mr. Fisher's terms continue through September
14 of 2020.

15 MR. GALLAGHER: Thank you for your
16 presentation. Does the committee want to discuss
17 the Great Lakes Pilotage members and term
18 appointments?

19 MR. FISHER: Steve Fisher. Yes.
20 Ellen, I have a question and maybe Rajiv you
21 might jump in as well. Were there not three year
22 specific terms for the three non pilot seats?

1 And do you know the status of where Mike, John,
2 and I are in relation to those initial three year
3 terms? I realize some of us have spilled over
4 that three years and we serve until replaced.
5 But do you know where -- because they're
6 staggered as I recall.

7 MR. KHANDPUR: So this is Rajiv
8 Khandpur. So yes, they -- we've got a committee
9 member can serve for six consecutive years. But
10 you're appointed for three years at a time and
11 then you're renewed for another three years. To
12 get back on the committee, you have to be away
13 for a year, and then you can reapply, and that
14 way you can come back and do another six years.
15 So those are the rules. In terms of your
16 specific, your membership had actually expired in
17 September of 2018. We have got you renewed for a
18 year, so you're good until 2020 right now.

19 MS. ENGLEMAN CONNERS: 2019.

20 MR. KHANDPUR: Beg your pardon?

21 MS. ENGLEMAN CONNERS: I'm sorry.

22 2018, yes, his expired, it expired in 2018 we

1 continued through 2020, September 2020.

2 MR. FISHER: Wait, that's two years.
3 It expired in 2018 and you're extending me until
4 2020?

5 MR. HAVILAND: Can I speak real quick?
6 Good morning. Todd Haviland, US Coast Guard. I
7 think some of the confusion around this is, the
8 charter for the advisory committee by statute
9 expires September 30th, 2020.

10 MR. FISHER: Right.

11 MR. HAVILAND: So no one's appointment
12 can be extended past that. If the Congress and
13 President choose to extend the committee beyond
14 2020, then it's staggered. So this would -- this
15 is John Baker Jr.'s last year, so -- and then for
16 the committee. And then it's staggered with you
17 and Mr. Klein. So does that answer your
18 question? I think that's some confusion around
19 why Ellen said everyone was through 2020.

20 MR. FISHER: No. I understood that.
21 When she said September 2020, I realized oh,
22 that's when we're all going to go home because

1 this thing, the entire committee sunsets at that
2 point unless Congress renews it.

3 MR. HAVILAND: Correct.

4 MR. FISHER: But I guess I'm trying to
5 understand what track we're each on because we've
6 lost track. If you don't mind doing that for
7 John, me, and Mike, we were appointed what year
8 and our first term ended -- the end of our three
9 year first term ended what year, and then what is
10 our actual status now?

11 MR. KHANDPUR: We can provide you that
12 information.

13 MR. FISHER: Okay.

14 MR. HAVILAND: Everyone's status right
15 now is you have an appointment.

16 MR. KHANDPUR: You're all current
17 right now.

18 MR. HAVILAND: You're all current,
19 including you.

20 MR. FISHER: I appreciate that. But
21 I also want to know what I asked. I want to know
22 --

1 MR. KHANDPUR: When does it expire.

2 I hear you.

3 MR. FISHER: Because for those of us
4 like me where it's expired, I'm obviously serving
5 as a committee member under some extension
6 authority that you must have. Or I actually
7 don't know what authority I'm continuing to serve
8 as a committee member. So that's why I'd like to
9 know because it speaks to the very heart of am I
10 legitimately or not.

11 MR. HAVILAND: Yes.

12 MR. FISHER: So I appreciate you
13 saying so, but I'd like to understand what the
14 rules are.

15 MR. KHANDPUR: So yeah, I mean, it
16 goes to the White House to get vetted, and White
17 House takes awhile. So you have been continued
18 until the end of September. And you want to know
19 the status of all the other folks. As far as, I
20 was going through my records, I think Mr. Baker,
21 you already -- this is your second consecutive
22 term?

1 MR. BAKER: Uh-huh (affirmative).

2 MR. KHANDPUR: So you're -- September
3 of 2020, your term will actually expire?

4 MR. BAKER: Uh-huh (affirmative).

5 MR. KHANDPUR: Mr. Klein, I think you
6 -- this is your first time?

7 MR. KLEIN: Yes. First term and
8 probably one year.

9 MR. KHANDPUR: Probably one year. So
10 those are the dates right now. And you would
11 have another year after September 2020 if the
12 charter is -- if the committee is renewed,
13 because that would then take you to six years.

14 MR. HAVILAND: But, Steve, can we get
15 back to you with a formal --

16 MR. FISHER: Sure.

17 MR. HAVILAND: -- this is everything?

18 MR. FISHER: Not to drag this out, one
19 last question. Rajiv, if the committee is
20 extended by legislation, are you telling me that
21 I have completed my first three year term and
22 that I have been appointed to my second three

1 year term?

2 MR. KHANDPUR: You have not yet been
3 appointed, you've been extended from your first
4 --

5 MR. FISHER: Been extended. Should
6 the White House not act or should the secretary
7 not appoint anyone -- because they're doing that
8 these days and they're not acting on appointments
9 -- will I be able to serve a full three year term
10 or is the extension authority limited?

11 MR. KHANDPUR: The extension authority
12 is limited. It would have to be re-extended or
13 not.

14 MR. FISHER: Can you successively
15 re-extend, re-extend, re-extend, or can you only
16 do it once?

17 MR. KHANDPUR: I don't know the answer
18 to that.

19 MR. FISHER: You can see why I'm
20 asking. I want to know if I'm off this committee
21 in a year, or if I have, in fact, the full three.

22 MR. KHANDPUR: We'll get you the

1 answers.

2 MR. HAVILAND: Todd Haviland again.
3 There is two things going on. So DHS policy says
4 a person can sit on a committee for six years in
5 total. But the Statute says a term cannot be
6 extended beyond five years. So your original
7 three year term has been extended to the full
8 five years.

9 MR. FISHER: Okay. I didn't know
10 that.

11 MR. HAVILAND: Yes. So assuming that
12 Congress extends the advisory committee, we'll
13 work with them to get you reappointed so you can
14 fulfill that full six year --

15 MR. FISHER: Six years.

16 MR. HAVILAND: -- six years. And then
17 we'll have to replace you.

18 MR. FISHER: Okay. Thank you.

19 MR. GALLAGHER: Dan Gallagher. I've
20 got a question. If another position is added,
21 you see Mr. Baker has already served two terms
22 and it's going to expire this year, does he have

1 to be off the committee or can he apply for a
2 different position?

3 MR. HAVILAND: I think that's an
4 excellent question for Traci Silas. She's en
5 route and she comes this afternoon, we can ask
6 her that specific question. But our goal as the
7 Coast Guard, and Rajiv can correct me if I'm
8 wrong, we want the people at this table to
9 understand the stakeholders issues, the
10 respective advocacy positions. And we're happy
11 with as many or as few that you want to have.

12 MR. GALLAGHER: Okay. Any other
13 discussion from the committee? At this time I'll
14 ask -- now ask if there is any public comments on
15 this issue? No comments from the public, okay.
16 We'll bring it back to the committee. Do we have
17 any other discussion from the committee? Do we
18 have any recommendations from the committee to
19 consider?

20 MR. FISHER: This would not be a
21 formal recommendation for a vote, but rather a
22 comment recommendation from Steve Fisher. Next

1 time you extend one of our terms whether it's a
2 year, a month, a day, or two years, or five year,
3 shoot us a note, or a letter, or something
4 telling us that we've -- because it should be a
5 little more formal in my opinion.

6 MR. HAVILAND: Yes. Okay.

7 MR. FISHER: Thank you.

8 MR. GALLAGHER: Okay. The next topic
9 is rulemaking update. I'd like to ask the
10 Pilotage Office to provide a rulemaking update,
11 Mr. Haviland.

12 MR. HAVILAND: Good morning. Todd
13 Haviland, US Coast Guard. The 2019 final rule
14 was published on May 10th, the rates went into
15 effect on June the 10th. So those will be in
16 effect until we issue another final rule. The
17 2020 notice of proposed rulemaking is well on its
18 way to publish in the early fall. And then we're
19 back to using CohnReznick as the group that goes
20 out to do the financial reports at the pilot
21 associations. So they're right now looking at
22 last year's numbers. So we'll have those numbers

1 to do the 2021 rulemaking.

2 And then I'd just like to take this
3 opportunity to introduce Brian Rogers the new
4 rate maker. If you haven't had a chance to talk
5 to him, I recommend you do. He's a great
6 addition to the team, he's got his license to
7 sail on the Great Lakes. And he was also a
8 former Maersk broker, so he has a great deal of
9 maritime knowledge on both sides. That's all I
10 have for the update.

11 MR. GALLAGHER: Okay. Thank you,
12 Todd. Does the committee want to address this
13 topic in any way? Okay. If there is no
14 discussion with the committee, anybody from the
15 public that would speak -- have any questions or
16 want to speak on this? If nothing from the
17 public, bring it back to the committee. Any
18 recommendations from the committee? We'll move
19 on to the next topic. Next topic is a SeaPro
20 demonstration. The Coast Guard requires the
21 pilotage association to use a Klein dispatch and
22 billing program. The associations have used a

1 Klein/Saab system in conjunction with the
2 Canadian Great Lakes Pilotage Authority for the
3 last decade. Captain Boyce and the Saint
4 Lawrence Seaway Pilots have developed a cheaper
5 and more robust program. I'd like to ask Captain
6 Boyce and the SeaPro representatives to give us a
7 brief demonstration of this program. The Coast
8 Guard is considering to move SeaPro for the 2020
9 shipping season. John, would you please give a
10 demonstration?

11 MR. BOYCE: All right. This is
12 Wendell Koi. I've worked with him over the last
13 few years, and we built another dispatch
14 accounting and billing system. In some ways it's
15 very similar to the Saab/Klein system. But also
16 in some ways the Saab/Klein tries to serve too
17 many masters and it doesn't capture a lot of
18 things that would be beneficial. So I've worked
19 with Wendell to develop our own program for it.
20 Spoken with the Coast Guard a number of times to
21 make sure it gives them everything they need.
22 And we've actually been using it in parallel to

1 the Klein for a couple years now. So I'm good at
2 driving ships, he's way better at computers than
3 I am. So I'll let Wendell talk.

4 MR. KOI: Good morning, my name is
5 Wendell Koi with a company called SeaPro
6 Solutions. The company is based out of Seattle,
7 Washington. I just happen to live in Texas so
8 I'm visiting the area. But as John mentioned,
9 yeah, this application has been kind of a work in
10 progress, but really it's been in full production
11 with the seaway pilots for going on our fourth
12 season now. And this year we launched a latest
13 and greatest, a newer version of it, it's
14 considered a web application. And again, it's to
15 help to streamline a lot of the business
16 processes related to dispatching of pilots all
17 the way through invoicing. And then from that a
18 wealth of data that's available to be provided to
19 the Coast Guard or other stakeholders as needed.

20 So a little bit about my company. I
21 started it back in 2012. I've got about 29 years
22 experience in the industry, mostly in the tug and

1 barge domain. But these are a snapshot of the
2 clients that I've served in the last eight years
3 or so. My focus is primarily on business
4 consulting, but also I've embarked into software
5 solutions as well. So a key factor and the
6 reason why we're doing this is for business
7 process improvement.

8 We -- you know, I see it as an
9 opportunity to be able to get away from a lot of
10 paper processes that may exist, and did exist
11 with seaway pilots with using paper documents
12 with masters aboard vessels signing everything.
13 We completely digitized that process.

14 So it allows the pilot organizations
15 to view -- manage the pilot jobs rather easily,
16 and in real time fashion so that that data for
17 that work and the assignments are all available
18 in real-time. Efficient sharing of the data with
19 the pilots so that they know what's going on,
20 they can plan around that. But also with other
21 stakeholders. We have agents that are able to
22 log into the system and view what's going on so

1 they can see the traffic.

2 Elimination of redundant data entry
3 passes. My goal is to provide a platform where
4 the data is only handled one time essentially.
5 Streamlining the billing process, again, making
6 it electronic, being able to email invoices out
7 right from the system. Custom interfaces to be
8 able to send the data over to accounting systems
9 or ERP systems for consumption for financial
10 systems.

11 And then credible real-time reporting
12 of the data. So this is a key point that I want
13 to make is that with the database is a wealth of
14 information that's available. And it can be
15 sliced and diced in many different ways. And in
16 the case of the seaway pilots, we've been able to
17 reproduce much of their required Coast Guard
18 reporting that can basically be done with the
19 click of a button. And it's, I think,
20 streamlined and saved quite a bit of time for
21 processing and things at the month end period.

22 So a little bit about the technology.

1 Using the software, so you know it's a completely
2 scalable solution. It's 99.9 percent
3 availability, it's considered a SaaS technology,
4 which means that it's a Software as a Service.
5 But it also means that it can be used on any
6 platform. Originally when we started we were
7 only doing things on iOS devices, and now we can
8 use any device. The records are portable and
9 accessible, user friendly layouts, and the
10 database is encrypted. It's based in two
11 different servers in Virginia and in Ohio for
12 redundant purposes on the US side.

13 Some of the features, create and
14 maintain jobs seamlessly. Managing rest
15 schedules so that we know who's on rotation and
16 who's off, et cetera. And also the order in
17 which pilots are called. Tracking the flag
18 assignments in and out of districts, auto
19 generation of voyages. That's an important
20 feature because it eliminates a lot of the data
21 entry tasks. As you can imagine, there are a lot
22 of data points that are required to put a job in

1 the system, just one pilot job. And being able
2 to auto generate these things, we can actually
3 cascade and create a voyage all the way through
4 from Snell Locks all the way through Port Weller
5 if we need to with the different pilots that may
6 be assigned to it. And then being able to track
7 job level expenses. This is something that I
8 think is particularly a requirement in the Saint
9 Lawrence Seaway. But it is available as a
10 feature.

11 So I just wanted to show a couple of
12 snapshots of this. Again, this works in a normal
13 browser. It's a little busy screen, but if
14 you're a pilot dispatcher you probably can pick
15 up on a lot of the pertinent details. This is
16 really how the dispatchers live in this world,
17 they use this screen to be able to manage what's
18 going on out the front window. The pilots have a
19 very similar view to this, but because a lot of
20 the guys use mobile devices, it's shown on a more
21 compacted view. This is a job detail screen. So
22 as you can image with the pilot jobs there is a

1 lot of information that needs to be kept and
2 maintained for just one job. So this is a
3 representation of all of the fields that are
4 required that we built into the system to be able
5 to manage the work. And so when a dispatcher is
6 working in and out of the system, they have to
7 pay attention to all of these attributes to
8 ensure that the detail is captured and is correct
9 so that the invoice is sent properly.

10 These are a couple of pictures of the
11 mobile screens that the pilots have available.
12 And it really made it -- tried to make it as user
13 friendly as possible for the pilots so that they
14 can -- you know, big buttons and being able to
15 leverage the technology. The devices rolling
16 technology for dates and times and whatnot, it
17 makes quite simple for them to interact with it.
18 You know, the ultimate benefit for that is to
19 ensure that the data that we're capturing is
20 accurate. We want it to be as accurate as
21 possibly, and so we'll try and make it as easy as
22 possible for the pilots to enter this

1 information.

2 We have the ability to capture digital
3 signatures from the masters for the vessel now.
4 So not more paper source forms, this system
5 essentially captures that. Also have the ability
6 to capture receipts, job related receipts if
7 there is travel involved or what not. They can
8 simply take a picture of it with the application
9 and it gets sent right to shore immediately so
10 that it can be processed. Anyway, that's the
11 quick and dirty presentation. I thank you for
12 your time and your consideration.

13 MR. GALLAGHER: John, do you have
14 anything? I can bring it back to the committee.
15 Unless you want to have something part of the
16 presentation?

17 MR. BOYCE: No. We've been pretty
18 happy with using it. One of the definite
19 benefits that we've seen is we can more
20 accurately track all the expenses, you know, per
21 job for travel and everything else. And it gives
22 us the ability to essentially generate any report

1 we want, to track things, look at what you can do
2 more efficiently. Where you're running good,
3 where you've got issues. And at this point I
4 think the only other routine reporting we're
5 doing with the Coast Guard, I think the working
6 capital fund is the only thing we can't do
7 straight through this program. And that you could
8 do theoretically what it should be, but you'd
9 have to do it from the accounting side to see
10 what's actually there. And I think, correct me
11 if I'm wrong, I think you guys can get everything
12 that's needed right through our program. So
13 definitely helps and gets us off the hot seat
14 when we forget to send a report in or something,
15 they can just generate their own right from
16 headquarters on it.

17 MR. GALLAGHER: Okay. Thanks, John.
18 Anybody else from the committee, any questions,
19 discussion?

20 MR. FISHER: I have a few questions.
21 Steve Fisher. John, what does this do -- this is
22 my own ignorance, teach me, what does this do

1 that the Klein system doesn't do?

2 MR. BOYCE: It can easily generate the
3 reports in the formats that we need. It's much
4 more, for lack of a better term, nimble of a
5 program. If next Tuesday we get a call from the
6 Coast Guard we need a report that does X, Y, and
7 Z we can make a report that does X, Y, and Z. It
8 doesn't have to go through the GLPA, it doesn't
9 have to go through the Coast Guard and everybody
10 else. They say they want it and they get it.

11 MR. FISHER: And currently the Klein
12 system won't do that?

13 MR. BOYCE: (Shaking head negatively)
14 It goes through 17 levels of Coast Guard
15 contracting and whatnot. And it's not going to
16 happen. Truth be told at the end of the day. So
17 it gives us much more of an ability to deliver
18 information in reality.

19 MR. FISHER: All right. Is there a --
20 the Klein system is what you're currently using
21 and the other districts are using as well?

22 MR. BOYCE: For Klein?

1 MR. FISHER: Yeah.

2 MR. BOYCE: Yeah, we enter the data
3 into Klein, but we don't actually use it.

4 MR. FISHER: I see.

5 MR. BOYCE: We have to maintain it so
6 we do.

7 MR. FISHER: Right.

8 MR. BOYCE: But we operationally do
9 everything off our program.

10 MR. FISHER: And historically you've
11 been using Klein because the Coast Guard asked
12 you to use Klein?

13 MR. BOYCE: (Nodding head in
14 affirmative)

15 MR. FISHER: Got it. And the next
16 question is for Todd, does the Coast Guard use
17 Klein because you came to a decision with the
18 GLPA to impose sort of a lakes wide common
19 system? Or what's the history on that?

20 MR. HAVILAND: Good morning. Todd
21 Haviland. I wish Michelle were here from the
22 GLPA, her flight got cancelled so she's not going

1 to make it. So forgive me if I speak out of
2 turn. But the pilot presidents can, I guess,
3 validate what I'm going to say. But in the early
4 to mid 2000's Robert LeMire contracted with Klein
5 to create this billing and dispatch system. My
6 predecessor Paul Wasserman about four years into
7 it said hey, the Coast Guard needs to enter into
8 this so the Coast Guard signed a contract with
9 Klein. And there was a lot of frustration with
10 the pilot associations because the GLPA uses this
11 system to control costs, we need it more for rate
12 making purposes and to ensure compliance with
13 regulations. And that older version didn't
14 really do that for us. And in order to get any
15 changes to it because it's a contract with the
16 government, we have to go through the contracting
17 officer to modify the contract.

18 Well a few years ago, the person who
19 wrote the code on the original program I think
20 retired and there was only one person left in the
21 company that knew that old code. So they changed
22 the code to make it a web based system, and

1 that's when we joined in. And the reason that we
2 joined in was the GLPA was willing to pay for
3 two-thirds of it. And the Klein does a decent
4 job giving us the information we need to handle
5 rulemaking. But based on some of the feedback
6 we've received in the last year or two, the
7 groups that pay the bills want a little more
8 fidelity and transparency with the expenses and
9 revenues. Well, our ability to do that through
10 Klein is limited because of the contract we have
11 with them.

12 MR. FISHER: Right.

13 MR. HAVILAND: Just for everyone's
14 edification, Steve came into Coast Guard
15 headquarters and sat with us for two hours and we
16 explained the Klein system and how we use it.
17 But the advantages I think of this system is the
18 Klein system can only be used on an Apple
19 product. I think this one can be used on an
20 Android or an Apple product and it's much more
21 nimble for them if you want some additional
22 fidelity on numbers. The GLPA uses this system

1 because John gives them the ability to look at it
2 so they can have a common operating picture.

3 MR. FISHER: Okay. So a couple more
4 questions. Are you considering stepping away
5 from Klein and potentially adopting this system
6 for the other two -- and urging the other two
7 districts to also adopt this system so that
8 everyone is on this new system?

9 MR. HAVILAND: Yes. So the
10 regulations say that I tell the associations what
11 program to use.

12 MR. FISHER: Right.

13 MR. HAVILAND: So I told them to use
14 Klein. What we're considering is going away from
15 Klein and moving to this system because again,
16 it's much more nimble. And Rajiv can correct me
17 if I'm wrong, but right now the Coast Guard pays
18 for Klein. And we're not sure that the taxpayers
19 should be paying for the Klein system. And this
20 would be an expense that would be reimbursable --

21 MR. FISHER: Right. And can I ask the
22 other two district presidents, are you aware of

1 this new system and is it something that is
2 attractive to you?

3 MR. GALLAGHER: We've had
4 demonstrations on it. Actually, Wendell came up
5 a couple years ago to our office, demonstrated it
6 to us. At the time going back to Klein, when it
7 first was implement and forced down us, it was
8 basically totally useless in our opinion. We
9 don't utilize it as much, I don't think, as the
10 GLPA does as a dispatch system. Theirs is a
11 little bit different because it's going through
12 the Coast Guard, they can change things, we
13 can't, we don't have the authority, that's the
14 Coast Guard. So when we have a problem with them
15 -- we use it right now for dispatch and we
16 actually like it now. I mean, not dispatch, but
17 for all our billing and getting some reports.

18 But the problem is, if there is
19 something that the Coast Guard needs, a report,
20 we've got to go through Vince through the Coast
21 Guard, Vince has got to go through contracting,
22 contracting has got to go through a guy in

1 Vancouver, and it might be a month or so. And
2 then by that time it's -- I mean, every time we
3 have to make a change.

4 I just want -- my concern with going
5 with this is, is it going to comply? Is industry
6 going to be happy with it or are they going to
7 say, well, here is another -- we've got another
8 different system. I think it will be probably
9 beneficial pulling a lot of the reports. If we
10 have to make a change, we can make a change right
11 away. So I mean I think we'd be okay with it as
12 long as it is a requirement by the Coast Guard.
13 I don't want to do both of them, because either
14 we do the Klein or we do this one. If we're
15 going to do both, I'd just as soon stick with the
16 Klein system.

17 MR. OLNEY: Jon Olney, Western Great
18 Lakes Pilots. I'm going to agree pretty much
19 with what Danny just said. I think the big
20 benefit is the agility of Wendell to be able to
21 put something together on a very short notice. I
22 certainly would not fight bringing this program

1 on board just for those reasons. Now it's our
2 program instead of somebody else making all the
3 decisions. And one of the complaints that our
4 dispatchers have had is somebody changed the
5 Klein, it's now different, nobody told us it was
6 changed, all of a sudden we log in in the morning
7 and we can't go where we need to go because
8 somebody else decided to change it and not bring
9 us up to speed. A very legitimate complaint, I
10 think.

11 MR. FISHER: And then one more
12 question for Todd. Is there a synergy need or
13 coordination need with the GLPA or is that not
14 necessarily -- and if -- and I guess the next
15 part of the question is, if they stay with Klein
16 and you move to this system, is there a
17 disconnect potential?

18 MR. BOYCE: I can answer.

19 MR. HAVILAND: I'll have John answer.
20 If you're not satisfied with his answer --

21 MR. BOYCE: Yes. A synergy is
22 beneficial. But there shouldn't be any reason

1 that the two programs can't talk to each other.
2 So I forget what the appropriate terminology is
3 for how it's done. But the two programs
4 essentially populate each other. And you get to
5 look at it the way you need to on either.

6 MR. FISHER: Okay. Got it. And then
7 Todd, to your knowledge, is the GLPA aware that
8 you're looking at this? And do they have any
9 concerns they shared with you about --

10 MR. HAVILAND: They're aware, they
11 haven't really -- their only concern would be is
12 if we didn't share information with them.

13 MR. FISHER: Okay.

14 MR. HAVILAND: I mean, we're totally
15 committed to giving everyone a common operating
16 picture. But to Jon Olney's point, the
17 collective bargaining agreements on the Canadian
18 side, if something -- if a Canadian registered
19 pilot -- and you can tell me if I'm wrong, but
20 when you accept a job and go to a job a few
21 minutes here or there, can impact your ability to
22 get productivity or overtime pay. And what

1 Robert told me was the Klein system really helped
2 them ensure, you know, this is exactly what
3 happened. Well, on the American side there is
4 just one rate. And if it's a weekend, or a
5 holiday, or whatever the assignment number is it
6 really doesn't change. So we don't need that
7 level of cost control. But what I think this
8 does, especially for you is, when you want us to
9 do a deep dive into this, that, or the other
10 thing, I just have to call John, and say John, or
11 Danny, or Jon, this is what we need the reports
12 to say, and in a couple weeks we could probably
13 have that report to you.

14 MR. FISHER: Right.

15 MR. HAVILAND: Right now if we try to
16 do that then I've got to find money in the Coast
17 Guard budget to take away from a ship or a
18 helicopter to apply to this. And then modify the
19 contract. Then they have to negotiate with Saab
20 out in Vancouver and that can take up to six
21 months.

22 MR. FISHER: Right. And then my last

1 question, and I guess it's to all of you who are
2 aware of this technology, including Wendell. You
3 know, industry has, for a few years now, been
4 trying to push the notion of transparency with
5 regard to all aspects of pilotage and regulatory
6 oversight of pilotage. Does the new system
7 potentially offer an opportunity for more
8 transparency about what's going on out there?

9 One of the handicaps industry has in
10 all things pilotage is that the pilots are living
11 pilotage every day, the presidents, three pilot
12 associations are in the thick of it every day.
13 Ports and some vessels operators and agents are
14 kind of watching from the bleachers. And so what
15 is great about transparency and potentially this
16 system is, it would enable people to look at
17 what's literally happening out there day in and
18 day out and take some of the mystery out of
19 pilotage operations.

20 Is there an opportunity to -- well, I
21 guess I should ask first, does the Klein system
22 allow a vessel agent or somebody else to

1 currently get in and --

2 MR. GALLAGHER: Yes. The transparency
3 is there, Steve. The Klein system, if an agent
4 wants to really dig into it, he can see
5 everything going on. He can see who is
6 available, who is off on recuperative rest, who
7 is traveling. It's all there.

8 MR. FISHER: It's all there.

9 MR. GALLAGHER: It's all there. If an
10 agent --

11 MR. BOYCE: I don't think an agent can
12 see that much.

13 MR. GALLAGHER: An agent can see where
14 the pilots are and everything. Mike, go ahead.

15 MR. KILPATRICK: Mike Kilpatrick,
16 District 2 Canadian President. We're a little
17 bit in the dark in terms of the behind the
18 scenes, like the billing and whatnot. But I know
19 Richard Kendall (phonetic) our manager of
20 operations, he discussed that last year that he
21 was going to get more access to the agents. You
22 know, I'm not sure exactly what they see, what I

1 would see as a lay man on the Klein. But I know
2 they were going to give more access to the agents
3 so they could see, you know, put in their own
4 prospects and orders and see what everybody else
5 is doing. They may not see what our actual tour
6 de role is in terms of if they're going to have a
7 pilot or a delay or whatnot. But there is
8 transparency and they were going to actually give
9 them access to the Klein for that very purpose.

10 MR. FISHER: Okay. Good.

11 MR. GALLAGHER: Yeah, I know -- I
12 think with our system with the Klein I think the
13 agents can -- they can see the tour de role. If
14 they wish. They can get it. And I think the
15 Coast Guard has offered it all. I think it's out
16 there. And a couple of the agents look at it,
17 but some of them don't want to take the time to
18 get involved, that's all. This system, the
19 benefit of this system, is if we want to make a
20 change, if you need something, if the pilotage
21 office is asking for something, to get the system
22 to change on American side is almost impossible

1 to go through the funding and everything. On the
2 Canadian side it's totally different because they
3 control it. They don't have to go out and get
4 permission, they just call them up and say okay,
5 yeah, here's what it's going to be. Bill us an
6 extra eight hours for this data, and they do it.
7 The GLPA will sit down with them and it's that
8 fast. So it's better for them, but the Coast
9 Guard having control of it and the funding of it
10 and ownership of it to get something changes,
11 it's months, and months, and months.

12 MR. FISHER: I would just -- to
13 complete what I was saying a second ago. It's
14 urged that if we move to the new system that it
15 offers some, the same, or better transparency
16 aspects or features so that it would probably be
17 the agents. But whoever from the industry side
18 could access it and see some amount of the
19 information. There is a lot of whining out there
20 about not knowing this or not knowing that. I
21 think not to lend credibility to the whining, but
22 one way to address it is say hey, you want to

1 take the time out of your life to learn about
2 pilotage, learn what's going on out there, here
3 is the access. And then we're done at that
4 point. You know, we've given the various parties
5 the opportunity to learn, and know, and have
6 access to the information. And if they don't
7 take that time and they come and they complain
8 that they don't know what's going on or they
9 don't understand how things operate, that's their
10 problem.

11 MR. BOYCE: Our program is already
12 built, the agents have log ins for it to see the
13 Shipping Federation of Canada has got one to look
14 at it. And it's not all that uncommon that we
15 get calls about the Canadian side because we have
16 a better picture of what's going on for them to
17 figure out, even on ships that don't have US
18 pilots on it, to see what's going on. So the
19 visibility that the agents get on ours is already
20 better.

21 MR. FISHER: Okay.

22 MR. GALLAGHER: Any other comments

1 from the committee?

2 MR. KLEIN: This is Mike Klein. And
3 I just want to make sure, I think I heard the
4 comment that right now the Klein system is kind
5 of paid for through taxpayer money. If we go to
6 the new system, it will come into the rate,
7 therefore it comes back into the industry. So
8 you know, as far as industry representative we'd
9 want to make sure that we got something for the
10 extra costs that we're going to incur. And this
11 transparency, we would expect that. So
12 appreciate that.

13 MR. GALLAGHER: Dan Gallagher. I
14 would suspect the Coast Guard if we go to this
15 system is going to put regulations, parameters,
16 and say okay this is what you'll do, this is the
17 bare minimum you're going to have to provide.
18 You're going to have to provide the industry with
19 access to you know the tour de roles, and the
20 ship information, ETAs, stuff like that. And
21 likewise we're going to want to share the
22 information with the Canadian counterparts. And

1 we would hope that they would share their
2 information where the two systems can back and
3 forth. The Coast Guard is going to have to that,
4 something out there for us and it would be a
5 requirement. And the nice thing about it, if you
6 don't like it, they can change it every week. I
7 mean, it's that simple.

8 MR. FISHER: Let's not change it every
9 week.

10 MR. GALLAGHER: I mean, with the
11 contracting system right now it's a nightmare.
12 If we want anything done. Just to get a -- if we
13 bring a new pilot aboard, just to get him onto
14 the system where he has his ID number and he's
15 got to have his pilot number in there, sometimes
16 it takes -- I mean, the guy is working for a
17 month or two and he still is not on even on our
18 system where we're seeing it. Because we have to
19 go through so many hoops to try to get something
20 done.

21 MR. KHANDPUR: This is Rajiv Khandpur.
22 Just to attest what you guys are saying, I was on

1 a District 1 ship the other day and I saw the
2 pilots basically use the system that they've got.
3 And some of the other things that you talk about,
4 the ease of use and one time data, that to me was
5 pretty striking. Because the guy went in there,
6 wrote the time that he came on ship, time that he
7 got off the ship, what time the transport came
8 from and the captain just signed it off right
9 there and they shot it right to the system. So
10 it was already in the system, there was no
11 transferring of data in a separate paper form. I
12 don't know what the Klein does, but I saw this
13 and I thought it was pretty efficient.

14 MR. FISHER: What are next steps on
15 this?

16 MR. HAVILAND: Are you asking me?

17 MR. FISHER: Well, I guess I'm asking
18 Todd because --

19 MR. HAVILAND: The next step on this
20 would be I'll continue the conversation with the
21 other pilot association presidents. And then
22 I'll talk to the CEO of the Great Lakes Pilotage

1 Authority. And then I'm sure -- I don't want to
2 speak for Fulvio, but I'm sure it would help him
3 also get a picture -- because we -- from my
4 perspective, the system starts at Les Escoumins
5 (phonetic) and goes all the way in to Lake
6 Superior. And the more information that we can
7 share, the easier it is for us to identify issues
8 and start communicating to folks, hey, there may
9 not be a pilot, or there is something going on at
10 this port. And I don't know if everyone
11 remembers, there was a lot of confusion that
12 happened in 2014 and 2015 due to lack of pilots.
13 But I instituted a daily report that was sent out
14 to anyone who wanted it. John Boyce's system, or
15 the SeaPro System generates that same report.
16 And that could be -- if that's a report that
17 helps facilitate commerce, we're more than
18 willing to share it with everyone. Sometimes we
19 hear that, you know, this company doesn't want to
20 share their information with that company. But I
21 think John has got some examples to where it
22 started out like that, but when people start

1 understanding this is -- this knowledge, it helps
2 everyone plan and helps move the ships through
3 the system.

4 MR. FISHER: And sorry to --

5 MR. GALLAGHER: No, it's good.

6 MR. FISHER: As we talk I think of
7 things. Wendell is -- can you describe your
8 company a little bit? Todd made a comment about
9 the Klein system and that the guy who wrote the
10 code retired, or got hit by a truck, or whatever
11 happened to him. And so how deep is your
12 company, and if you retire next is -- I mean and
13 we still need to -- we bought into this system.
14 Is there --

15 MR. KOI: Sure. So again this is
16 Wendell Koi with SeaPro Solutions. Currently I
17 am a one man -- I mean, I have a consulting
18 business and that's what I do. Like I say, I've
19 been working with John for the last four, five
20 years now. But the technology that we're using
21 is really the standards within the coding
22 industry, I should state. It is very -- it's

1 very well documented and it has the ability to be
2 scalable as far as from the development side. So
3 should the need arise for me to add on a staff to
4 be able to meet the requirements, then I can do
5 so quite easily for that matter because it's more
6 of a standard software platform.

7 MR. FISHER: Do you have a proprietary
8 ownership of it? In other words, if you move on
9 and do something else with your life are we sort
10 of left in the lurch?

11 MR. KOI: Nope, not at all. We
12 actually discussed that in the last couple of
13 days about, again, there is a -- the code is
14 owned by me, it's proprietary knowledge for me.
15 But yeah, if that's the case we have mechanisms
16 to be able to mitigate those eventualities.
17 There is things called code escrows for instance
18 where we can come to an agreement and actually
19 store the source code so that if something
20 happens to me, that source code is retained by
21 whomever we designate. And it can be taken from
22 there, yeah.

1 MR. FISHER: Well, I would think that
2 would be an issue in any contracting is to make
3 sure we have the ability to cover --

4 MR. BOYCE: We just haven't gone to
5 that point because we've built it to work
6 operationally. If it's not going to be accepted
7 as the program, there was really no reason to go
8 the next step beyond in the longevity concern to
9 it.

10 MR. FISHER: Sure.

11 MR. BOYCE: It's pretty easy to do
12 though.

13 MR. FISHER: Okay. Great. Thank you.

14 MR. GALLAGHER: Any other questions?
15 Any other questions from the committee? At this
16 time I'll ask the public if they have any
17 comments, questions, concerns? We'll, bring it
18 back to the committee. Any recommendations from
19 the committee? Any more discussion or
20 recommendations?

21 MR. BOYCE: I'll make a recommendation
22 to move from Klein to the SeaPro dispatch and

1 billing software.

2 MR. GALLAGHER: Okay. We have a
3 recommendation from John to move from the Klein
4 to the SeaPro System. Is there any discussion
5 from the committee? Do we have a second?

6 MR. OLNEY: I'll second that motion.

7 MR. GALLAGHER: Jon Olney second. All
8 in favor?

9 (Show of hands)

10 MR. GALLAGHER: Opposed? Motion
11 carried. The next topic of discussion is
12 dispatch procedures including current and cruise
13 ship impact and tanker proposal. The pilot
14 association's bill all the vessel agents for
15 services 46 CFR 401.3200 articulates a first come
16 first served dispatch process. This has never
17 been challenged by the traditional international
18 bulk shippers. However, in the last few years
19 the system has experienced a diversification of
20 traffic with Canadian tankers, Canadian lakers,
21 and cruise ships accounting for a significant
22 portion of traffic. These two groups compete for

1 a limited pilotage resources. Mr. Haviland will
2 discuss some options for the committee to
3 consider.

4 MR. HAVILAND: Good morning. Todd
5 Haviland, US Coast Guard. I'm going to say a few
6 words, and then I'm going to give our Petro
7 Canada representatives an opportunity to weigh
8 in. But in 1959 when the system was opened it
9 was international shippers brought in steel and
10 they took out grain. And I've only been around
11 for about ten years, and for the first five or
12 six years that's really what I saw. You know,
13 there would be a onesie twosie, maybe tanker with
14 petroleum products, or a laker that in a pinch
15 would use a pilot. And then I met Stephen
16 Burnett and he told me you were bringing cruise
17 ships in, and low and behold he starting to bring
18 cruise ships in.

19 And now, you know, the system on the
20 Great Lakes that was built around and built by
21 the international shippers, is seeing a rather
22 significant influx of companies that are moving

1 petroleum products, Canadian companies that are
2 voluntarily taking US pilots. And now cruise
3 ships. And the cruise ships and the petroleum
4 movers are saying, hey, we can tell you what our
5 schedule is going to be for the next two or three
6 years, and because of that we want some
7 preferential treatment.

8 There is some things that happen
9 around the country where, you know, in a port
10 they'll say we're going to move all the cruise
11 ships at 8:00 o'clock in the morning or at 9:00
12 o'clock in the morning. But I'm not aware of any
13 place where someone has a like skip pass. I
14 don't know if you've ever been to Disneyland or
15 something where, hey, I've got my wristband I've
16 got to get in a special lane. I've spoken a lot
17 to the owners about this up in Montreal. I've
18 spoken to the pilot association presidents. I've
19 spoken to the seaway, I've spoken to some of the
20 cruise lines. And it appears to me that this
21 could be an opportunity for people to come
22 together that understand their business a lot

1 more than we do to kind of inform us on how maybe
2 we need to change our staffing model or, you
3 know, change our dispatch rules to accommodate
4 for this new traffic.

5 Because from my perspective, you know,
6 any new business that we can get into the Great
7 Lakes, especially if it diversifies the commodity
8 carriers, I think is helpful to the system.
9 Because it smooths out the revenues and it helps
10 us to project future traffic. Did you want to
11 say anything?

12 MR. SIMMONS: Well, yeah we have --
13 Randy Simmons with Petro Canada. Our marine
14 manager, former marine manager, I think,
15 Sylvester Solanki addressed the committee last
16 year. We're here as follow-up on that. He isn't
17 available, has moved on to other opportunities.
18 I'm the interim marine manager for business. And
19 the issue was brought up with regards to our
20 activities, particularly at Mississauga's
21 refining operation that Petro Canada owns and
22 operates is dependent upon imported fee stocks.

1 And we then in turn export product. So I had a,
2 sort of a prepared statement, I just -- at the
3 pleasure of the committee I'd like to just say
4 that we're thankful for the opportunity to
5 address the committee. Petro Canada remains
6 completely aligned with the role of the pilots,
7 and the protection of people, environment, and
8 assets in the Great Lakes. And we certainly
9 thank the association and pilots for their
10 service.

11 Petro Canada Lubricants is engaged in
12 shipping domestic, international bulk petroleum
13 movements, products. And we now have two
14 domestic flagged or Canadian flagged timed
15 charter vessels that we're adding to our
16 operations this year, in addition to two
17 international timed charters that we operate for
18 the purposes of those petroleum movements. So
19 just as a indication of some scale of activity, I
20 don't know if this is helpful, but pilotage for
21 us in 2018 was about \$900,000. And I think it
22 involved 35 voyages. And year to date we're

1 sitting at about \$600,000 of pilotage fees, for
2 the service of probably 20 movements. We expect
3 this to be more active in the future as we've
4 added these two additional time charters. And so
5 operations in the lakes and cooperation with
6 pilots for the safe movement of our vessels.

7 We, I think, are here to ask about a
8 couple of things that we currently face in
9 operations. Those concerns are specifically
10 pilot availability as it pertains to timeliness
11 and movement of vessels. We have a particularly
12 awkward jetty at Mississauga that is highly
13 affected by weather conditions and often we have
14 to take the vessel off the dock for weather
15 disruptions. And so we need pilots assistance
16 for that, particularly for the international
17 vessels.

18 And carry on with that, so from time
19 to time pilots are not generally available for
20 demands around us in Lake Ontario. And we are
21 then forced to wait and I think have some safety
22 risks. We would like to ask for some help in the

1 availability of pilots. I think you addressed
2 that earlier as something that was an issue in
3 2014/2015. So we appreciate that there is action
4 being taken.

5 The other concern is the 24 hour
6 penalty for canceling a pilot. And particularly
7 if there is a weather event that abates, we will
8 cancel a pilot because we don't want to tie up a
9 pilot unnecessarily. But then because of the
10 cancellation, we incur a 24 hour delay for the
11 next subsequent reservation. And that can be
12 commercially impactful. And we would ask if
13 there was another way of dealing with the
14 discipline of shippers to use pilots for their
15 vessel movements. Such that if a cancellation
16 took place and we wanted to reschedule, that that
17 24 hour period would be waived if there were
18 pilots generally available. If they weren't
19 available and we're in a cue with others that had
20 a prioritized need, we respect that. But I think
21 if there were pilots available we would ask that
22 we be allowed to reserve a pilot without the 24

1 hour standby.

2 And then finally, it's a question.

3 And I have to admit my lack of expertise or
4 knowledge around how the pilots associations work
5 together. But as I understand, we're assigned a
6 pilot based on entry into the seaway. And if,
7 for instance, if it's an American pilot we will
8 then require a pilot later on it has to be an
9 American pilot that services are vessel when we
10 leave our dock in Mississauga. And we've had
11 instances where the American pilot availability
12 has been limited. And there are, I guess, we not
13 incidentally that there are Canadian pilots
14 available, but we're told that we cannot switch
15 between American and Canadian pilots because of
16 this assignment rule. So we would ask the
17 association if that rule could be revisited, and
18 if there would be any viability for mixing
19 assignments through the voyage of a vessel in the
20 system. That's all I have at this time, thank
21 you for the opportunity to speak.

22 MR. GALLAGHER: Any other discussion

1 from the committee?

2 MR. FISHER: Yeah. I'm pointing to
3 Todd Haviland, are you done describing the issue
4 you'd like us to discuss relating to priority
5 dispatch?

6 MR. HAVILAND: Yes. I mean, if you
7 want more information --

8 MR. FISHER: You talked a little bit,
9 you had the petro folks talk. Do you want to say
10 anything about cruise ships more or do you want
11 to comment?

12 MR. HAVILAND: I don't want to speak
13 for the cruise ships. But the cruise ships want
14 preferential treatment. They want to be able to
15 say if they need a pilot they get that special
16 pass and get to the front of the line. From the
17 Coast Guard's perspective, we're really
18 indifferent. We just want to facilitate traffic,
19 we want to make sure it's safe, we want to treat
20 everyone fairly. If you don't mind, I'll address
21 a couple of those points unless John wanted to.

22 MR. BOYCE: I -- go ahead.

1 MR. HAVILAND: The 24 hour penalty is
2 something that we put in place a few years ago.
3 Now we're going to get really deep into the
4 weeds. But an agent will prospect and say hey,
5 we think this ship is going to -- we're going to
6 need a pilot at this time. And they're allowed
7 to amend that twice. So they can adjust it up to
8 12 hours. So the way we look at it is someone
9 has a 36 hour window to say, this is when I need
10 a pilot. At the end of that 36 hours, you can
11 either pay for the pilot to be in standby or if
12 you cancel, we impose a 24 hour penalty before
13 you can put another prospect just because I
14 didn't want there to be a financial incentive for
15 the pilot associations, either real or perceived,
16 to mess around with this rule.

17 And it has really helped bring much
18 needed discipline to the shipping agents who
19 would say hey, we see there is a ton of ships in
20 the system, I'm going to over prospect and I'm
21 going to tie this pilot up, you know, at this
22 port. So now that ship is delayed, all kinds of

1 other ships are delayed, and then it's a domino
2 effect. So the pilot associations have the
3 discretion to either enforce that rule or not.
4 And so I mean there is some wiggle room. Because
5 I know in certain instances, you know, it is
6 deemed by the pilot association that it was well
7 beyond the agent's ability to foresee this, they
8 can waive that. But that's more a question for
9 John Boyce to ask -- or to answer.

10 And then as far as trading jobs, we
11 will trade jobs throughout the year and there is
12 a mechanism to do that. But what we won't do is
13 trade a job just to move a delay from Port Weller
14 to Cape Vincent, because that really doesn't help
15 anything. So if it makes sense to switch, to
16 trade jobs, you know, I'll call my Canadian
17 counterpart or my Canadian counterpart will call
18 me and we'll talk it out and we trade jobs
19 throughout the year. So that's something that is
20 done. If we don't do the job trade that just
21 means that that short-term fix is going to turn
22 into a long-term problem, that's usually going to

1 result in like 20- or 30- or \$40,000 bill for
2 someone to pay. Did I answer your question, sir?

3 MR. SIMMONS: Certainly it
4 directionally addresses a concern. Again, Randy
5 Simmons, Petro Canada. It's -- we want to work
6 cooperatively with the association. We
7 appreciate that it's a little more complicated
8 than normal because of the two sovereignties, the
9 two jurisdictions working together. On that last
10 point of American versus Canadian pilot, we don't
11 have a preference or a differential want in this
12 situation, we're just looking for efficiency. And
13 we would, I think -- I would think at least that
14 we're aligned on the efficient dispatch of
15 pilots, and pilots being able to do their jobs
16 effectively. And that would mean that the
17 industry could carry on with commercial activity.

18 So this preferential treatment role
19 isn't where, I think, our interests lie. We're
20 looking more at how the existing, I guess rules
21 of engagement, if you will, for dispatch could be
22 refined to deal with I guess, unique situations

1 perhaps that we have that others don't. We're
2 not looking for preferential treatment. So I
3 just want to be clear on that. I think we're
4 looking for a cooperative and efficient
5 relationship with the pilots in the Great Lakes.

6 And our particular concern is about
7 the safety and security of vessels at the
8 Mississauga jetty specifically because it is a
9 more challenging jetty from the point of view of
10 weather systems, how it's positioned in the lake.
11 And it in itself is a jetty that's pretty low in
12 the water and gets awash quite often. For which
13 we have shore safety concerns. And again, the
14 pilots are essential to us from the point of view
15 of safely moving the vessel away from the jetty
16 or bringing it back in.

17 With that sort of variability, the
18 weather component, it becomes maybe unique to
19 Petro Canada that we have a higher than normal
20 demand rate for pilots because of the those
21 things. And so this 24 hour rule can be quite
22 material to, in particular, safety, not just

1 commercial. I understand that there was abuse of
2 the system -- I will call it abuse, I don't know
3 if that's the proper term for it. But the
4 prospecting of pilots for commercial vessels,
5 that hasn't been our attitude or approach. We're
6 not reserving pilots to hedge ourselves. It's
7 really from the safe and viable operation of the
8 vessels that are done. And so I don't think in
9 this discussion we'd like to leave that as a
10 footprint on the record. We're just looking to
11 cooperate with the pilot association.

12 And so the other point, I guess, the
13 pilot availability the American versus Canadian
14 pilot assignment. Just I'm not really clear on
15 how that works, so forgive me. I'd just ask
16 that, again we've had a couple of instances
17 where, and it's not to say Canadian versus
18 American pilots are more available or less
19 available, in the instances, two instances, we
20 had an American pilot assigned to us on the entry
21 to the seaway. And at our dock we had completed
22 our cargo operations, required a pilot to proceed

1 to exit the seaway, and we waited two days for
2 pilot availability because there weren't American
3 pilots available at Mississauga for our vessel
4 movement. And that seemed inefficient. So those
5 are the essence of our submission to the
6 association here for consideration.

7 MR. BOYCE: Just a second. One very
8 contributory factor to all this is for two years
9 traffic has far exceeded the averages, and there
10 is simply not enough pilots on either side, US or
11 Canadian to really accommodate the traffic
12 levels. There's just not enough bodies. That
13 being said, it's on both sides US and Canadian
14 it's been triage dispatch for two years straight.
15 What doesn't get seen is when ships are staged
16 back as far as Quebec lined up to come in because
17 at some point in the system there is going to be
18 a stop. So there is different availabilities or
19 different advantages to where you stop ships,
20 where you hold ships. And where you commit your
21 pilot to be 36 hours from now is necessary to
22 keep things moving.

1 The safety side of it there has always
2 been a waiver for danger to the vessel or cargo.
3 And also that's the one instance we can actually
4 get on a ship without resting. Is if there is a
5 legitimate danger to something. And we've done
6 both those things before, ships have sailed
7 because there is nobody there and there is a
8 legitimate concern. And also put pilots on with
9 minimal rest or none at times just get off a ship
10 and head over to the dock to move it because
11 there is legitimate risk.

12 Part of it is what's legitimate risk.
13 Because that's been played in the past too as far
14 as it's time to discharge, okay, there is a
15 weather concern, and send out the clean tanks.
16 So there has been a whole, whole myriad of
17 issues. The real problem is for current traffic
18 levels, the entire system does not have enough
19 people in it. The longer question to that is
20 what's going to be the continued demand over one,
21 three, five, seven, ten years of adding people to
22 the system because it takes a couple years to

1 bring a pilot online.

2 So I think that's part of what Todd
3 was talking to you about diversifying growing
4 demand, and even the cruise ships knowing one to
5 three years out what their itineraries are to be
6 able to take advantage of that to more
7 appropriately scale pilot numbers. So that's
8 really the problem in this whole thing is what
9 the pilot numbers need to be.

10 MR. GALLAGHER: Dan Gallagher. In our
11 district, District 2 here, we don't have the 24
12 hour penalty. We have a 12 hour order. And I
13 believe the Canadians, I know the Canadians do
14 the same, Canadian District 2 does the same
15 thing. So where they put a 12 hour process, we
16 haven't had the abuse in our district. I know in
17 Jon's district up there, it was totally abused.
18 And they would put in a prospect knowing they're
19 not going to move. But they wanted to keep that
20 pilot in that area and not travel out. We have
21 it like that in Port Colborne. I mean, an agent
22 could order us and not knowing they're going to

1 leave and just to keep the guy. Because once you
2 move them out of there to try to get them back to
3 the area, it could be a little more time. We
4 don't have that. We have the 12 hour and they
5 can have four hours to cancel right up to the
6 hour without any penalty. And four hours into it
7 they can re-prospect another 12 hour notice
8 without any penalties.

9 So and as far as emergencies go in our
10 district, if there is and we have it this time of
11 year October, November, December when the wind
12 starts blowing, if there is a problem with a
13 ship, whether it's a US or Canadian, we put a guy
14 there as soon as we can get him there. Whether
15 we have to bring someone from home. Because
16 we're not like Miami where everybody is stationed
17 right there living there. I mean, we do whatever
18 we have to do, we forfeit the rest, it's not the
19 next guy, it's the closest guy. So we do that in
20 our district.

21 As far as trading, we will trade with
22 the Canadians from time to time. We don't make

1 it a habit all the time because the problem is,
2 if we trade with them to move one ship and then
3 four hours later we're just chasing our tail and
4 now they're gummed up at the canal because they
5 took one of our jobs where the guy -- so it's not
6 as easy to trade, but we do. I mean, if for an
7 example, if we're having a meeting and we need a
8 couple of our guys off for some reason, we have
9 done it in the past with the Canadians and vice
10 versa. They've done it with us. It's been very
11 cooperative. And first opportunity we have to
12 switch that job back and to make the trade even,
13 we do. It's a good relationship with we have
14 with the GLPA and the Canadian pilots. So we do
15 the best we can.

16 But like John said, sometimes -- we
17 just don't have the pilot numbers. We're seeing
18 more and more of the Canadian lakers taking
19 pilots which we've never seen before. We'd get
20 an off the wall one once in awhile, lately just
21 in the last few weeks it's been four or five of
22 them a week. And that's a lot of traffic.

1 MR. FISHER: Steve Fisher. I have a
2 number of -- I'd like to ask Randy a couple
3 questions, and then I would like to talk about
4 the cruise issue. And also talk about the Petro
5 Canada issue. Randy, have you raised these same
6 suite of concerns with the Great Lakes Pilotage
7 Authority, and what have they told you?

8 MR. SIMMONS: I have to apologize, I'm
9 just an interim fill-in. Captain Solanki, I
10 think, brought this before the committee meeting.
11 Maybe not as focused as I just recited it. But I
12 think was the essence of our concerns
13 commercially. I've been involved in the
14 commercial activity around Petro Canada for 27
15 years on marine shipments of products. And it
16 has been, items I mentioned have particularly,
17 and as Captain Gallagher mentioned, the weather
18 conditions at this time of year sort of
19 accentuate or exacerbate, rather, the problems
20 with the pilot availability, demand for pilots.

21 So yes, we brought this forward, I
22 believe, last year. We don't have the exact

1 script of that. But the essence of our concern,
2 and I think it was viewed potentially as a,
3 almost a tactical thing perhaps we could be
4 covered in a clause for cruise ships that would
5 change the availability of pilots for our needs.
6 I don't think that's ultimately what we're about
7 or asking about. Again, I don't think we want
8 preferential treatment, that doesn't really
9 resonate well with our corporate values. We just
10 want to work cooperatively with the association
11 and be a responsible shipper. We have commercial
12 interest in being efficient, and that's the basis
13 of those two concerns.

14 MR. FISHER: Sure. So do you know if
15 the GLPA has spoken to you about these issues?
16 I'm pointing to Todd.

17 MR. HAVILAND: Todd Haviland, nothing
18 formally.

19 MR. FISHER: Okay. Just curious how
20 the Canadian pilotage system is reacting to this
21 same suite of concerns. We all have jurisdiction
22 only on the US side.

1 MR. SIMMONS: Again, this was -- our
2 opportunity to speak here was arranged and we're
3 backfilling on this. So forgive me. We were --
4 my colleague Paul Aiello and I were conferring on
5 this earlier, was are we speaking to pilot
6 association representing both Canadian and US or
7 just US.

8 MR. FISHER: Just US.

9 MR. SIMMONS: So thank you. That
10 clarifies it. And we're not particularly
11 pointing at one pilot association versus another.
12 It's the general operation of Great Lakes system.

13 MR. FISHER: Right; yeah.

14 MR. SIMMONS: The Saint Lawrence
15 Seaway is a shared operation.

16 MR. FISHER: And to address your
17 issue, you effectively would need both sides to
18 agree to how they treat you .

19 MR. SIMMONS: I now appreciate that
20 complexity.

21 MR. FISHER: Yeah. So you have
22 another meeting to go to. Let me comment on --

1 there have been discussions on the industry side
2 about this ever since your colleague made a
3 pretty extensive presentation at our meeting last
4 year of this group. And I just want to share
5 that while I think efforts should be made to, of
6 course, address the efficiency issues you raised
7 and with more bodies if that's what's needed,
8 John. He runs the part that you're -- the
9 geography you're concerned with. With more
10 bodies or with different considerations for
11 penalties and so on depending on what's going on
12 at their dock. However, there was a lot of
13 opposition that quickly came from shipping fed
14 about the notion of anyone being able to buy
15 their way into preferential treatment. And the
16 only reason I mention that, even though Randy
17 you've said today that's not what you're
18 proposing.

19 MR. SIMMONS: Absolutely no.

20 MR. FISHER: Your colleague last year
21 did propose that. So I'm glad to hear you're
22 stepping away from that. There was opposition to

1 the notion that individual companies could sort
2 of buy premium service. We were just worried
3 where that would lead into a very murky world of
4 rich entities being able to have Cadillac service
5 and the poor people not being able to have it.
6 And just where that leads was viewed very
7 negatively.

8 So I just want to convey this formal
9 input to the Coast Guard that there was a lot of
10 negative reaction to the idea of people paying
11 more for premium service. If there is a service
12 problem in the system, we ought to address the
13 service problem in the system for everybody. And
14 if that means more bodies or what have you, to
15 keep up with growing traffic, then these are
16 normal problems that our pilotage system has
17 always had which is the tricky part of, you know,
18 predicting business and having enough trained
19 people at the right place in the time line to
20 accommodate that business. And that's an age old
21 problem of this system and we wrestled with it
22 20, 30 years ago, we wrestle with it today, we

1 continue to wrestle.

2 I want to speak though about the
3 cruise ship issue. And I really want to convey
4 to the Coast Guard that we see this as a very
5 different matter. There is a big difference
6 between boat commodities and people. And cruise
7 ships are ships full of people, and people do
8 things because they have iPhones and they have
9 Twitter and so on and so forth. We think there
10 does need to be some accommodation for cruise
11 ships. There has been a lot of efforts in the
12 region to develop the cruise trade. It isn't
13 just Stephen Burnett, the Governors of the eight
14 Great Lakes states and the premiers of the two
15 Provinces are engaged on marketing and promoting
16 cruise tourism in the region. Lots of cities and
17 towns around the region have committed money and
18 resources to this issue. The two seaways are
19 working hard on this issue.

20 We all know because you're talking to
21 some of these operators, there are some pretty
22 large global operators looking at coming into the

1 Great Lakes. This is a business opportunity for
2 our navigation system that we can't flub, we need
3 to do it right. And I think the part of the not
4 flubbing it is having the wisdom to know that
5 there is a difference in the way we treat a ship
6 full of people and the way we treat a ship full
7 of rocks. And so we are urging the Coast Guard
8 to absolutely consider an approach where some
9 sort of priority or preferential treatment is
10 provided to cruise ships. Particularly if they
11 are able to provide itineraries years in advance,
12 which they are because they're marketing those
13 itineraries to their customers years in advance.
14 That should give both the Coast Guard and the
15 pilot associations and the GLPA lots of lead time
16 to understand what their demand requirement is
17 going to be and to plan against it.

18 I want to stress that we're all in
19 this together. If a cruise ship is left sitting
20 for two days the way your, Randy, your ship got
21 stuck sitting, it's not just the company and the
22 petroleum in the ship, it is 2-, 300 people on

1 Twitter talking about why the hell are they stuck
2 out in the middle of the lake, and where the hell
3 is this supposed pilot. And by the way, who is a
4 pilot, and who runs this? And who the hell is in
5 charge. You can see it now. I think we had this
6 situation a couple years ago when a Canadian
7 pilot wasn't available somewhere, I remember
8 this, at one of the smaller cruise ships that are
9 operating on the lakes now got delayed, and it
10 got out and it was in the media and you got calls
11 and politicians got involved. And you can see it
12 spiraling. And I think if we're smart we avoid
13 that in the future. Particularly as the cruise
14 trade picks up. Because I think people, the
15 human beings on a ship will be intolerant of
16 delays.

17 And it will hurt the growth of our
18 cruise business, but it will also hurt pilotage.
19 Because the public doesn't understand pilotage,
20 they're not interested in understanding pilotage.
21 If the system doesn't work for them they're going
22 to be harshly critical, they're going to make

1 noise, the media is going to pick up on it. And
2 I think all of us are going to get a black eye in
3 that experience. And I think we're smart if we
4 avoid that early on.

5 So I would like to recommend that as
6 you move forward, maybe you do a rulemaking and
7 you seek public comments on this if you want to
8 be that formal about it. But that some special
9 accommodation is needed. I believe this is
10 generally how it's done elsewhere in the country.
11 I think cruise ships, I think the pilots
12 elsewhere -- and maybe Clay you can -- maybe Clay
13 Diamond can enlighten us if he's in the room,
14 about that. But it would be a, I think,
15 consistent with how this is done elsewhere in the
16 world to treat ships full of people with a little
17 bit different approach and methodology than
18 cargo.

19 MR. GALLAGHER: Let's do the committee
20 first and then we'll go to the -- any other --

21 MR. BOYCE: Well, one thing I would
22 say is while I don't disagree at all that people

1 are different than rocks, usually. It depends
2 who. That with a finite resource of pilots, it's
3 not a one for one trade by giving a preferential
4 treatment to the cruise ships. It will be a 1.5
5 factor towards the delays incurred by the bulk
6 shipping. Once you start giving -- the delays
7 experienced get worse quickly because you're
8 basically segregating out a resource. I
9 individually don't have a problem with that if
10 that's what is decided as the preferential way to
11 do this. But make no mistakes, there is no easy
12 solution. And there is definite potential to get
13 ugly quickly for everyone else.

14 Talking a bit to how it's done in
15 other places, generally it's either much larger
16 pilot numbers that can accommodate a bit of a
17 surge or very cruise weighted ports that have
18 almost a Monday-Friday schedule or whatever it
19 is. So the vast majority of the pilots are on
20 for those two days because that's when all the
21 traffic moves.

22 MR. FISHER: Right

1 MR. BOYCE: And then during the rest
2 of the week there is only one or two guys on
3 because you've got very limited other traffic.
4 So it's really a different model that we see the
5 cruise traffic as we're not as many pilots as the
6 other groups. And cruise shipping, while it is a
7 growing segment, is still a very, very small
8 segment. So it becomes difficult to adjust to
9 that.

10 MR. FISHER: Could I add, I absolutely
11 think that the Coast Guard when you figure out
12 annually our staffing for pilot numbers, I would
13 like to think that if cruise operators are saying
14 look, here is our itineraries two years, three
15 years out, because they're telling the rest of us
16 what these are, and two years out they're
17 literally selling them, you can go buy a ticket
18 on the internet. So I would think the cruise
19 traffic is very predictable because it's
20 published a couple years out. And so to the
21 degree you need more bodies, that part of the
22 trade is known. It's the tramp service that you

1 don't know, that's the stuff we deal with now.

2 So I would argue that the cruise
3 segment is the very predictable part of the
4 equation. The normal tramp service we have on
5 the lakes is the unpredictable part of the
6 equation. But we've had many discussions in this
7 committee at past meetings about how to help the
8 Coast Guard get the numbers right. And it's
9 hocus pocus. You're trying to predict the future
10 and it's hard. And but I would like to think
11 that the cruise aspect of that is the least hard
12 because it's the most predictable because they
13 publish what so far in advance what they're going
14 to be doing in the great lakes.

15 But absolutely I would support the
16 notion of let's all work together to get the
17 numbers right. And if you need better -- I'm
18 pointing to Todd -- if you need better input on
19 what -- how to predict the future, then let's
20 have those discussions. It's really important
21 not to flub this up.

22 MR. HAVILAND: Totally agree. This is

1 a great, I think, challenge to have.

2 MR. GALLAGHER: Dan Gallagher. I know
3 in our district we've called people off either
4 recuperative rest. I mean, we've done -- we
5 haven't had a delay yet with a cruise ship. And
6 we've made it a point to do what we have to do to
7 keep it going, whether somebody has to come off
8 of recuperative rest or the ship is that much
9 over, we put a guy on -- we do everything we can,
10 and we have made accommodations.

11 But it comes down to, again, to we've
12 got to make sure we have the adequate amount of
13 pilots. We don't want too many pilots. I know
14 in a lot of the other groups coastal groups like
15 the Miami and Lauderdale, they're adequately
16 staffed. And that's why they don't -- that's why
17 they make sure they -- they've got enough people
18 to bring in. If we don't have the people, there
19 is potential for a problem. We don't want to see
20 that, we understand. We understand that the iron
21 ore is not going to have a problem in that cargo
22 hold. But those --

1 MR. FISHER: Tweeting.

2 MR. GALLAGHER: -- passengers are,
3 yes, absolutely.

4 MR. FISHER: And we absolutely support
5 there being enough pilots. And so, again, this
6 is tricky but we --

7 MR. BOYCE: One simple thing I think
8 could happen, the Coast Guard almost gets in its
9 own way at times trying to be too calculating on
10 things. It becomes very defensible, but it isn't
11 necessarily the right answer. So it's a rounding
12 of pilots. To me it's inconceivable on the rate
13 that the pilot number is rounded down to take
14 account for the duties of the president. That's
15 more things that happen. In the last ten years,
16 the amount myself, Danny, and Jon have to do goes
17 up and up and up and up. And it's a full-time
18 job in and of itself. And even as simple as
19 being here at the meeting today. It actually
20 starts taking away from available pilot numbers.
21 There should be at very least in the calculation,
22 the number by default rounds up just to take into

1 account of the president. If not, at the end of
2 the calculation just have a plus one to take
3 account the president.

4 Because we end up being a loss to the
5 manpower not an additive to the manpower. And it
6 would actually give you a marginal larger
7 capacity just by being able to -- well, I was
8 supposed to be in the office today, but I'm going
9 to go move a boat. But you can't do that every
10 single day because everything else suffers as a
11 result. So I would think that's something that
12 would be very simple to do, just add in a pilot
13 president to the groups to help address these
14 issues.

15 MR. FISHER: Right. Okay. Can I ask
16 the three presidents of the pilot associations,
17 have the cruise lines and particularly some of
18 the newer ones that are planning to come in, have
19 they been meeting with you to coordinate and talk
20 to you about what their plans are?

21 MR. GALLAGHER: We have a meeting on
22 the 26th of this month in Montreal with one of

1 the new cruise lines. They're building a new
2 one, three more options. We're meeting with them
3 along with the Canadian pilots out there. We've
4 already had discussions with them, we've had
5 conversations, they've had quite a few questions.
6 And like I say, we're continuing dialogue with
7 them, yes.

8 MR. FISHER: Good.

9 MR. OLNEY: I'd like to piggyback on
10 what John said. I'm the new kid on the block
11 here as far as the three of us. And although
12 everybody said that job is a lot more than you
13 ever anticipate it's going to be, I'm still
14 overwhelmed by the things I'm supposed to do. I
15 was on a ship five consecutive jobs and five
16 consecutive days last week when I thought I
17 really should be trying to get ready for this
18 meeting here. And I can't get off a ship. So I
19 absolutely agree with John's suggestion that you
20 don't round down, you have to round up. And in
21 fact, round up and plus one.

22 Because there is so many things and

1 it's unpredictable, it's like the phone rings and
2 oh, my god, here is the next crisis. So all
3 these other fires are smoldering in the
4 background and this is the one that got moved to
5 the forefront. And this is what I've got to deal
6 with right now today. And all those other stuff
7 kind of continue to smolder. And unfortunately
8 you can't get around to putting them out because
9 tomorrow the phone rings again and some other
10 flare up occurs and all your attention is
11 directed there.

12 But as far as the cruise ships are
13 concerned and stuff, I certainly don't want the
14 cruise industry on the Great Lakes to fail
15 because of us. They fought for years and years
16 to get cruise ships back on the Great Lakes, I
17 want them to thrive, absolutely.

18 MR. FISHER: And are they -- are you
19 all meeting with them on --

20 MR. GALLAGHER: Yeah. Along with the
21 Canadian pilots also.

22 MR. FISHER: Okay. Got it.

1 UNIDENTIFIED: Did you have a question
2 for Clay?

3 MR. HAVILAND: Steve, you had a
4 question for Clay.

5 MR. GALLAGHER: Did you have a
6 question for Clay?

7 MR. FISHER: While you were out of the
8 room, Clay, we were talking about sort of how to
9 treat cruise ships. And the question I had was
10 whether or not you knew how at coastal ports
11 cruise ships were treated. Is it any kind of a
12 special priority for assignments, is it
13 formalized, is it informal? Tell her who you
14 are.

15 MR. DIAMOND: Clay Diamond with the
16 American Pilots Association. Sorry I was on the
17 phone -- as I'm talking on the phone I'm staring
18 as this giant thing that says Stu the Sturgeon
19 and I'm thinking about Stu. To answer the
20 question is, there is no place in the US where
21 there is any sort of head of the line kind of
22 privileges. There are a handful of places, large

1 cruise ship volume ports, Florida, for example,
2 where they may move a block of time, they may --
3 not may, they do convoy the cruise ships out at a
4 certain block of time just to get them all out.
5 But it's not a head of the line privilege.

6 And really, any sort of head of the
7 line privilege would kind of cut at one of the
8 key tenants of compulsory pilotage. And that's
9 24/7 non discriminatory piloting service. Which
10 means it shouldn't matter whether a particular
11 job is more lucrative for the pilots. It
12 shouldn't matter whether that particular shipping
13 line has more influence with the regulators. It
14 should be kind of a straight tour de role first
15 come first served. It's a real core tenant of
16 compulsory pilotage.

17 But to answer your question, in places
18 like Florida there is some accommodations, but it
19 certainly isn't a head of the line or
20 preferential treatment. It's more of a lets get
21 you guys all out at 0600 or 0800 kind of thing
22 and we'll convoy you out. And then -- but if a

1 ship comes, is scheduled to come in it may get in
2 the middle of that too, a cargo ship.

3 MR. FISHER: Right.

4 MR. GALLAGHER: Clay, they don't staff
5 to a bare minimum they staff for this; right?

6 MR. DIAMOND: Yes. Not to get too far
7 in the weeds, but there was the -- this cruise on
8 port I'm talking about, they staff to have huge
9 capacity over the weekends. And they have to,
10 you know --

11 MR. FISHER: Because that's when --

12 MR. DIAMOND: Right. So I wouldn't
13 put a number, but they are staffed over average
14 peak, well over average peak.

15 MR. FISHER: Thank you.

16 MR. BOYCE: I won't make a motion yet.

17 MR. GALLAGHER: We'll have discussion
18 then we'll go to the public. Our FACA lady will
19 put me in jail for doing this, you know.

20 UNIDENTIFIED: For what? For opening
21 up public comments?

22 MR. GALLAGHER: No. We've got to have

1 the committee first. Traci is in the air we can
2 get away with it. But when she comes in, you
3 know what she's done to me before, she put me in
4 jail.

5 MR. HAVILAND: There you go.

6 MR. GALLAGHER: She'll be by in a few.

7 MR. FRACASSI: Fulvio Fracassi, CEO of
8 the Laurentian Pilotage Authority. There was a
9 question of how things are handled in other
10 jurisdictions. And like you heard here, we don't
11 provide preferential treatment either. But we do
12 work within the existing rules, try to
13 accommodate as much as possible as the previous
14 individual mentioned. So for example, for the
15 cruise ships we've seen a real surge too in our
16 jurisdictional waters that cover from the
17 Saint-Lambert Lock all the way to Elizabeth
18 (inaudible).

19 And so if we know there is 15, 13
20 cruise ships coming in the autumn, they all come
21 at the same time. We'll be in touch with the
22 clients and we'll -- we'll ask the clients, the

1 agent, the cruise ships to contact us and we'll
2 have a look. We'll do what we call transit or
3 service planning without changing any rules.
4 There is no jumping the cue or anything. We'll
5 just look at what the dispatch rules are and if
6 there is a way to arrange things to avoid any
7 delays for the cruise ships.

8 So we've experienced a real peak in
9 traffic too as everyone has. And so the
10 resources are really tight. But we do work in
11 the context where we have about 200 licensed
12 pilots in our jurisdiction. So it perhaps gives
13 us a little bit more flexibility. So that's the
14 approach that we take in our jurisdiction. That
15 whether it's a cruise ship or whether it's a
16 container vessel, that, you know, want to contact
17 us ahead of time because they have particular
18 means. If we can help we will, but following the
19 dispatch rules so that there is no jumping the
20 cue or preferential treatment.

21 MR. FISHER: Have you had instances
22 where cruise ships were left sitting for awhile

1 and negative things happened?

2 MR. FRACASSI: To my recollection, I
3 -- certainly not since I've arrived where we've
4 had delays with the cruise ships. We will do
5 within the existing rules everything we can to
6 avoid a scenario where a cruise ship is delayed.

7 So we kind of call it proactive
8 management and planning of our services. So that
9 entails a fair bit of work, to be quite honest.
10 Because we then follow-up with other clients to
11 make sure that the hour of departure that they
12 told us is the actual hour of departure. That we
13 don't have unnecessarily pilots on board ships
14 that are not ready to leave. So it takes some
15 level of effort and resources to do that. But
16 generally speaking it's worked well. We've had
17 an excellent collaboration from the two pilot
18 corporations that we work with. They're also
19 sensitive to the need to be able to provide
20 excellent service to cruise ships. But what we
21 won't do is diverge from our rules. If you've
22 got to give those notice, you've got to follow

1 the rules. And so we work within that to try to
2 provide the best service that we can.

3 MR. FISHER: Thank you.

4 MR. GALLAGHER: Mike Kilpatrick.

5 MR. KILPATRICK: With regards to the
6 cruise ships. We actually in our last collective
7 agreement which we just signed last summer, we
8 actually made some changes in our working rules
9 that would help to accommodate cruise ships and
10 make it more efficient. So if there is anybody
11 -- we do any bending like Dan said, if we do any
12 bending of our own working rules or stretching,
13 or trying to move bodies, it's either for cruise
14 ships, or for tankers. And we actually stress
15 about if there is a tanker going to be delayed
16 because we don't have a body to move it.

17 But cruise ships, like you say, their
18 itinerary is there, it's a no-brainer. But you
19 know, if one of our biggest issues right now, and
20 the cruise ship industry needs to have more
21 dialogue with the Saint Lawrence Seaway and the
22 Welland Canal. Because that's what they're not

1 -- the company that we're going to see on the
2 26th, they were very ignorant in terms of how it
3 works if they come out of Toronto and come up the
4 seaway. Well, there may be four ships ahead of
5 them, it's an instantly five hour delay to their
6 itinerary. The pilot is there, but then that
7 changes the dynamic as to when they arrive at
8 lock seven and so on and so forth. So there is
9 some other issues there beyond pilotage services
10 that's going to be a big influence on the cruise
11 ship industry. And we're welcoming as well, it's
12 coming, it's in the future. But the seaway has
13 got to get on board with moving them along.

14 In terms of a delay a couple years ago
15 or maybe last year, the Hamburg which is now
16 coming up now, one of the bigger cruise ships,
17 they moved hell and high water to get pilots on
18 that ship and they got moored and told to move,
19 they didn't move because the seaway had no line
20 handlers for them. So that is an issue.

21 And moving ahead with the cruise ship
22 industry, that there needs to be a lot more

1 dialogue with the Saint Lawrence Seaway
2 corporation to get them on board. There is no
3 manpower there. There is -- four years ago I got
4 a strip ripped off me for going down a US Coast
5 Guard bay-class ship because we put two lines out
6 in the box, this is prior to hands free mooring,
7 maybe about eight years ago. Captain Anil Soni
8 says what are you doing Mike, you've got two
9 lines out. I said, well, that's all we need. He
10 goes you need three lines on this ship. Last
11 year we floated probably 90 percent of the cruise
12 ships that go down through the Welland Canal, we
13 float them down, no lines, because there is no
14 line handlers. They're not conducive with the
15 hands free mooring.

16 So in defense of pilotage, we are --
17 we do work hard to keep the cruise ships moving
18 and tankers moving. But one of our biggest
19 obstacles right now is the seaway with manpower
20 to keep them going. You may have a cruise ship
21 there, everybody is lined up to move it, there is
22 no linesmen there so they get delayed. So

1 anyways. We stress about tankers and we stress
2 about cruise ships.

3 MR. FISHER: And Mike, can you -- when
4 you meet with them at the end of this month,
5 would you -- or have you already told them --
6 have you already warned them?

7 MR. KILPATRICK: The --

8 MR. FISHER: That company.

9 MR. KILPATRICK: Yes. We had a
10 meeting with them last year in Montreal. And
11 again, we said -- their two biggest concerns,
12 transiting the Welland Canal because they have
13 to do their turn around in Toronto was scraping
14 paint off the ship, and itinerary. And that's
15 going to be the big -- one of the bigger ships
16 that we deal with. Bigger than any of the
17 bulkiers we deal with other than lakers. So we'll
18 deal with paint, but in terms of itinerary, I
19 don't know even if the pilots are available that
20 they still have to deal with the seaway.

21 MR. FISHER: There is other --

22 MR. KILPATRICK: That's going to be

1 the biggest obstacle for them.

2 MR. FISHER: And you've warned them
3 about that, they know. So hopefully they're
4 talking to the --

5 MR. KILPATRICK: Yeah.

6 MR. GALLAGHER: Anything more from the
7 committee? At this point why don't we take a
8 break? Because there is --

9 MR. BOYCE: From the public or the
10 committee?

11 MR. GALLAGHER: What's that?

12 MR. BOYCE: From the committee or the
13 public?

14 MR. GALLAGHER: The committee first.
15 Why don't we take a break because we're over the
16 time right now. Because this is going to go on,
17 I think, for another half hour here.

18 MR. BOYCE: I was going to try to get
19 it not to go another half hour.

20 MR. GALLAGHER: Well, so why don't we
21 take a 15, 20 minute break and we'll resume with
22 this.

1 (Off the record)

2 MR. GALLAGHER: All right. Could
3 everyone please sit down, we'll get going. Okay.
4 Just a reminder, everybody make sure they signed
5 their name on the sign-in, the court reporter
6 needs this. And when you get up and make a
7 statement or anything, make sure you put your
8 name and affiliation. And please come up here
9 because she's having a hard time hearing some of
10 the people that are making the comments. So
11 we'll bring it back to the committee with the
12 topic.

13 MR. BOYCE: Okay. I'd like to -- I
14 don't know if you want to discuss more, but make
15 a motion to reevaluate the staffing model, taking
16 into account new traffic levels, trade
17 diversification, especially cruise ships, and
18 association management demands.

19 MR. GALLAGHER: Todd, do you have a
20 question?

21 MR. HAVILAND: Is the public comment
22 time over?

1 MR. GALLAGHER: No. We haven't
2 started yet.

3 MR. HAVILAND: Okay.

4 MR. GALLAGHER: The committee has got
5 to discuss it first; correct?

6 MR. HAVILAND: Sure.

7 MS. CONNERS: Could you repeat it?

8 MR. BOYCE: Reevaluate the staffing
9 model, taking into account new traffic levels,
10 trade diversification, especially cruise ships
11 and association management demands.

12 MR. BAKER: John Baker, Jr. Does that
13 include preferential treatment?

14 MR. BOYCE: To reevaluate it.

15 MR. FISHER: I'll second.

16 MR. GALLAGHER: Any discussion?

17 MR. BOYCE: I think there is a lot
18 more in-depth discussion that has to happen on
19 all of this that is going to get settled in the
20 day of the meeting. I would think the Coast
21 Guard ends up having a meeting with stakeholders
22 at least once.

1 MR. HAVILAND: Can I speak?

2 MR. GALLAGHER: I guess so.

3 MR. HAVILAND: Thank you. Good
4 morning again, Todd Haviland Coast Guard. I
5 think we've got an opportunity instead of putting
6 together a formal recommendation is to form a
7 subcommittee. And that subcommittee can be
8 charged with just exactly what you want. We need
9 a subcommittee to be formed in order to look at
10 future traffic levels, what the staffing model
11 needs to do. To address that diversified
12 traffic, and you can talk about the demands of
13 the pilot president. But also, you know, what we
14 can do to -- is there a way to increase traffic
15 -- or increase staffing and maintain stable
16 rates. And then you can talk about the need for
17 the preferential treatment.

18 The feeling I get from talking to a
19 lot of people is, if we staff this properly and
20 we have sufficient information ahead of time,
21 then we may be able to plan for this and everyone
22 comes out looking like -- looking good. But it's

1 going to require, I think, a subcommittee of some
2 members of the advisory committee, some members
3 of the public, other organizations, our Canadian
4 friends. To meet informally a few times, and
5 then come back to the committee with something to
6 say hey, this is what we discovered.

7 MR. FISHER: Can you remind us, and
8 this might be a question for either Ellen or
9 Rajiv.

10 MR. BAKER, SR.: What's your name?

11 MR. FISHER: Steve Fisher. Can you
12 remind us what the rules are about setting up
13 subcommittees? How many members can be on them?
14 Can outsiders be on those subcommittees? Can as
15 many committee members as want to, be on the
16 subcommittee? What are the rules?

17 MR. KHANDPUR: That's what I was
18 looking at over here from -- the rules are it has
19 to be chaired by a member of the committee. And
20 there can be only one other person from the
21 committee on the subcommittee. I don't know why
22 that --

1 MR. GALLAGHER: So there can be only
2 two people from the group here.

3 MR. FISHER: Okay.

4 MR. KHANDPUR: But you can have as
5 many members of the public on the subcommittee as
6 you deem fit.

7 MR. FISHER: Okay. Now, that is a
8 problem. Because if all of us are interested --
9 all the committee members are interested in this
10 topic -- or let me say that again. If more than
11 two of the committee members are interested in
12 this topic, those who are not among the two that
13 get on the subcommittee are essentially being
14 forced to not have a voice. That's a flaw in our
15 rules in my opinion.

16 MR. GALLAGHER: I agree.

17 MR. DIAMOND: Clay Diamond with the
18 American Pilots Association. I literally just
19 came from the Merchant Mariner Personnel Advisory
20 Committee. Merchant Mariner Medical Advisory
21 Committee. Next week I'll attend the Merchant
22 Personnel Advisory Committee. And whether it's a

1 flaw or not it's a common rule. Because they
2 don't want it to -- I assume the rationale is
3 they don't want it to be just another meeting of
4 the whole. So whether it's a flaw or not, it's a
5 pretty common rule. So, sorry.

6 MR. KHANDPUR: I mean, the way I would
7 ask you to be able to get input from everybody
8 that you need is to -- like for instance, from
9 the pilot districts, if you could have instead of
10 the president who is the member of this
11 committee, have somebody on the district that can
12 represent that district. That would be one way
13 to do it.

14 MR. BOYCE: John Boyce. Not an
15 effective way to do it though.

16 MR. HAVILAND: Can I speak again?

17 MR. GALLAGHER: What if I tell you no?

18 MR. HAVILAND: Then I won't.

19 MR. GALLAGHER: Go ahead.

20 MR. HAVILAND: Good morning. Todd
21 Haviland. I don't know what the rules are as far
22 as providing participation. I don't know how

1 important it is to have -- to say that I am an
2 official member of a subcommittee. But the
3 statute also allows you to call a meeting if the
4 majority of you want to have a meeting on a
5 specific subject. That we could do -- the FACA
6 rules apply. But if you want to get a lot of
7 good information from non US Citizens, I think
8 the subcommittee is a great venue to go with.

9 MR. BOYCE: John Boyce. Can't we just
10 have a meeting with any given makeup and deliver
11 the results of that meeting to the committee
12 without it even being a subcommittee?

13 MR. HAVILAND: Well, it all depends on
14 how much Coast Guard involvement you want. If
15 you want to have it be associated with the Great
16 Lakes Pilotage Advisory Committee there are
17 certain rules that apply. If a group of member
18 those an individual member wants to call a
19 meeting all of their own and invite whomever,
20 that's your prerogative. So the answer to your
21 question is yes.

22 MR. BOYCE: Would that be a better way

1 to do this is --

2 MR. FISHER: To do it offline?

3 MR. BOYCE: Have a meeting. As one of
4 the pilot associations call it, you call it from
5 the Great Lakes boards. A meeting to discuss
6 this. And I don't think there is any reason at
7 that point you can't deliver what was discussed
8 at a meeting to the advisory committee as a
9 meeting of stakeholders.

10 MR. GALLAGHER: And then still have
11 this recommendation.

12 MR. BOYCE: Yeah.

13 MR. GALLAGHER: Make a recommendation
14 --

15 MR. BOYCE: And then you can have the
16 meeting have whoever is appropriate to be there,
17 be there.

18 MR. FISHER: Yeah. So let me ask a
19 question. So John's idea that he just mentioned
20 was simply hold a meeting that sort of doesn't
21 have a status of people that are interested in
22 this topic to sort of talk. Another variation on

1 that is the Coast Guard could hold such a meeting
2 outside this forum, you could hold meetings. I
3 used to go to meetings you guys used to hold, and
4 do the same.

5 MR. HAVILAND: Todd Haviland. The
6 challenge with that is if we're going to hold a
7 meeting to talk about Great Lakes Pilotage, the
8 Congress expects us to have a Great Lakes
9 Pilotage Advisory Committee meeting and follow
10 all those rules.

11 MR. BOYCE: If you have a
12 recommendation from the committee that we just
13 put out there, could you then in furtherance of
14 following the recommendation call just a meeting
15 for the people? And then report back from the
16 Coast Guard's point of view.

17 MR. HAVILAND: That's a good point.
18 But what would be easier to do, I think, is like
19 what we did a few years ago when the pilot
20 presidents got together with the ship owners,
21 those guys organized a meeting, they put together
22 the agenda, and they invited us to come and we

1 came. So if you want Coast Guard participation,
2 you know, we'll be more than willing to come and
3 attend. But if it involves us developing an
4 agenda and talking about Great Lakes Pilotage,
5 this is the venue we're going to use.

6 MR. GALLAGHER: So we could call the
7 meeting?

8 MR. HAVILAND: You could call a number
9 of meetings and we could send the same
10 representative to each one.

11 MR. BOYCE: I think that's the way to
12 do it.

13 MR. KHANDPUR: And you could also call
14 for an advisory committee, you don't have to wait
15 for a year to call for an advisory committee.

16 MR. BOYCE: Right. That's why I think
17 that the solution is to have a recommendation, we
18 meet with whoever is appropriate. Then we call a
19 meeting to discuss, you know, --

20 MR. KHANDPUR: I don't think that's
21 even needed as a recommendation because you guys
22 are going to do that on your own. So that really

1 doesn't need --

2 MR. FISHER: No --

3 MR. BOYCE: I think we should do a
4 recommendation.

5 MR. FISHER: -- I think we should do
6 a recommendation.

7 MR. HAVILAND: You want to do a
8 recommendation?

9 MR. FISHER: Yeah. Hey, it's our
10 committee.

11 MR. HAVILAND: It's great. I'm not
12 upset at all.

13 MR. FISHER: Okay. You know what else
14 we could do? It's Steve Fisher. Is simply call
15 a meeting of the advisory committee, because we
16 have the right to call one.

17 MR. KHANDPUR: Absolutely.

18 MR. FISHER: And have the agenda
19 limited to this topic. And then we would invite
20 any interested parties to attend. And it doesn't
21 necessarily have to be a hard thing.

22 MR. BOYCE: I think we make that step

1 two.

2 MR. GALLAGHER: Yeah, based on the
3 recommendation --

4 MR. BOYCE: Have a meeting first where
5 everybody is on equal footing, everybody gets to
6 come, everybody is part of it. If the second
7 meeting becomes a GLPAC just to have discussion
8 on this without having a fuller, I think the more
9 informal is better.

10 MR. FISHER: Okay.

11 MR. BOYCE: Because this may very well
12 be a multiple session meeting to get to something
13 actionable.

14 MR. FISHER: Okay. So my own thought
15 is let's do the recommendation first, and then I
16 think that would probably be it for today because
17 the next step according to your proposal is to
18 just informally go get a bunch of people together
19 and have a meeting.

20 MR. HAVILAND: Can you call on
21 Rebecca, please?

22 MR. GALLAGHER: Rebecca, go ahead.

1 MS. YACKLEY: Rebecca Yackley, Saint
2 Lawrence Seaway Development Corporation. So as
3 many of you know, the seaway has been very
4 instrumental in increasing cruise ships into the
5 Great Lakes. This issue is near and dear to our
6 heart. We work with all regulatory issues to
7 make sure that what we're developing is going to
8 fit the cruise lines, it's going to work with the
9 ports, it's going to work with pilotage, it's
10 going to work with CBP. So based on the
11 conversation, I recommend Seaway. Craig might
12 kill me about this. But I recommend that the
13 Seaway take some part in developing the
14 stakeholder meeting, kind of like we do with the
15 CBP efforts. To come up with some type of
16 solution.

17 MR. HAVILAND: So would that mean you
18 would host?

19 MS. YACKLEY: Yes. If you see that
20 fit.

21 MR. FISHER: So let me ask a question
22 before I answer you. Do the committee members

1 see this issue of sort of manning or staffing
2 exclusively as a cruise ship issue or in reality
3 it involves some other demands?

4 MR. GALLAGHER: I think it's
5 everything.

6 MR. BOYCE: I think it's in
7 everybody's group.

8 MR. FISHER: Yeah. So it's not just
9 a -- cruise is maybe one of the impetuses that --

10 MR. BOYCE: It's a very definable
11 portion of it.

12 MR. FISHER: Right. I would respond,
13 Rebecca, that I think you should participate in
14 the meeting.

15 MS. YACKLEY: Okay. Yeah, definitely.

16 MR. FISHER: The seaway should
17 participate in the meeting. I think one thing
18 Rebecca raises is sort of this notion of who's
19 hosting. So we're all going to go home in a few
20 hours, and who exactly is going to take the lead
21 in pulling together this meeting. And I think --
22 one fear is that we all get busy with our day

1 jobs and no one does it. So one attractive
2 aspect of what Rebecca is offering is that
3 someone --

4 MR. BOYCE: Someone to do it.

5 MR. FISHER: -- someone is going to do
6 it. So that's something for us to consider.

7 MR. KHANDPUR: Did you volunteer for
8 that?

9 MR. HAVILAND: She just did.

10 MS. YACKLEY: I just did, yeah.

11 MR. HAVILAND: She volunteered Craig
12 actually.

13 MS. YACKLEY: No. Actually I put
14 myself out there to be able to bring stakeholders
15 together to address --

16 MR. FISHER: But just be aware that
17 this discussion might be broader than cruise
18 ships.

19 MR. BOYCE: I agree with Steve. I
20 think you should be part of it, I don't think the
21 seaway should host it. At this point in time.
22 Fully recognizing that it's got to get done

1 though. And I think we can make it happen. I
2 do. It's an issue that there is absolutely going
3 to be desire to --

4 MR. FISHER: Thank you.

5 MR. BOYCE: Thank you. That there is
6 absolutely going to be a desire to get this ball
7 moved forward.

8 MR. FISHER: Okay. All right. Then
9 for today I think it's just the recommendation
10 that we need to do.

11 MR. KLEIN: And this is Mike Klein.
12 And I know the recommendation is to reevaluate.
13 And I'm looking at it from my company
14 perspective. If I go back to them with this
15 topic it's going to drive right into well, what's
16 the cost to have -- to get rid of the delays that
17 we foresee coming in the future or that are
18 happening today versus what's it cost for us to
19 have delayed service for our cargos getting to
20 our customers. And they're going to want to look
21 at those trade offs. So when we say reevaluate,
22 are we going to gather everybody. And is there

1 going to be a focus that we want to present to
2 the stakeholders like here is what we see the
3 problem is, that we don't have enough pilots.
4 Here is what we think the cost will be. Or am I
5 getting too far down the road that we just get
6 everybody together and make sure that they know
7 there is a problem?

8 MR. BOYCE: I -- there is a number of
9 different levels of understanding of the problem.
10 Some of us are in the middle of it all the time
11 and have a much better picture of what you could
12 talk to almost off the cuff. I think that is
13 some of what would make it important to have a
14 meeting with working with the Coast Guard, the
15 Seaway. And put together a fairly substantial
16 group or at least invitations to go to the
17 meeting. Who decides to or not is obviously up
18 to them.

19 But I think this I not going to be a
20 one session meeting either. But I really think
21 that's the right direction to head onto it.
22 Somewhat like Todd was saying earlier. There was

1 a number of meetings we had, the three presidents
2 and a few of the shipping companies and asked the
3 Coast Guard to be present for those meetings. I
4 think sometimes a small group is better,
5 sometimes a larger group is better depending on
6 the topic. I think this needs to be a little bit
7 larger group than that. But I think that's a
8 good model to move the ball ahead.

9 MR. FISHER: Mike, one of the other --
10 one of the realities I have come to learn is that
11 is that depending on the vessel operator you talk
12 to, they either have a tolerance for delays or
13 they don't have a tolerance for delays. And that
14 might be driven by who their customers are and
15 what kind of stuff they're moving, and whether
16 it's more time sensitive stuff, or if it's less
17 time sensitive stuff.

18 And it might be partly just a ship
19 management perspective of that company that
20 they're more casual about delays, other companies
21 are very intolerant of delays. And so I would
22 say of our operators, and of our customers, you

1 get a mix. The ones that are intolerant of
2 delays realize it's going to cost a little bit
3 more to make sure there is more pilots, so we
4 don't have delays. The ones who are very
5 tolerate of delays they don't want to spend a
6 dime more yeah, a delay is okay. And so you get
7 this mix of voices out there in our community
8 about whether to spend money on fixing the delay
9 -- well, I don't even want to call it a delay
10 problem because some people don't view it as a
11 problem. Spending money to reduce delays or
12 whether that's a good use of money.

13 So again it would probably be good to
14 get those folks in a room together and kind of
15 hash it out. I think if you look at everybody, I
16 mean, Randy here doesn't want any delays. The
17 cruise ship operators don't want any delays.
18 They're completely intolerant of delays, whereas
19 other companies will tell you it's -- a delay is
20 a normal part of the hustle bustle of the
21 shipping system that has all kinds of
22 unpredictable things happening, weather, and so

1 on, so forth. And so it just depends who the
2 voice is.

3 But I think it's worth getting
4 everybody together to kind of talk about this.
5 You know, one way to accommodate all those
6 diversity of voices is, you know, to address the
7 intolerant people differently somehow. Which is
8 what we were talking about earlier with the
9 cruise ships, which is, you know, you don't add a
10 ton of -- a bunch more bodies, you simply treat
11 the intolerant people differently. So that
12 becomes another way to address it. But we should
13 get everybody together. You asked how do I know
14 what the costs are. I don't know that anyone
15 would come to this meeting with any kind of
16 analysis, economic analysis of these ideas. I
17 think that's kind of more sophisticated than we
18 were thinking. It would probably be more just to
19 get together chit chat that we'd have at least
20 the first sit down.

21 MR. BOYCE: At least the first one to
22 more direct the inputs of what all the

1 expectations are and desires.

2 MR. FISHER: Right.

3 MR. BOYCE: And then you can start
4 working in a direction. Because now we know,
5 like you were just saying, some of the points of
6 view. And guaranteed you try to build a system
7 on four points of view there is eight more that
8 are unhappy. So at least put everybody at one
9 table and debate the pros and cons of one versus
10 the other. Or come up with some sort of split
11 system, whatever comes out of it. I don't know
12 how much I'm really concerned about delays beyond
13 what the traffic is concerned about delays. To
14 my point of view, if unanimously if the industry
15 wants no delays, okay, that's how we'll work to
16 build the system. If they are completely
17 tolerant of delays, you can address that too, you
18 can't address a whole bunch of past statements.
19 And that's where we've been for years.

20 MR. FISHER: May I ask a question of
21 Mr. Haviland? Clearly before today the Coast
22 Guard has had to have pondered this question.

1 How many bodies do we spend money on, how much
2 delays are we tolerant of. And you had to have
3 adopted some sort of philosophy to manage the
4 pilotage system every day prior to now. So I
5 want to caution us from going out on some big
6 bureaucratic step of holding a series of meetings
7 and all that sort of thing and ask Todd, do you
8 have a feel for this? You talk to operators, you
9 talk to all the stakeholders. Do you have a feel
10 for -- in other words, are we going to go engage
11 in an exercise that you've largely done already,
12 and you pretty much already have a feel for where
13 everybody is, and you kind of have a philosophy
14 as a result of all that knowledge, and you've
15 been running things that way anyway?

16 MR. HAVILAND: Good morning. Again,
17 Todd Haviland. Just I'll give you a little bit
18 of background. The current staffing model is
19 predicated on historic traffic where we have a
20 huge rush at the opening of the season from June,
21 July, and August there is a big down turn, very
22 little demand. And then a huge uptick as

1 everyone tries to get that last cargo in and out
2 of the system before the locks are closed. But
3 what we found in the last two or three years we
4 still have the big inrush, but now because of the
5 tankers, the voluntary pilotage, and the cruise
6 ships, there is not really a dip in the middle of
7 the season. And we still have this huge rush.
8 But we're really only staffing to deal with the
9 rush at the opening and closing of the season.

10 So I talked to a number of people and
11 the only thing that they don't like is this
12 concept that you can buy your way in to getting
13 preferential treatment. Everyone says that for
14 60 years we've had first come first served, and
15 they want to maintain first come first served. I
16 do believe that if enough intelligent people get
17 into a room, they can figure out a way to
18 increase pilot numbers and keep rates stable.

19 Because this is a little different
20 than what in 2016 when I came to the realization
21 that we only got about half the pilots in the
22 system that we need. So we had to add a whole

1 bunch of pilots to deal with capacity. And
2 that's why you've had these, you know,
3 significant rate increases. Well, we're real
4 close to the number of pilots we need so the rate
5 increases based on the methodology will track
6 more with inflation. And I think there is a way
7 that you can say okay, we've got this anticipate
8 future traffic that's going to require X number
9 of pilots, and that will cause the top number to
10 get bigger. But we also know the demand that
11 goes with that, so we add that to the bottom
12 number to keep the rates smooth. And that's kind
13 of what -- but I haven't put, you know, pen to
14 paper.

15 MR. FISHER: Yeah. As I recall the
16 staffing goal you're working toward is 53 pilots?

17 MR. HAVILAND: Yes. And we're at 51.

18
19 MR. FISHER: 51. That staffing goal,
20 was that developed as a consequence of knowledge
21 of these cruise ships coming in, and the Petro
22 Canada shipment amounts?

1 MR. HAVILAND: That was just historic
2 traffic.

3 MR. FISHER: Okay. So this is
4 actually new information that that number will
5 need to be modified to take into account?

6 MR. HAVILAND: Yes. Because in
7 discussions with the pilot association
8 presidents, I mean there is two issues with
9 bringing on a pilot. Number one it's going to
10 take anywhere from two to four years to train
11 him. But he's not an employee, he's a partner in
12 the business. So if these guys ramp up their
13 associations and then the traffic doesn't
14 materialize, you've got a whole bunch of upset
15 business partners.

16 MR. FISHER: Right.

17 MR. HAVILAND: And that's their
18 trepidation to want to step out too far.

19 MR. FISHER: Yeah. Okay.

20 MR. HAVILAND: But getting back to
21 what you're saying, I think the cruise ships
22 could come and say, this is our traffic demand

1 for the next X number of years. I know Petro
2 Canada has been more than willing to say this is
3 what we're projecting for the next three to five
4 years. But no one has really ever sat down to
5 look at all this. And then for these guys to say
6 okay, these are the ports that, you know, you're
7 going to frequent, so this is maybe how we pre-
8 position some folks. And we're going to talk
9 about this a little later. But you know, Danny
10 Gallagher and the District 2 pilots built a house
11 at Port Colborne in Canada to service the
12 traffic coming off the Welland Canal. You know,
13 John Boyce is looking at is it time to do
14 something similar over at Port Weller to deal
15 with some of the last minute calls. Because it's
16 a lot easier to get there than to come from Cape
17 Vincent.

18 MR. FISHER: For our little meeting
19 we're going to have, would you be able to get us
20 data on -- you know, at 51 or 53 guys now what
21 does the delay profile look like? Because if
22 that's what we're going to try to tackle, I mean,

1 some of us have no sense of it. Is it minimal
2 now?

3 MR. BOYCE: It's not that easy.

4 MR. HAVILAND: It depends. Like
5 District 2 and District 3 we've had minimal
6 delays. District 1 we've had a few more delays.
7 But it's more because we just don't physically
8 have enough pilots between Montreal and the
9 Welland Canal on either side.

10 MR. GALLAGHER: Steve, the Coast Guard
11 has required this year for the first time, and we
12 send it to Brian every month, with a amount of
13 delays, how many lakers we've had, how many
14 tankers we've had, how many -- you know, the
15 cruise ship assignments. And how many times
16 pilots have had to come back off of their rest or
17 stay over without starting their rest. So we've
18 given it to him. And it's another thing we've
19 got to do. But if you look at it it's pretty
20 interesting. You can see how those things are
21 going up. So I mean we have that.

22 Again, like I told you, what we've

1 done is we've brought people off time off, we've
2 done everything we can and we have not had a
3 delay with it. I mean, we can show delays if
4 that's the purpose, but we don't want that. And
5 with the added -- we don't get a hit -- in our
6 district we don't get hit with the tankers like
7 John does or the Canadians do because they're all
8 going to Canadian port. And how the division
9 work is different, it's different in each
10 district.

11 That's why it's so important to have
12 every pilot at the table instead of a
13 subcommittee. Because John needs more pilots to
14 handle the traffic for them. District 3 at this
15 point in time with all the cruise ships with the
16 itinerary they have, they're going to need more.
17 And with us we'll have -- we're going to have
18 more with it. We have had more this year, a huge
19 amount with the cruise ships. But it just
20 depends where the traffic is going. So that's
21 why it's so important to have everyone here. I
22 don't think we should discard Rebecca's

1 invitation to try to help out with this and
2 everything, keep the ball rolling. I think we
3 should look at it as a group. Number one, I
4 think we should make a recommendation which has
5 already been done. I think we should look at it
6 seriously. And then I think we need to
7 coordinate with a bunch of us and okay, we're
8 going to let so-and-so at least set it up.
9 Someone has got to be the front person.

10 MR. BOYCE: Well, let me back up a
11 little bit on delays. In District 1 it's not
12 usable data. Because we're so intertwined with
13 the Cornwall Beauharnois District, and ships
14 staged out as far as Quebec City.

15 MR. FISHER: Right; okay.

16 MR. BOYCE: The numbers are not
17 helpful.

18 MR. FISHER: So let me just have a bit
19 of dialogue with my colleagues here at the table.
20 I'm wondering if we should abuse Rebecca by
21 asking her to sort of just be the meeting
22 planner, just worried this meeting won't come

1 together.

2 MR. BOYCE: I'm not.

3 MR. FISHER: You're not?

4 MR. BOYCE: No. I go to what we've
5 done with the ship owners before. It's -- I
6 don't see it as that big of a lift, I really
7 don't. I'll do it.

8 MR. FISHER: Someone has got to plan
9 it and -- all right.

10 MR. BOYCE: I've been yelled at
11 before. I may ask for help, though.

12 MS. YACKLEY: Okay. I'm here.

13 MR. FISHER: I have nothing else to
14 add. Mr. Chairman, there is a recommendation on
15 the floor.

16 MR. GALLAGHER: We have a
17 recommendation. Should we go out to the public
18 and ask for comment first?

19 MR. KHANDPUR: Could you please read
20 the recommendation?

21 MR. BOYCE: To reevaluate the staffing
22 model taking into account new traffic levels,

1 trade diversification, especially cruise ships
2 and association management demands.

3 MR. KHANDPUR: So whom are you making
4 that recommendation to?

5 MR. FISHER: US Coast Guard.

6 MR. BOYCE: Coast Guard.

7 MR. KHANDPUR: Okay. And all this
8 discussion that you talked about, is that -- are
9 you going to provide that input into that or are
10 you looking at us -- so you're already telling us
11 to do that?

12 MR. FISHER: Yes.

13 MR. BOYCE: We're telling you to do
14 that.

15 MR. FISHER: But we're going to go
16 have a meeting that's none of your business right
17 now.

18 MR. BOYCE: That we will probably
19 invite the Coast Guard to participate in. And
20 depending on what may or may not come out of that
21 meeting, have an additional GLPAC meeting to
22 present and make possibly further recommendation

1 to the Coast Guard. Does that sound --

2 MR. KHANDPUR: That sounds good.

3 MS. CONNERS: Is there a second?

4 MR. GALLAGHER: Yeah, John.

5 MS. CONNERS: I needed --

6 MR. GALLAGHER: Mr. Baker.

7 UNIDENTIFIED: Is it open to the
8 public?

9 MR. GALLAGHER: Yes. Any more from
10 the committee?

11 UNIDENTIFIED: No. Is this meeting
12 open to the public that you're going to call?

13 MR. BOYCE: The meeting?

14 MR. GALLAGHER: No.

15 MR. BOYCE: I don't foresee it being
16 open to the public. I do foresee it taking as
17 many people as we can think of into account.

18 MR. KHANDPUR: By invitation only.

19 MR. GALLAGHER: For sure everybody on
20 the committee would be.

21 MR. FISHER: John, I would think we'd
22 want every interested party to attend.

1 MR. BOYCE: Yeah.

2 MR. GALLAGHER: Is there any other
3 comments from the public before we move forward?

4 MR. SIMMONS: Randy Simmons
5 representing Petro Canada. I think at its core
6 we have a capacity question, and I just wanted to
7 be clear that Petro Canada wants to help solve
8 that problem and avoid special interest. Again,
9 a key point from my earlier statement is we're
10 not looking for preferential treatment.

11 MR. BOYCE: Thank you.

12 MR. GALLAGHER: Anybody else from the
13 public? We're back up to committee. Okay. We
14 have a recommendation by John, seconded by Steve.
15 Any further discussion from the committee? We'll
16 take a vote. All in favor?

17 (Show of hands and voice vote)

18 MR. GALLAGHER: Motion carried. So
19 now Todd -- I mean, Rajiv we'll ask you whether
20 you think it's important to have a subcommittee.
21 I think we sort of discussed it.

22 MR. KHANDPUR: No. I think we've

1 already discussed that so there is -- we will
2 wait -- right now you've given us a
3 recommendation, we will put that recommendation
4 and we'll hear from you.

5 MR. GALLAGHER: All right. The next
6 topic is the rate making methodology. The Coast
7 Guard uses a ten step methodology to establish
8 annual pilotage rates. You can find the rate
9 making methodology in 46 CFR 404. There are
10 several topics related to the rate making that
11 we'll discuss. As we have previously discussed,
12 voluntary pilots, a scenario where a ship
13 voluntarily orders a pilot has increased
14 significantly in the past few years. This last
15 winter voluntary pilotage on an international
16 ship, EVERBRIGHT, caused District 2 and District
17 3 to stay open throughout the winter. This is
18 the first time this has ever happened. This will
19 impact operating expenses and may impact staffing
20 levels if this becomes the name. Errol Francis
21 and Mr. Haviland talked to discuss establishing
22 separate rates for voluntary pilotage with this

1 committee. Mr. Haviland will explain how this
2 phenomenon may impact staffing levels. I'll turn
3 it over to Mr. Haviland.

4 MR. HAVILAND: Todd Haviland again.
5 Based on our last discussion I think a lot of
6 this may roll up. But a few weeks ago I was in
7 Montreal, I stopped in and talked to Mr. Francis
8 at Canfornav. And was explaining this
9 phenomenon. So for many decades the pilot
10 associations close in conjunction with the locks
11 closing. And they go and have two and a half,
12 three months off where they shut down their
13 operations, take care of their medical, take care
14 of their training, and you know a whole bunch of
15 other administrative things. But this last year
16 because of this voluntary pilotage in the
17 EVERBRIGHT, Districts 2 and 3 stayed open the
18 entire year.

19 So what I was explaining to him, and
20 Fednav, and Wagenborg was in three years you're
21 going to see a spike in operating expenses
22 because two of the three associations didn't

1 close. And our staffing model is based on this
2 idea also that you know, the pilots get this big
3 chunk of time off in between the -- when the
4 season closes before it opens in order to reset
5 their clocks and get their circadian rhythms back
6 in line.

7 So Errol didn't think it was fair that
8 he's going to have to subsidize through future
9 rates this winter activity and this voluntary
10 pilotage. And he asked me to bring it to the
11 committee to see if there was a need, or if it
12 even made sense to somehow try to either create a
13 different rate for folks who voluntarily take
14 pilots, or to create a different rate, or set up,
15 I guess, dates to where you know, pilotage rates
16 are this from this date to this date. And then
17 if you use a pilot outside of these dates, you
18 know, it's going to drastically increase or
19 change.

20 MR. FISHER: Question. You're using
21 the expression voluntary pilotage. The issue you
22 describe though is a seasonal question, it's not

1 a voluntary, involuntary. That vessel --

2 MR. HAVILAND: Well, yes.

3 MR. FISHER: -- that took the pilot
4 during the winter by law was required to have a
5 pilot; right?

6 MR. HAVILAND: If it was just the
7 EVERBRIGHT, the associations probably wouldn't
8 have had to stay open, they could have just
9 figured it out.

10 MR. FISHER: Who were the others?

11 MR. HAVILAND: There were so many
12 Canadian tankers that -- I mean there was -- I
13 think there was one day there were 14.

14 MR. FISHER: During the winter?

15 MR. HAVILAND: During the winter.
16 There was like 14 pilots on ships.

17 MR. FISHER: May I ask, they were
18 operating between where and where?

19 MR. HAVILAND: Lake Michigan -- Lake
20 Erie, Lake Huron, and Lake Michigan.

21 MR. GALLAGHER: Actually, the
22 Canadians had -- I mean, we had a lot with the

1 EVERBRIGHT because it was running in our district
2 a lot. But the Canadians this year actually were
3 almost overwhelmed this winter.

4 MR. KILPATRICK: Mike Kilpatrick. We
5 did 100- -- and as a seasonal you are correct,
6 and voluntary. We had a, once work finished
7 January 31st at midnight, you know, it's like
8 rats scattering. We rejuvenate, but not -- we
9 play golf as well. But the in the past year we
10 maybe have 12 assignments over the entire winter
11 with an Algoma tanker running from Nanticoke to
12 Sarnia or vice versa. This past winter we did
13 160 assignments with eight pilots, basically the
14 core. And our concern coming up is Algoma is
15 telling us they are going to be busier this
16 winter. You know, a combination of they've got a
17 lot of product to move as well as the EVERBRIGHT
18 probably staying around, perhaps another foreign
19 ship coming.

20 And certification they don't --
21 they've got newer captains so they have to take
22 pilots. So we're going to be burdened, for lack

1 of a better word, trying to figure out how to
2 accommodate. We have some meetings coming up for
3 that very purpose to -- because it's -- we're
4 technically laid off the winter.

5 MR. FISHER: Right. Mike, can you
6 tell us how is the GLPA looking at this whole
7 issue? Are they holding meetings and talking --

8 MR. KILPATRICK: Yeah, we're going to
9 be having meetings soon with Algoma, Imperial.
10 And one big thing is we need an asset in
11 Nanticoke for pilot changes. Because with a
12 severe winter like we had last year, we couldn't
13 get the pilots on and off in Long Point Bay
14 because of ice conditions. We had no asset to do
15 it. So we had pilots sitting on there for four
16 days.

17 MR. FISHER: Right. But right now in
18 Canada, the rate that that winter operator is
19 getting charged is the same as normal; right?

20 MR. KILPATRICK: Things are -- last
21 year more on the similar side because we had so
22 much traffic. In the past we did kind of

1 internally our own corporation. But it was an
2 eye opener this year because of how busy it was
3 as to how it's compulsory pilotage.

4 MR. FISHER: Right.

5 MR. KILPATRICK: So if there is -- all
6 the pilots are down in Florida golfing, how are
7 we going to provide a service. Well, we did it
8 last year. I don't think we even had one delay
9 last year with that much traffic and that few
10 pilots willing to come out. So again, that was
11 an eye opener and there will be meetings held
12 coming up moving forward.

13 MR. FISHER: Right. I would just
14 recommend to Todd and the Coast Guard to sort of
15 frame this as winter pilotage rather than
16 voluntary or un-voluntary. Because I think
17 that's the issue is we have operators for
18 whatever reasons having piloted demands during
19 the winter when normally the pilot associations
20 are shut down typically in the past. So I think
21 the issue is winter navigation.

22 MR. GALLAGHER: Mr. LaMarre, you got

1 --

2 MR. LAMARRE: Paul LaMarre, Port of
3 Monroe. I just want to say that the EVERBRIGHT
4 coming into the system had a very positive effect
5 on our port. She made her first trip into Port
6 of Monroe, then multiple ports -- or trips
7 throughout the winter. And honestly I don't
8 really care that Canfornav or Fednav are upset
9 about it. Because ultimately if we're talking
10 about preferential treatment, whether it's cruise
11 ships, whether it's tankers, whatever it is, you
12 would think that all this increased activity
13 would be good for the system. And I think that
14 not serving that traffic would be really doing a
15 disservice to the system overall. Because
16 whether it was the paving company that it served,
17 the tug work that came out of it, and we lobbied
18 for these Coast Guard ice breaking assets
19 constantly, well, gosh what better to help make
20 the case than ships running all winter long. So
21 I just wanted to add that because EVERBRIGHT made
22 a big difference for our port last year. So

1 thank you.

2 MR. FISHER: If I could add to Paul's
3 comment, if that's okay? A dream of not only the
4 ports but I think anybody in the system, John I'm
5 sure this is true of the labor, is year round
6 navigation. That would be an ideal that we would
7 love to achieve. It's something that's been a
8 conundrum for the navigation systems. Probably
9 the seasonality of our system is probably the
10 biggest detriment economically to the system's
11 health. Can't do anything about winter, it is
12 what it is. But if for whatever reasons
13 operators are able to operate during the winter,
14 if climate change is going to change the equation
15 in the lakes, and for whatever reason if it's
16 possible to operate with a combination of Mother
17 Nature being friendly to it and the Coast Guard
18 having enough ice breaking assets, and so on and
19 so forth. And if operators are able to operate,
20 it seems that economically if we're doing a
21 service to our region and to the economy of our
22 region we also try to accommodate that business.

1 I realize it's a tough business and perhaps it
2 won't last, and perhaps Mother Nature won't allow
3 it. But if circumstances are such that it
4 happens, it seems like we all -- it should be
5 incumbent upon all of us to help the economy and
6 allow as much navigation as we can.

7 MR. GALLAGHER: Mr. Yockey?

8 MR. YOCKEY: Bill Yockey with the
9 Longshoremen. First of all, I agree with the way
10 you characterize the pilotage. I don't agree
11 with what you said that it's just winter
12 navigation. I don't agree that the voluntary
13 pilotage revenue or anything -- I think you're
14 operating outside your lane. Pilotage Act is for
15 the movement of foreign vessels engaged in
16 foreign trade. These are domestic vessels that
17 the revenue generated from them -- it's kind of
18 like the B certificate in reverse. All of a
19 sudden they've got revenue in your calculation
20 for everything. So we don't need a rate
21 increase. Industry will take care of the
22 problems that they have providing skilled people

1 on the ships. And this business will go away,
2 it's a temporary condition. This business will
3 go away. But your revenue levels are going to be
4 up here, and then when the next year comes that
5 we don't have it, we're not going to be able to
6 pay our people like we thought we could.

7 So I think that any revenue generated
8 by the voluntary pilotage should be excluded from
9 your rate setting authority or calculation. And
10 that it's -- everything is fine about the ice
11 breaking and all of that. But you know, we're --
12 the Great Lakes Pilotage Act was for vessels
13 engaged in foreign trade. You know, that's what
14 it was. They tried to circumvent it with the
15 salty lakers and the B certificate was a subsidy
16 that some ship owners took advantage of. While
17 we had to maintain pilotage services for
18 everybody that paid. B certificate didn't have
19 to, B certificate was like a little parasite on
20 that.

21 So this is the same thing in reverse.
22 If we allow that revenue to be counted when

1 industry catches up with itself and gets enough
2 skilled people on there, or gets the Coast Guard
3 to relax the regulations so that they can operate
4 with just one guy on board or whoever knows what
5 they'll do next, but that's going to throw your
6 whole system off. And I feel very strongly about
7 that. That we create these things, and it's a
8 windfall maybe now for the pilots that they got
9 this voluntary stuff, but it will go away and
10 you'll be stuck with what's left.

11 MR. GALLAGHER: I agree with Mr.
12 Yockey. We had, with the Canadian lakers for
13 example, two years ago I mean, we would get one,
14 one a year maybe. But now we're getting more and
15 more. As soon as they ramp up and get their act
16 together, it was their fault for letting these
17 certificates go. A lot of the ships our guys are
18 going on now they're saying hey, they're going to
19 -- they've almost got their trips and a few
20 months from now they're not going to need us.
21 Well, whether that's true or not I don't know.
22 We hear it's going to be more and more. But

1 again, it could be a temporary thing. So you
2 can't always look at that revenue as a guarantee.

3 And it's like the EVERBRIGHT, it's
4 great for us. I mean, we love it and everything,
5 the business. But all they have to do, and I'm
6 surprised they haven't, they get a US tug and
7 barge to take over that business. It's still
8 going to move into the Port of Monroe, it's still
9 going to be -- but we're not going to be
10 servicing that. So if you look at all that
11 revenue and calculate that in there, then we
12 could be in trouble down the road. And as Mr.
13 Yockey said, it could be the opposite effect of a
14 B certificate.

15 MR. FISHER: Steve Fisher. It would
16 strike me that maybe when we have our little
17 committee meeting and we talk about all the
18 demands and how to respond to them in our
19 staffing model, we should talk about this. And I
20 didn't realize that the Canadian laker demand was
21 perhaps temporary. And that they may not ask for
22 pilots later. Question, I guess this is to both

1 the pilot presidents and to Todd. Are you able
2 to deny service to somebody who is requesting it
3 voluntarily?

4 MR. HAVILAND: No.

5 MR. FISHER: Okay.

6 MR. HAVILAND: And they're still --
7 Todd Haviland. They're still part of that first
8 come first served. So as long as you follow the
9 rules to order a pilot, then you're next, you've
10 got your spot in the cue.

11 MR. FISHER: But I mean I hear you,
12 Bill. If in fact they're an unreliable future
13 user because they're only temporarily taking
14 advantage of the system, then yeah, when we get
15 together to talk we ought to talk about that.
16 It's almost a discussion about not what is the
17 growth of future demand but where might it fall
18 off too.

19 MR. BOYCE: Yeah, this isn't a
20 question of we all need to add ten pilots.

21 MR. FISHER: Right.

22 MR. BOYCE: There is ups and downs on

1 a number of things. And we've even, probably why
2 we came up with the answer so quickly, looked
3 into if there is going to be delays, you know,
4 can we say this is voluntary pilotage, this is
5 compulsory, we service compulsory first not
6 voluntary. And we weren't able to do that.

7 MR. FISHER: Okay. All right.

8 MR. GALLAGHER: Mike?

9 MR. KILPATRICK: Mike Kilpatrick.

10 That was a big question for us moving forward
11 because of the season we had, winter season we
12 had last year, we were always able to service the
13 vessels without any problem when there were maybe
14 12 assignments over the entire winter. You know
15 you had a list of 15 guys say okay, call us if
16 you need us. And sometimes you'd go through the
17 list because they're away or whatever. But with
18 last season being exceptionally busy, our
19 question to the GLPA was what happens if you
20 don't have any pilots they're all away because
21 technically we're laid off for the winter. What
22 are you, not us, you can't wash your hands of us

1 right now because it's compulsory pilotage. What
2 are you going to do? And again, sometimes it
3 takes something like last winter to wake up. So
4 that's why we're going to get it together and
5 figure out a way to service vessels. Next winter
6 there could be no ice at all and that condition
7 is out of the equation, and maybe it slows down a
8 bit, who knows. But winter is winter.

9 MR. GALLAGHER: Come on up here, Dan.

10 MR. FRANKLIN: Dan Franklin, Lakes
11 Pilots. Just to the point of the Canadian laker
12 traffic. Just last month right before I started
13 my recuperative rest time, I checked, went to
14 dispatch the next day, no jobs. 6:00 o'clock at
15 night the Florence Spear called they need a pilot
16 out of Zug Island. It's a one off, I don't think
17 any of us had been on that ship before. I go, I
18 do the ship, they go out to the canal, come back,
19 they do the same run. Now they have somebody
20 qualified with pilotage on board they don't need
21 us. But it still puts a demand on our services,
22 a stress on our system. And how do you staff for

1 that?

2 MR. GALLAGHER: Any other comments
3 from the public?

4 MR. FISHER: Mr. Haviland, what were
5 you looking for as far as just a chat about this?

6 MR. HAVILAND: Yeah, just some
7 feedback.

8 MR. FISHER: I would say we probably
9 should talk about it in the committee meeting
10 we're going to have, the informal meeting we're
11 going to have on staffing and demand variables.

12 MR. GALLAGHER: Okay. The next topic
13 is the financial information and rate setting.
14 Mr. Fisher asked to place the use of financial
15 information in rate setting on the agenda. And I
16 turn the meeting over to Mr. Fisher.

17 MR. FISHER: All right. Thank you.
18 This issue was raised last meeting last year, and
19 it continues to be a frustration for the vessel
20 operators I'm here representing. And that is
21 some way for the Coast Guard to use more recent
22 financial information in the rate setting

1 process. As we discussed last year, the agency
2 uses three year old data to do the rates. And we
3 discussed a couple of ideas last year, John had
4 put forward an idea to bring it down, I think, to
5 two years by using different accountants. And it
6 just kind of got left. And I don't -- I keep
7 bringing it up because it keeps coming up from
8 the operators. So I want to just keep bringing
9 it up so the Coast Guard -- so it doesn't just
10 fall off the radar.

11 I don't have a solution to this. And
12 I guess I just want to keep mentioning it because
13 there is a view that the rates have over
14 generated revenue in recent years. And that if
15 the Coast Guard were able to look at more recent
16 data, they would see that there are flaws in the
17 rate setting. But because we're almost putting
18 on blinders and only seeing what we want to see,
19 we are only looking at three year old data,
20 that's harder to do. Looking at more recent data
21 helps the Coast Guard better gut check whether or
22 not the rates -- the rate settings are achieving

1 the target you tried to achieve as far as
2 revenue.

3 MR. BOYCE: I think you should
4 bifurcate that into two different things. Rate
5 setting and information the Coast Guard sees.
6 Because you come into time frames with building a
7 rate and having two audits done essentially. It
8 just takes time. And we have an audit done that
9 the Coast Guard sees by April, I think it is.

10 MR. GALLAGHER: Three months after the
11 end of the year.

12 MR. BOYCE: Yeah, so they see four
13 month old data.

14 MR. FISHER: Right; yeah.

15 MR. BOYCE: And that's why I advocated
16 they use that to build the rate. But you've
17 still got a year in building the rate. So by
18 definition, I think about the best you can do is
19 take a year out of it. But you have to eliminate
20 the second audit to do that.

21 MR. FISHER: Yeah; yeah.

22 MR. BOYCE: Because the amount of time

1 it takes to do that puts the Coast Guard too far
2 behind on their rate schedule, it's just not
3 going to happen.

4 MR. FISHER: So what I'm hearing from
5 operators, because we have calls and we sit and
6 talk, is it would be good if the Coast Guard
7 could do what you just said and look at the first
8 audit, your audit, the audit that comes from the
9 pilot associations in -- what? -- early April,
10 and use it not necessarily specifically to drive
11 the expense base for the rate they're about to
12 do, but rather use it as a gut check to say hey,
13 even though the second audit the Coast Guard
14 review hasn't occurred yet -- because at the end
15 of the day, those reviews only pick out a handful
16 of changes quite frankly. It's not like you
17 radically change the expense base. So you know,
18 there is a thing here and a thing there that the
19 auditor didn't agree with. But generally it's
20 roughly the same amount of money. And the Coast
21 Guard used that first audit, the audit that's
22 done by each of the three organizations, to gut

1 check whether or not some of the decisions they
2 made in the last rate making, are accurate or
3 not.

4 MR. BOYCE: I get the sentiment, but
5 gut check doesn't fit into --

6 MR. FISHER: Right. How do you --

7 MR. BOYCE: -- regulatory lingo. I
8 think they have to either use it or not use it.
9 Either they go off the first audit or the second
10 audit. I think they can compare the two audits
11 to see if they agree with each other. But I
12 don't think you can use one audit to gut check it
13 but then wait for the later audit to actually
14 use. You're going to end up with a --

15 MR. HAVILAND: Can I say something?

16 MR. FISHER: Let me again repeat. I
17 want you to know what they're saying. I wish
18 they'd come to these meetings so that they could
19 say these things. But if there is a policy
20 decision that was made in last year's rate that
21 generated too much revenue, so the Coast Guard
22 says we want to generate X amount of revenue,

1 they generated 1.5 X, and there was a policy
2 decision in the rate setting that made that
3 happen, and they can look at last -- the audit
4 that's available in April, and see, gee, I'm
5 seeing from the pilot's own financial statements
6 we over generated money. And instead of
7 repeating that policy decision because the second
8 audit hasn't been done, they have to ignore the
9 information they see before them, instead of
10 doing that, take that into account and say, gee,
11 we can see that we've overshot the goal and we're
12 going to make an adjustment. Right now there is
13 a view that the Coast Guard sees your audits
14 because you send them to them, but they're kind
15 of forced to behave as if they haven't seen them.
16 And so I think that's the sentiment that's been
17 expressed during our discussions.

18 MR. HAVILAND: Todd Haviland. The
19 intent of the annual rule making is two-fold.
20 When it comes to the operating expenses, and
21 that's what we -- those financial reports, we
22 want to make sure that, you know, each expense

1 that we put into a rate has to -- the association
2 has to incur it in a given calendar year. But
3 then it has to be for the purpose of providing
4 pilotage service. And it's got to be reasonable
5 in amount. So the operating expenses, the most
6 recent data we can get is about three years old
7 to put in there. And if you look historically,
8 the operating expenses really haven't changed a
9 whole lot. Well, then you've got the other part
10 of the numerator where we're looking at, okay,
11 this is the number of pilots we think we need,
12 this is their target compensation. Those are,
13 you know, a different portion. And then we look
14 at okay there is money that we want to set aside
15 for a future capital expense that just hasn't
16 been realized yet. And that gives you everything
17 in the numerator. And then in the denominator we
18 look at historic traffic. So we use a ten year
19 average of traffic and we believe that that helps
20 provide rate stability and predictability.

21 What we've seen in the last few years,
22 and this I think is what we've been grappling

1 with all morning, is how do we treat all this
2 traffic that's coming in that we hadn't seen in
3 the past and we're not sure it's going to
4 continue because it's a whole bunch of Canadian
5 domestic ships voluntarily taking pilots. And
6 most -- other than the mistake we made with the
7 weighting factors that we fixed, that demand that
8 we've never accounted for in the past, and we're
9 open to suggestions for how we should account for
10 it in the future. But if we say based on this
11 ten year average that they should make \$100 but
12 because of this voluntary pilotage 50 percent
13 more traffic is realized, then we expect 50
14 percent more revenues, and we don't see that as a
15 policy mistake. Just the same as if 75 percent
16 of the traffic that we project came in we would
17 expect them to have a 25 percent shortfall.

18 MR. FISHER: Okay.

19 MR. HAVILAND: Again. This is kind of
20 my pitch that I give every advisory committee
21 meeting. There is nothing stopping the pilot
22 associations from the relevant stakeholders

1 coming together in a room and saying, hey Coast
2 Guard this is what we think the rate should be.
3 Our fallback is, if we don't get that
4 recommendation from a credible source then we've
5 got to comply with the law that says we have to
6 issue a rate by March 1st each year. And we're
7 going to use the methodology that we have. Now,
8 if there are portions of the methodology that we
9 need to change, we're more than willing to look
10 at, you know, changing any or all of those
11 steps.

12 MR. FISHER: Can I make a
13 recommendation? This is a personal one I'm not
14 proposing it for comment vote. But you just gave
15 us a speech about how, boy, why don't you guys
16 get together on your own and talk to each other
17 and recommend a rate. So one thought, and I've
18 thought this before I guess I'm just vocalizing
19 it today, but it's great if we were to all
20 spontaneously get together and do a Kumbaya hug.
21 What might help is if another step was added to
22 the ten step, existing ten step methodology. I

1 would recommend adding a new first step, make it
2 11 steps add a new step on the front end. And
3 that front end would be the Coast Guard hosting a
4 sit down where the rates -- where the pilots and
5 rate payers get together. And so essentially the
6 idea would be to simply host as a first step of
7 the process every year, a sit down meeting where
8 folks are brought together to try to see if they
9 can work out a rate. They don't, you go on to
10 step two and you do the rest of your rate
11 setting. But the act of convening us is useful,
12 and it might be a good change to the methodology
13 to start each year with a meeting where a first
14 attempt is to try to get us to all agree. I know
15 a number of years ago Gary Rasicot who used to --
16 I think, did he have Mike Emmerson's job?

17 UNIDENTIFIED: Yes.

18 MR. FISHER: So the Coast Guard that
19 year, I forgot what year it was 2015 or '14, they
20 actually tried to do this. He convened pilots
21 and vessel operators and actually tried to see if
22 we could begin with a negotiated rate. And

1 unfortunately I think the discussions just never
2 quite got to where they needed to go. That would
3 have been a really neat thing if he had achieved
4 that that year because it would have been the
5 first time in my 25 years that the rate was set
6 by agreement rather than by Coast Guard on its
7 own deciding. That could have started a
8 tradition of doing that year after year, which
9 would have been nice instead of these battles we
10 have every year over our rate setting.

11 One way to do this is to formalize it
12 a bit by adding an eleventh step to the rate
13 setting process where you convene us first. And
14 then all it amounts to is one meeting, and we all
15 get together, we talk, it's not a big drama. If
16 we can't agree, we can't agree and you do your
17 rate setting. If we can, great. A motive for
18 everybody is that, you know, we can work it out
19 without going through the drama of the rate
20 setting and all the lawsuits and everything.
21 There is a motive there to -- and given how much
22 money we've all spent on lawyers and lawsuits, I

1 would say is a heck of a motive right now for
2 folks to try to work things out. So I think
3 that's a neat idea and something you ought to
4 give thought to.

5 MR. HAVILAND: I agree. Todd
6 Haviland. The Coast Guard would love to be in a
7 position of just approving a rate instead of
8 imposing one. And right now the methodology has
9 it, we impose the rate. But I don't know if the
10 rest of the committee would consider Steve's
11 recommendation. I mean, I don't want to limit it
12 just to Steve if the committee members value in
13 it.

14 MR. BOYCE: Basically to add an
15 initial first step of --

16 MR. FISHER: Convene a meeting to see
17 if we can talk through a rate. I mean, you've
18 recommended this every meeting I've gone to.

19 MR. BOYCE: Yeah, I don't have any
20 issue with that. I think we make a
21 recommendation to add an initial step.

22 UNIDENTIFIED: Make sure everybody is

1 there.

2 MR. GALLAGHER: Yeah, that's the key
3 point.

4 MR. BOYCE: That's the -- uh-huh
5 (affirmative).

6 MR. GALLAGHER: You've got to make
7 sure everybody is there. Because what happens,
8 and we've seen this time and time again when
9 we've been involved with some things, everybody
10 wants to agree to it and then all of a sudden one
11 guy with five pounds of corn can throw a monkey
12 wrench in the whole damn process.

13 MR. FISHER: May I ask the year that
14 Gary Rasicot from the Coast Guard tried this, who
15 did he invite to the table?

16 MR. BAKER: Was this in Detroit?

17 MR. HAVILAND: Yeah.

18 MR. BAKER: I was there, yeah.

19 MR. FISHER: I was not invited.

20 That's fine.

21 MR. HAVILAND: No. You were invited
22 to the Detroit meeting.

1 MR. BAKER: It got ugly.

2 MR. HAVILAND: It was the follow along
3 meetings.

4 MR. FISHER: Did it?

5 MR. BAKER: Yes. It ended soon.

6 MR. HAVILAND: You were there. The
7 follow along meetings were just operators. So
8 Gary Rasicot called together, what he did is he
9 invited everyone to Coast Guard headquarters, he
10 took them up the Flat Mast, had lunch. Asked
11 about the potential for people to sit down and
12 get together. Then we had a pilotage summit
13 meeting in Detroit at the airport Marriott it was
14 a full room. I mean, I'll have to go back and
15 look. And then at the end of the meeting, the
16 shippers --

17 MR. FISHER: The vessel operators.

18 MR. HAVILAND: The vessel operators,
19 so you had Canfornav, Wagenborg, Pollstein
20 (phonetic) --

21 MR. GALLAGHER: Fednav.

22 MR. HAVILAND: -- and Fednav, and then

1 the three pilot presidents, and then they asked
2 me to, you know, sit back and listen. And there
3 two follow along meetings from that. And those
4 two follow along meetings were closed to just
5 those seven --

6 MR. FISHER: Those parties. Okay.

7 MR. HAVILAND: But whatever you want
8 this meeting to be, it can be a public meeting or
9 --

10 MR. FISHER: Yeah. Well, I don't know
11 that we need to decide on the attendance here
12 today. But just the concept of convening
13 stakeholders to try to hammer out a negotiated
14 rate. Again, if it fails we're no worse off, you
15 just go and do your normal rate setting.

16 MR. HAVILAND: Yes.

17 MR. GALLAGHER: Paul?

18 MR. LAMARRE: Paul LaMarre, Port of
19 Monroe. I'm Fisher's devil's advocate on this, I
20 drive him insane. But honestly, isn't this that
21 forum? If the operators aren't sitting here --

22 MR. FISHER: They're not.

1 MR. LAMARRE: -- they should be.

2 MR. FISHER: Well.

3 MR. LAMARRE: And so to make that
4 assertion, my thing is that what is their
5 complaint, what do they ultimately want. The
6 process is supposedly flawed. We've ended up in
7 legal action. But what really, how is it
8 affecting their bottom line? What is the
9 economic impact? I feel like we keep playing the
10 trap and skeet game to where whether it's this
11 group or the pilots, Todd, whoever, try to come
12 to an answer, it gets holes shot through it and
13 then here we are again. And honestly, are they
14 -- can they honestly say right now with record
15 levels of business that they're hurting, or the
16 pilotage rates are costing them business?

17 MR. FISHER: I don't think that's the
18 issue. I think you bring people together -- so
19 maybe that is the case. You bring people
20 together and what you present for them is an
21 option to get to a rate, because we're always
22 going to get to a rate at the end of the day, an

1 option to do that without a complicated
2 rulemaking and a bunch of subsequent lawsuits.
3 Because we've now had four years of lawsuits,
4 millions of dollars I'm going to guess, I think
5 most -- I think there is probably a motive to
6 come to this and maybe acknowledging what you
7 just said. Maybe the business is so great and
8 the cost of these lawsuits is such that maybe I'm
9 going to go to that meeting and going to be a
10 little more cooperative than I was last time.

11 MR. LAMARRE: My point is more it's
12 almost disrespectful that they're not sitting
13 here right now if that's their position.

14 MR. FISHER: I don't know what to tell
15 you.

16 MR. LAMARRE: But you're representing
17 the vessel operators today so --

18 MR. FISHER: I am. But they didn't
19 each tell me why they had a conflict today. So I
20 don't know.

21 MR. LAMARRE: He's our port guy, but
22 today you're the vessel guy, so I want you. All

1 right. That's all I got.

2 MR. FISHER: I think -- and I'll give
3 Danny credit. Every meeting you have said let's
4 get together and talk about cooperative setting
5 the rate. I think that's the right sentiment.
6 And I think it's a useful thing to add to this
7 process. I don't even think it's a controversial
8 thing to add to this process. It's the idea of
9 let's talk to each other first, let's fight
10 later, fight second.

11 MR. GALLAGHER: Dan?

12 MR. FRANKLIN: Dan Franklin, Lakes
13 Pilots. This will, I guess, kind of pull a
14 couple things in. I guess fro my perspective
15 when you talk about rate you talk about expenses
16 and you talk about pilot compensation. And we're
17 also talking about pilot numbers. Now I know
18 John probably has more retirements coming up in
19 his district than we possibly do. I don't know
20 was Jon has going in his district. But if we
21 need to add numbers and we're losing numbers as
22 it is, as somebody that came over within the last

1 several years from the laker companies, that's
2 the talent pool that we draw from primarily.
3 They're having issues, that pool is shrinking.
4 And not only are we districts drawing from them,
5 any coastal district now. Those guys are going
6 to San Francisco, they're going to Florida,
7 they're going to Charleston. So if we want to be
8 competitive bringing in talent, retaining what we
9 have, and if we need to grow that, then we also
10 can't just be an argument of reducing pilot
11 compensation and not being able to get the talent
12 that we need to make the system viable.

13 MR. FISHER: And I don't want to
14 presuppose what everyone would come to the table
15 with. Dan you might be right that somebody would
16 come with no goal other than to reduce costs.
17 But others will come and some of these people are
18 in the room here today with the goal of I want
19 good service, I want as many bodies as we can get
20 into the system. I want to make sure we have
21 people getting in the training pipeline. You're
22 going to have different voices. And so I think

1 that's what you would see.

2 MR. HAVILAND: Todd Haviland. There
3 is a provision in the law that allows you to call
4 a meeting. So we could use that. I know I've
5 spoken with Ellen a number of times and she would
6 like to establish, you know, instead of trying to
7 pull everyone's schedule together, you know,
8 should we set the date that each year we're going
9 to try to have an advisory comment meeting on
10 this date, we could set it early before the
11 season opened, or shortly --

12 MR. GALLAGHER: We can do it now,
13 third week in October every year.

14 MR. BAKER: Third Thursday.

15 MR. HAVILAND: No. But getting back
16 to Steve's point, we could do it shortly after
17 you get your financials.

18 MR. BOYCE: Do an early meeting.

19 MR. HAVILAND: Have an early meeting,
20 sit down, and just have one topic on there saying
21 can we establish the rate for the next year.

22 MR. FISHER: Could I comment on that?

1 I disagree with Paul. I do not think this is the
2 group to set rates. The people here are some of
3 the people who ought to be the group to set
4 rates. But Congress decided, and I was in the
5 room with committee staffers at the time in the
6 90's when this was done, it was a political
7 decision. You know, who needs to be at this
8 table. And in fact, we're trying to amend it now
9 because they got it wrong. They left a
10 significant stakeholder out. So who knows?

11 Might be -- bottom line is, the people
12 around this table are the people who are making
13 noise and we're kind of the political entities
14 that needed to be addressed when Congress wrote
15 the law creating this advisory committee. I
16 don't know that that's exactly the right -- one
17 of the problems this committee has had from its
18 start is that the foreign ship owners were the
19 primary customers of the pilotage associations
20 can't be on this committee because they're
21 foreigners, and federal advisory committees can't
22 have foreign nationals on them. But those are

1 the exact people that need to be at the
2 negotiations.

3 So I don't think this is at all the
4 committee to negotiate it. And I think -- but I
5 do believe, again, that you're right, that Danny
6 is right that we should try to talk to each other
7 and work it out. There is a -- yes, there is a
8 question about who is the people that should get
9 together to have that discussion. I don't know
10 that we need to figure that out today. But I do
11 think there should be an effort to talk it out
12 every year at first.

13 MR. BOYCE: I think you can have a two
14 day meeting. You can have a meeting of the other
15 body the day before the advisory committee
16 meeting to bring that forward to the advisory
17 committee.

18 MR. FISHER: That's fine; that's fine.

19 MR. GALLAGHER: Is there a need to
20 make a recommendation? And like I say, I've
21 advocated this all along. Is there a need to put
22 that on the Coast Guard and why can't we just do

1 that?

2 MR. FISHER: Because it's the
3 convening -- just the way Rebecca offered to pull
4 together the other meeting we discussed an hour
5 ago, you just need someone to say, okay, I'm
6 going to take it. I just worry it won't happen,
7 Dan. Rajiv has recommended, I can't tell you how
8 many times I've heard you say, why don't you guys
9 just get together and it just doesn't happen. So
10 if it's made a formal part of the process as step
11 one, that the Coast Guard convenes the
12 stakeholders --

13 Mr. HAVILAND: Even a public meeting
14 about rates before we do it again.

15 MR. FISHER: So I would just say that
16 it -- it would end up happening instead of just
17 nothing happening.

18 MR. KHANDPUR: Rajiv Khandpur. So at
19 the end of the day when you say we arrive at a
20 negotiated rate, there has to be some recognized
21 body that forwards that. So right now the only
22 body is the advisory committee. You guys are

1 recognized in law. And if that doesn't -- how
2 does the Coast Guard --

3 MR. FISHER: Let me make a suggestion.
4 So if you did what we're talking about and you
5 amended the regulations to create an 11th step,
6 in that same regulatory change process, you would
7 put some definition to who would be convened. So
8 maybe we don't decide that today. But between
9 now and when you make the recommendation to
10 change the regs, you have to do a rulemaking to
11 change the regs. In that you propose who gets
12 convened, and there would be public comment
13 opportunity to weigh in on whether those are the
14 right people or not. At the end of the day the
15 Coast Guard would -- you know who the parties
16 are. And so you'd propose a target group to
17 convene for a discussion, and then you would seek
18 public comment, you'd finalize that decision.
19 You'd publish the final rule, that lay out a new
20 step in the rate setting process and then you'd
21 hold the first meeting when that time came. And
22 those people would show up if they're willing to

1 and the attempt would be made at a negotiation.

2 And I don't know if I'd use the
3 expression negotiated rate, Rajiv. It may be
4 that people get together and try to reach
5 agreement on as much of the rate as possible.
6 Realizing the rate is actually made up of a bunch
7 of inputs. It's the inputs that my guess people
8 need to discuss. And so maybe they'll reach
9 agreement on pilot numbers, but they can't reach
10 an agreement on compensation. But every little
11 bit helps. So if any agreement can be reached on
12 any of the inputs, that's great, it helps, it
13 helps the Coast Guard.

14 MR. KHANDPUR: Right. That's exactly
15 -- that was my next point. Because there is a
16 lot more than just rates. You've got your
17 working rules, you've got delays, you've got
18 cancellations. There are a whole bunch of things
19 --

20 MR. FISHER: Other aspects, right.

21 MR. KHANDPUR: So to come up with just
22 one rate and then there are different districts,

1 different areas, all of that.

2 MR. FISHER: Yes.

3 MR. GALLAGHER: I look at it --
4 personally I look at it as a pretty simple
5 process. You've got the number of pilots, you've
6 got recognizable expenses, and you've got the
7 compensation. So there is those three issues.
8 If we can get -- agree on the expenses then we
9 don't have to have the audit maybe this year, the
10 second audit. If we can agree on the number of
11 pilots, that's taken out of the equation then we
12 fight over the last one if we can't agree on it.
13 That's the way I look at it, I think it's pretty
14 simple.

15 MR. HAVILAND: All that input would be
16 welcomed.

17 MR. LAMARRE: Paul LaMarre. I think
18 an important part of that group coming together,
19 whatever it might be, American Great Lakes Ports
20 Association, the pilots districts, the fleets, et
21 cetera. That by sitting down at that table you
22 are foregoing suing after that decision is made.

1 Again, because I think these lawsuits are eating
2 the industry alive. And if you are going to sit
3 and have a seat at that table, you are foregoing
4 that you are going to sue for the rate that's
5 decided out of that.

6 MR. FISHER: In spirit that's nice.
7 I don't know how you can legally prevent somebody
8 from -- and I'm not advocating lawsuits. I like
9 this idea because I think it's a way to step away
10 from all the conflict.

11 MR. HAVILAND: I agree.

12 MR. FISHER: But I'm sure how you are
13 going to guarantee that.

14 MR. LAMARRE: Oh, you can forego
15 further legal action.

16 MR. BOYCE: I think you can forego
17 things that were agreed upon. I don't think you
18 can get somebody to say just because you're at
19 the table, now you can't sue. Because nobody is
20 going to go to the table.

21 MR. FISHER: But your sentiment is
22 right. And I think if we do this it will take

1 the temperature down and it will also increase
2 dialogue. Right now everybody is on either side
3 of the room throwing rocks at each other.

4 MR. HAVILAND: Well, they're just
5 throwing rocks at me.

6 MR. FISHER: Well, you're in the
7 middle and the rocks are falling on you. I think
8 this would be a way to start the process in a
9 cooperative mood. And I really think this will
10 improve things.

11 MR. KHANDPUR: Make your
12 recommendation.

13 MR. FISHER: Oh, so we have to make a
14 recommendation. All right. I'm going to try to
15 word this off the top of my head right now. And
16 you guys, please edit because this would be from
17 everybody. We'd like to recommend that the Coast
18 Guard initiate a rulemaking to add an additional
19 step to the current ten step rate setting
20 process. That step being a new first step, which
21 would be convening a meeting of relevant
22 stakeholders to attempt to negotiate aspects of

1 the next rate.

2 UNIDENTIFIED: Matters of common
3 ground.

4 MR. FISHER: Well, it's aspects of the
5 rate.

6 MR. HAVILAND: Is it to negotiate or
7 is it to agree upon?

8 MR. FISHER: To agree upon, that's
9 fine.

10 MR. BOYCE: I would not put initiate
11 a rulemaking because --

12 MR. FISHER: Just consider.

13 MR. BOYCE: -- you don't want it to be
14 interpreted as it's own rulemaking that's going
15 to take four and a half years to go through.
16 Maybe it will be that anyways. But I think we
17 should just direct them just to add the step.

18 MR. FISHER: Okay.

19 MR. BOYCE: You know what I mean? And
20 if they do it through rule, whatever the most
21 efficient way they can do that, let them.

22 MR. FISHER: So do you have it?

1 MS. CONNERS: Your actual first
2 wording read, "Coast Guard to add initial step to
3 the current ten step rate making by Coast Guard
4 hosted meeting among stakeholders. To attempt
5 to" --

6 MR. FISHER: No. Let me write it --
7 sorry, folks.

8 MR. GALLAGHER: You want to have lunch
9 and then we can come back to this?

10 MR. FISHER: Yes. That's a great
11 idea. That's why you're Chair.

12 MR. GALLAGHER: See, I'm a genius.

13 MR. FISHER: That's why you're Chair.

14 MR. GALLAGHER: You need to talk to my
15 wife. All right. We're going to break for lunch
16 now. How long do we want to take?

17 MR. BAKER: 1:00 o'clock? It's
18 quarter after now.

19 MR. GALLAGHER: All right. Yeah, it's
20 quarter after now, so 45 minutes, 1:00 o'clock.
21 If anyone wants to take a tour of our office
22 during the lunch, they can. If no, can we

1 encourage you to -- our office is right next door
2 from the center here not too far away. And we
3 can give you a tour of our office, and our
4 facilities, and our boats.

5 MR. FISHER: Do you want to name a
6 time to meet somewhere to do that?

7 MR. GALLAGHER: We can do it after the
8 meeting or we can -- say in about 20 minutes if
9 somebody wants to meet at the office. And if not
10 we can do it, we'll do it after the meeting also.

11 MR. KHANDPUR: I would suggest do it
12 after the meeting.

13 MR. GALLAGHER: After the meeting?
14 All right. Let's do it after the meeting then.

15 (Off the record)

16 MR. GALLAGHER: We'll reconvene the
17 meeting. Steve, go ahead.

18 MR. FISHER: All right. As you all
19 recall, prior to our lunch we were discussing a
20 recommendation related to adding additional
21 activity to the rate setting process to allow for
22 direct negotiation on elements of the rate

1 between the parties. So Clay and I sort of
2 hammered out some language, and I'm going to
3 throw it out now, I'll read it. And of course
4 committee members consider it and offer any
5 edits. We're not necessarily most brilliant
6 drafters, but if you have improvements, please
7 speak up. So here we go. We're recommending,
8 GLPAC recommends that in advance of each Great
9 Lakes pilotage rate setting process, the US Coast
10 Guard shall convene and facilitate a meeting of
11 pilotage rate stakeholders with the purpose of
12 reaching an agreement on components and inputs of
13 the rate setting methodology. And as
14 appropriate, submit joint comments to the rate
15 setting docket. And Ellen has written this all
16 down up on the board. Mr. Chairman.

17 MR. GALLAGHER: Do we -- we have a
18 motion by Steve?

19 MR. FISHER: Yes. That's a motion,
20 I'm sorry.

21 MR. GALLAGHER: And do we have a
22 second or open a discussion first?

1 MR. OLNEY: Ellen, could I get you to
2 --

3 MR. BOYCE: I think you have to put a
4 date parameter on it. Otherwise if this meeting
5 doesn't happen, another rate never gets set.

6 MR. FISHER: Right.

7 MR. BOYCE: I think you've got to have
8 a failsafe that if the meeting doesn't happen
9 that it doesn't stop everything. And I don't
10 know if we tie it into a comment earlier about
11 setting a date every year for the GLPAC meeting.
12 If we want to set an early season date for GLPAC,
13 and then say this meeting shall be convened by
14 that date. And also, that way GLPAC can act on
15 whatever comes out of this meeting too.

16 MR. FISHER: So recommend --

17 MR. BOYCE: That being said, I don't
18 know what the date of the GLPAC meeting is.

19 MR. GALLAGHER: Well, we don't have a
20 date for it. I think if -- when do you set those
21 rates, Todd? I mean, when do you start to
22 process?

1 MR. HAVILAND: The process never ends.

2 MR. GALLAGHER: That's the problem.

3 MR. FISHER: When would this --

4 MR. HAVILAND: But we could have this
5 meeting in February.

6 MR. FISHER: That early? You start
7 the process that early?

8 MR. HAVILAND: (Nodding head in
9 affirmative) Unless you wanted to wait for the
10 financials, which would be mid April.

11 MR. FISHER: What if it was in April
12 -- what if it read, GLPAC recommends that in
13 April of each year in advance of each Great Lakes
14 pilotage rate setting, and all we say is April
15 and you guys will figure out when in April.

16 MR. HAVILAND: Sure.

17 MR. FISHER: That way you don't have
18 to worry about the whole shebang getting delayed
19 because the meeting doesn't get scheduled. And
20 what we might do as a separate matter later, and
21 John and I have just been talking about it in the
22 corner her is, do another recommendation that we

1 set a permanent annual date for the GLPAC meeting
2 to coincide with this. That from now on we just
3 meet every April, and that way we won't have to
4 -- Ellen won't have to go through the exercise of
5 trying to find the dates that work for everybody
6 each year and all that sort of thing. Which, by
7 the way, is a hassle each year to figure out what
8 dates work.

9 MR. HAVILAND: All right.

10 MR. FISHER: So John, did you discuss
11 you amend it?

12 MS. CONNERS: We amended it to read
13 that in April.

14 MR. BOYCE: Do we need to put
15 something if the meeting does not take place that
16 the rate setting will go on in absence of the
17 meeting?

18 MS. CONNERS: This is a
19 recommendation.

20 MR. FISHER: It's just a
21 recommendation.

22 MR. BOYCE: We've all seen how the

1 Coast Guard sometimes does and doesn't take
2 recommendations. Because the last thing you
3 want, last thing we want is for that to go away
4 and that meeting has to happen, and all of a
5 sudden for some reason or another the meeting
6 doesn't happen, now there is no rate for another
7 year.

8 MR. KHANDPUR: We've got a statutory
9 requirement to put out a rate.

10 MR. GALLAGHER: That's why if it's not
11 part of the rate making and it's just a
12 recommendation, then they just keep going what
13 they're doing. It's a recommendation. I don't
14 think we have to have a timeline. I think Todd
15 has got to realize, okay, we okay we should have
16 it the sooner the better. And that's got to be
17 his decision because we don't know when he's
18 going to start the process. We could wait for
19 the financials, we could wait until Christmas, we
20 could wait until -- I think putting a time line
21 on it where it's got to be --

22 MR. BOYCE: Well, no, if we make --

1 because there is two things I'm trying to tie in.
2 One, I think it's advantageous and everybody
3 agrees, to have a set time and date for GLPAC.
4 Whether you make it the third Tuesday in April or
5 whatever. And then to say the Coast Guard will
6 facilitate a meeting with stakeholders for that
7 purpose and then the action would come from
8 GLPAC.

9 MR. GALLAGHER: But see, I don't think
10 you have to.

11 MR. BOYCE: You don't have to do
12 anything.

13 MR. GALLAGHER: I think the idea of
14 this is --

15 MR. BOYCE: But the body becomes GLPAC
16 at that point in time.

17 MR. GALLAGHER: -- to get the
18 stakeholders together and see if we can come up
19 with a joint recommendation for the docket or the
20 Coast Guard while they're starting the docket.
21 And say hey, here is what we all agree upon. We
22 don't agree on 50 percent of it, you can

1 eliminate 50 percent of the work.

2 MR. HAVILAND: Take a look at the
3 letter you guys put together at the end of last
4 year for the aids.

5 MR. FISHER: I think we've added
6 April, helps tie it to a time line where it won't
7 -- they don't have the meeting it's not going to
8 --

9 MR. BOYCE: Well, no. But the other
10 part of if you tie it through GLPAC, that GLPAC
11 is, we'll call it, the entity that receives the
12 information and recommends to the Coast Guard.
13 Now, well, one is --

14 MR. GALLAGHER: Then we've got to get
15 a unanimous recommendation from this group.

16 MR. FISHER: Yeah, I think GLPAC is a
17 separate --

18 MR. BOYCE: Okay.

19 MR. GALLAGHER: I mean, if we can come
20 to agreement or something, then we can go to
21 GLPAC and say it, and that might carry more
22 weight. But I think if industry on the pilots

1 and labor decide, hey, this is the way it should
2 be, we can --

3 MR. BOYCE: This body should agree
4 also.

5 MR. GALLAGHER: Well, yeah, but we
6 don't have to set up a whole meeting just to do
7 that. Because now we're delaying it even more.

8 MR. BOYCE: But we're not setting up
9 a meeting. This meeting would be set.

10 MR. GALLAGHER: In October. So then
11 --

12 MR. BOYCE: No, in April.

13 MR. FISHER: He's saying co-plan the
14 GLPAC meeting with this other get together. But
15 it's not the same meeting.

16 MS. KIMBLE: Can we just change it to
17 "should" convene instead of "shall" convene? And
18 then it's directing, it's indicating the policy
19 to do so but --

20 MR. GALLAGHER: Yes. Should not
21 shall.

22 MR. BOYCE: What just came up is, what

1 looks like a duck, quacks like a duck. If we
2 have another body that's representing
3 stakeholders --

4 MR. GALLAGHER: May, may.

5 MR. BOYCE: -- you're having an
6 unofficial GLPAC meeting run by the Coast Guard.

7 MR. GALLAGHER: May convene.

8 MS. KIMBLE: But may doesn't suggest
9 that -- that it's preferred that you do it, they
10 could choose to do it or not. Should --

11 MR. GALLAGHER: Okay, should.

12 MR. FISHER: So, Ellen, did you make
13 that change?

14 MS. ENGLEMAN CONNERS: Yes, I did.

15 MR. FISHER: Great. Thank you, Tina.
16 So I still think we need a second if anybody
17 wants to second.

18 MR. BOYCE: I'll second it.

19 MR. GALLAGHER: Second by John.

20 MR. BAKER: I've got a question. And
21 I don't want to muddy the water. John Baker, Jr.
22 What defines stakeholder?

1 MR. GALLAGHER: I would think all
2 interested parties, John.

3 MR. BAKER: I just -- because you know
4 someone has got to have a gripe that, "I wasn't
5 invited." You know what I'm saying?

6 MR. GALLAGHER: Right; yeah. I know
7 what you're saying there.

8 MR. FISHER: The Coast Guard is going
9 to have to decide who to invite. And this
10 doesn't seek to include that definition. I think
11 we could probably have a whole meeting debating
12 what that might be.

13 MR. BAKER: That's why I didn't want
14 to --

15 MR. FISHER: Yeah, I hear you. And
16 someone raised that earlier also, who gets
17 invited to this.

18 MR. BOYCE: And there is pros and cons
19 to an open meeting on something like this too.

20 MR. BAKER: And that's what I'm
21 getting at.

22 MR. FISHER: Well, the precedent is

1 there, the Coast Guard tried to do this a number
2 of years ago.

3 MR. BAKER: And that's what I think
4 why it happened the way it did last meeting
5 because it was open to pretty much anybody.

6 MR. FISHER: Okay. I think the effort
7 is worthwhile.

8 MR. BAKER: I agree.

9 MR. FISHER: I think it's worthwhile
10 to try to get people together to talk. I think
11 the current model is an awful, awful model where
12 we're all just fighting every year. And I think
13 we can probably work out who gets invited, and
14 how, and whether --

15 MR. KHANDPUR: If I can defer to
16 Kevin, Kevin can you answer this question? So
17 like, we can hold a public meeting any time.
18 Because that's a public meeting. What these
19 gentlemen are asking is to have this meeting
20 where the Coast Guard would invite certain people
21 to discuss this. What are the ramifications of
22 that? Is that something that the Coast Guard can

1 do easily?

2 MR. D'EUSTACHIO: Kevin d'Eustachio,
3 US Coast Guard. You want to have a meeting of
4 Coast Guard people, and stakeholders?

5 MR. FISHER: Right.

6 MR. D'EUSTACHIO: For the purpose of
7 making a consensus recommendation related to the
8 rate making.

9 MR. KHANDPUR: Correct.

10 MR. D'EUSTACHIO: That's not open to
11 the public?

12 MR. KHANDPUR: It's not open to the
13 public, it's by invitation only.

14 MR. D'EUSTACHIO: You're going to run
15 into real problems with the Federal Advisory
16 Committee Act. Because the closer you get to a
17 government and non government consensus
18 recommendation to the executive -- you know,
19 policy stuff. The closer you get to that, the
20 closer you need to comply with the Federal
21 Advisory Committee Act. I mean, that's what this
22 body is. And then you -- well, it gets more

1 complicated than we're ready to tackle. There
2 are tools out there. May I just give sort of
3 some general advice? If it's the sense of the
4 committee that we should, we as stakeholders as
5 both government and industry --

6 MR. GALLAGHER: Let's take the
7 government out. So what we want, I think, is for
8 the pilotage office to just coordinate a meeting
9 with us to make sure it gets done. Right; Steve?

10 MR. FISHER: Yeah. It's the convening
11 function.

12 MR. GALLAGHER: So it's not them
13 sitting in a meeting. All they're going to do is
14 sit in the background and listen to us. And all
15 we're going to do and whoever from the Coast
16 Guard, it's not going to be a bunch of lawyers
17 and everything. So basically just arrange,
18 facilitate for us to get together and "us" as
19 stakeholders, whoever that may be, I guess we've
20 got to try to define that. And so we get
21 together, we say listen, there is a few parts of
22 the rate, can we decide on any one of them? And

1 if we can move forward with one, we do.

2 And we keep to -- we agree to it, and
3 then we tell the Coast Guard in a joint letter,
4 say, hey we recommend for this rate that the
5 number of pilots be set at 15, or you know
6 compensation be set at \$2. If we can agree on
7 any part of it, they still got to go through the
8 rate making process, but there won't be any
9 fighting about that. Now, if somebody doesn't
10 agree with the committee, they still have the
11 right to submit a letter to the docket after
12 you've published it because you still have to go
13 through that process right now. Maybe 20 years
14 down the road it will be a little bit different.
15 But so that individual would still have the
16 opportunity to comment. But you would stop --
17 hopefully what this is going to do is stop us
18 from throwing darts at each other just because we
19 have to throw darts.

20 MR. D'EUSTACHIO: Kevin d'Eustachio.

21 MR. GALLAGHER: So how do we do that?

22 MR. D'EUSTACHIO: So the tools exist.

1 The tools exist. My advice to you is say this is
2 what we want, we want this sort of meeting, we've
3 got the minutes, we've got the transcript. Put
4 it in the Todd's problem basket to solve. And
5 the tools exist.

6 MR. FISHER: He'll figure out how to
7 do it.

8 MR. D'EUSTACHIO: We'll figure out how
9 to do it. It has to be in April, or it should be
10 in October, that's why we have a subject matter
11 expert. And the remedy is he hears from you guys
12 on the phone. So the tools exist. If it's the
13 sense of the committee that that's what you want
14 to do, that's fine.

15 MR. FISHER: Good. So we should
16 communicate in spirit what we'd like, they'll
17 figure out how to make it happen legally. Is
18 that what you're saying?

19 MR. D'EUSTACHIO: Yes, sir.

20 MR. FISHER: That's great. Thank you.

21 MR. BAKER, SR.: Why didn't you ask
22 him in the first place?

1 MR. FISHER: Lawyers usually screw
2 everything up.

3 MR. GALLAGHER: So will this
4 recommendation be suitable for that then?

5 MR. FISHER: I think so.

6 MR. BOYCE: Will this recommendation
7 do that?

8 MR. D'EUSTACHIO: Yes.

9 MR. HAVILAND: This is Todd Haviland.
10 Tell us what you want. I mean you've given us
11 plenty of recommendations. And then we'll come
12 back to you with here is a recommendation and
13 this is what we think.

14 MR. KHANDPUR: My only concern is the
15 convening part of it. When someone in the Coast
16 Guard convenes something, we're no longer just --

17 MR. FISHER: Let him figure that out.
18 Well, your lawyer just told us the tools are
19 there to do it.

20 MR. BOYCE: And if we can't, at some
21 point come back and say we can't do that and we
22 can come up with a newer, better, shinier --

1 MR. FISHER: Okay.

2 MR. GALLAGHER: Or just tell us --
3 just because we make the recommendation doesn't
4 mean you have to listen to us, because you don't
5 usually do that all the time. But what you can
6 do is you can say okay, of this recommendation
7 here is what we can do legally and we can't to
8 the other. But we'll facilitate it, we'll make
9 the call, you guys got to figure out the rest.

10 MR. BAKER: Give it a try.

11 MR. GALLAGHER: So I think that
12 recommendation will be good. So we have a
13 motion, seconded by John. Any more discussion
14 with the panel? Any discussion with the public?
15 Any comments from the public? Okay. We'll take
16 a vote. All in favor?

17 (Show of hands)

18 MR. GALLAGHER: Opposed? Motion
19 carried. Geez, we're doing good this year.

20 MR. FISHER: That was hard.

21 MR. GALLAGHER: Next topic is pilot
22 work force levels. Mr. Fisher asked to place

1 current pilot work force levels on the agenda. I
2 will now turn it over to Mr. Fisher.

3 MR. FISHER: All right. And this is
4 an easy one. You all know because you live,
5 again the rest of us are in the bleachers
6 watching you do this. If we can just go district
7 by district and just tell us how many guys you
8 have and how many are fully registered pilots,
9 and how many are trainees. That's all we're
10 looking for because we don't know.

11 MR. OLNEY: Okay. Sure. Jon Olney,
12 Western Great Lakes Pilots. We currently have 18
13 registered pilots. We have five pilots in our
14 pipeline, two which we anticipate we will get
15 registered at the end of this season, which would
16 mean next spring we'd have two more. We have
17 three more pilots, two of which just started
18 their first year in the spring of this year. So
19 they would be anticipated to have their
20 registration the end of the following year, so
21 the end of 2020. And we have a third gentleman
22 who we anticipate at the end of the 2021 campaign

1 would receive his registration.

2 MR. HAVILAND: Can you just give them
3 -- you lost two unexpectedly.

4 MR. OLNEY: Thank you. Yeah. This
5 season we had two guys that are no longer with
6 our -- in our number, otherwise that number would
7 have been 20. One was Captain Randy Hayes who
8 unexpectedly died during the wintertime. And the
9 other one was Captain Don Willicky, (phonetic)
10 and Don's knees and ankles are literally worn out
11 and he could not pass his physical this year. So
12 although we had 20 people we anticipate at the
13 end of last year we'd have going into this
14 season, we started out with 18.

15 MR. FISHER: Right.

16 MR. OLNEY: So we were minus two right
17 out of the chute.

18 MR. FISHER: So John, you were
19 shooting for 25, but now with these two missing
20 -- because before the two were missing, you still
21 had the five in training?

22 MR. HAVILAND: You've got retirements.

1 MR. OLNEY: Yeah, because we just
2 anticipate with our work force -- when I started
3 with our group, I was the average demographic, so
4 you're still looking at the average demographic
5 for most of our -- the ones we've hired recently
6 have been appreciably younger than I am. But we
7 have probably six guys right now who could call
8 me up any day and say I'm done. I mean they're
9 at that stage in their career, they could retire
10 any time. And we certainly anticipate in the
11 next two years easily losing four or five guys to
12 retirement.

13 MR. FISHER: Okay.

14 MR. OLNEY: We're trying to fill our
15 pipeline as we're going anticipating almost the
16 bare minimum as a two year training period. And
17 could easily be three year training period. So
18 trying to fill our pipeline in advance of what we
19 know is going to be attrition.

20 MR. GALLAGHER: So District 2 we have
21 14 pilots and one trainee. We actually almost
22 got -- we've got two trainees but he's going to

1 be registered shortly so we consider him a full
2 pilot. But even the one we brought on is a --
3 that we have as a trainee, we consider him as a
4 full pilot because he's almost cleared for
5 everything except for a few of the critical
6 places. So even though he's not in the rate as a
7 full pilot, as far as compensation we treat him
8 almost equally as a registered pilot. So we're
9 looking at 14 and one, we're looking at 15 is
10 what we were looking at. Maybe next year I think
11 we recommended 15 and one trainee. Because we've
12 got one individual that's going to go within two
13 years. And then we've got several people that
14 could go, again, at any time just like him.

15 MR. BOYCE: We've got 17 pilots
16 working, and three that just started training
17 within the last month and a half.

18 MR. FISHER: Got it. All right.
19 That's it.

20 MR. KILPATRICK: You want the Canadian
21 numbers?

22 MR. FISHER: No jurisdiction.

1 MR. GALLAGHER: Any more discussion on
2 that? Open up to the public for any comment. No
3 other comment from the public. Back to the
4 committee, any other discussion from the
5 committee? Any recommendations from the
6 committee? Okay. Transparency improvement. Mr.
7 Fisher -- you ask a lot of questions.

8 MR. FISHER: I know.

9 MR. GALLAGHER: Mr. Fisher asked to
10 place transparency improvements on the agenda.

11 MR. FISHER: Look at all these items
12 on the agenda, and we only ask for these few
13 little red ones.

14 MR. GALLAGHER: All we're asking for
15 is money.

16 MR. FISHER: So this topic again has
17 come up and we don't need to discuss this to
18 death. This has come up in past meetings.
19 Industry still -- and again, bringing it up
20 because it was brought up, discussed at length,
21 went into a black hole. And so we're just going
22 to keep bringing these up because we think

1 they're important. Individual pilot
2 compensation, this is something we continue to
3 argue is something that should be made public.
4 The Coast Guard made a policy decision in past
5 rate settings and past rulemakings that pilot --
6 individual pilot compensation was a driver
7 affecting retention and recruitment. And that
8 from a policy perspective it was important the
9 compensation be adequate to attract qualified
10 pilots to these jobs.

11 And so given that decision, individual
12 pilot compensation matters. Not aggregate pilot
13 compensation, but individual pilot compensation
14 matters. Because at the end of the day an
15 individual stays and keeps the job and serves the
16 region and its commerce because they feel they're
17 being individually compensated properly. Not
18 that the group got an aggregate amount of money,
19 but that the individual saw an appropriate share
20 of that money.

21 So we continue to argue that we think
22 that should be made public. It does not have to

1 be made public by name it could be done by
2 number, it could be done anonymously. But
3 something breaking out what each individual made.
4 So that we can be sure that, in fact, the
5 individual pilot is, in each case, is making an
6 amount of money that keeps the job attractive and
7 will retrain the people we have so we don't have
8 any attrition. Because there were lots of
9 complaints about attrition in the past.

10 So John, we brought this up last year,
11 there was a discussion about it. John had
12 indicated -- John Boyce had indicated some
13 concern that numbers absent context would be
14 misleading. Sometimes a pilot might work more or
15 work less based on unique circumstances. Maybe
16 it had to do with the availability of the other
17 pilots, maybe it had to do with traffic levels,
18 maybe it had to do with the individual skill of
19 certain pilots to move ships into certain areas.
20 And so on.

21 We realize there is context and we're
22 not asking for this information absent that

1 context. We think that context can be provided.
2 If individual -- well, if individual pilot
3 compensation is to be reported, it can be
4 reported with contextual notes so that, in fact,
5 a description of why a pilot maybe made more than
6 usual or less than usual is described. Maybe
7 there are personal reasons that they couldn't
8 work or what have you. But that all can be
9 included in a description to accompany the
10 number.

11 And so again, we think it's important
12 for this to be made public. We think the Coast
13 Guard should make it public. Todd, you've told
14 me you know what the numbers are and so why is
15 this a secret? And so it's a view industry has
16 had for awhile and I realize other people have
17 other views, but we're going to just continue to
18 bring it up. It can't be that this matters but
19 it's kept secret. The Coast Guard has decided it
20 matters, and in past rulemakings you've said,
21 we've got an attrition and recoument problem.
22 Salary is a big part of that. We're going to

1 raise salaries so let's see that in fact this is
2 monies getting to the individuals. And that's
3 the part that's missing right now.

4 And we think it's a policy
5 inconsistency, quite frankly. And I'm advising
6 the Coast Guard here, that's my role here. We
7 think it's a policy inconsistency to say this is
8 important, to take action on it, and then keep it
9 secret and keep it from the public. Again, we
10 don't have to reveal anybody's name, we don't
11 have to reveal anybody's personal information, it
12 could be anonymous. It's the numbers, it doesn't
13 have to go with a name. So pilot one, pilot two,
14 pilot three, pilot four, that's how it could be
15 listed. So again, we've discussed this to death
16 in previous meetings. I don't know if we need to
17 spend an hour discussing it again. But I just
18 want to reiterate that.

19 The other transparency improvement,
20 and it may be under the next item I'm not sure.
21 No. I guess this is where I should talk about
22 it. Is a little more information about -- we'd

1 like a little more information about the training
2 regime that an individual goes through in each
3 district. It's a little opaque right now what
4 happens. And I don't know that this is any big
5 controversy, just we've never had a sense of it.
6 I believe from what I understand that it's sort
7 of an apprenticeship model, but what does that
8 involve exactly?

9 And you don't have to brief me at the
10 table here, I'm just, you know -- if at some
11 point this could be made public or put on a
12 document or something so people would know and
13 rate payers would know what is the training
14 regime. Seems to me the Coast Guard, which is an
15 agency that's all about safety, would want people
16 to know what the -- what the training regime to
17 train pilots who are there to provide safety to
18 shipping is. And so it's a bit of a mystery
19 right now. It's not a mystery to you because you
20 guys live this every day. But it's a mystery to
21 the other stakeholders like the vessel operators
22 and the ports because we don't live it every day.

1 So what is that experience that a
2 trainee goes through to become qualified and to
3 be registered. And I think that's just -- and
4 this, again, is something we've mentioned at
5 previous meetings. So if we could focus on this,
6 I think it's a reasonable thing to make public.
7 And again, you don't have to spend an hour in the
8 next hour of the meeting briefing me on training.
9 That's not what I'm looking for. It's just at
10 some point in the future this year if this
11 information could be brought together in some way
12 I think it would be useful. I think people --
13 we're doing -- it's a logical and reasonable
14 transparency.

15 MR. GALLAGHER: Steve, all three
16 groups have a training program that is approved
17 by the Coast Guard. Some of it is going back
18 from years. It spells out how many trips you
19 have to have in and out of ports. Not how many,
20 but the minimum. And number one there is a
21 minimum requirement. So when somebody calls up
22 and they say they want to be a pilot, we don't

1 say okay, come on in and start. It's got to go
2 through the Coast Guard. Before we even talk to
3 them or even look at them, we make them go
4 through the Coast Guard. They have to submit it,
5 there is bare requirements that the Coast Guard
6 comes, they'll submit that application back to
7 us. And they said this individual qualifies with
8 the bare minimum. So then we bring them in, we
9 have a training program that -- I mean, we can
10 give it to you. And it spells right out what
11 everyone has. And it's been available for years.

12 MR. FISHER: Is it on a website
13 somewhere? Are we just missing it?

14 MR. HAVILAND: I don't think we've got
15 it posted on the website.

16 MR. GALLAGHER: It was at one time.

17 MR. FISHER: So no issue?

18 MR. GALLAGHER: No; no. And as far as
19 compensation our working rules tell you exactly
20 -- in my group, for example, it tells you exactly
21 what that individual gets. So when that pilot
22 comes here, we sit down with them and say listen,

1 this is what you get. If you answer the phone
2 when the phone rings, you are going to make the
3 same as everybody else. Now, if you decide wifey
4 wants to go someplace and you have to take a day
5 off, well, you're going to be penalized for it
6 and you're not going to get that full share. Our
7 rules say exactly what they're going to get and
8 everything. So I mean, it's not like somebody
9 else is making all this extra money than other
10 people. I mean, our working rules say that. We
11 have training rules that are approved by the
12 Coast Guard. It's all laid out, so it's there.

13 MR. FISHER: All right. That's all I
14 have. Unless you want to --

15 MR. OLNEY: If I could jump in here,
16 Steve, too. Just so you know, we also do other
17 things like man model training, bridge resource
18 management.

19 MR. HAVILAND: Legal aspects of
20 piloting.

21 MR. OLNEY: Legal aspects of piloting,
22 fatigue mitigation. That may not come together

1 right away because once the guy is in here and
2 getting his training trips and those things,
3 that's what we're focused on. But once he
4 becomes registered, we're continuing to do these
5 things on an ongoing basis as well.

6 MR. FISHER: If that were written up
7 somewhere, that would be --

8 MR. BOYCE: It has been before.

9 MR. FISHER: Then let's do that.

10 MR. BOYCE: But that's part of my
11 issue. Is a lot of these things have been done
12 before, they get cherry picked for information,
13 and then it gets forgotten about and it gets
14 asked for again. And -- I'll leave it at that.

15 MR. GALLAGHER: I think, Todd, haven't
16 you -- every year we submit --

17 MR. HAVILAND: I'll provide
18 information --

19 MR. GALLAGHER: Every year we submit,
20 I believe Vince is asking, okay, what training in
21 the spring of the year we'll do. What training
22 did you do this winter. Okay, we had X amount of

1 people go to man module. We had the legal
2 aspects of pilotage. Every year we bring
3 somebody into our office for at least a two day
4 training, and it's mandatory, everybody is there,
5 they take the training course. And that's just
6 every year. I mean, besides what we're training.
7 I think what you're probably looking at is what
8 are the new guys doing?

9 MR. FISHER: Yeah. It wouldn't hurt
10 to list the continuing education program as well.

11 MR. GALLAGHER: But that's not set in
12 stone. But the training for the, what I'll call
13 the applicant pilot, or a new pilot, that's been
14 consistent in our district. There has not been
15 very little change in that in the last 25 years.
16 And that's been out there, I don't know how many
17 times. We'll be more than happy to give it to
18 you.

19 MR. HAVILAND: May I speak? Todd
20 Haviland, US Coast Guard. I think what you're
21 concerned about is do we monitor what happens to
22 the applicant, or do we just send them out there

1 to flounder. So the way it works is someone will
2 apply, they want to be a registered pilot. We'll
3 review their application package. And if they
4 meet the minimum requirements, we send it out to
5 the three pilot presidents. They then request
6 from me permission to hire them. And if they're
7 going to hire them, then we say okay, what is the
8 -- we approve then the training plan for each,
9 you know, applicant. And a lot of it is traffic
10 dependent. So because we have so many ports,
11 depending on where those ships go and minimum
12 number of trips that it takes to successfully get
13 permission to pilot on your own. So -- but the
14 first thing we look at is --

15 (Off the record interruption)

16 MR. HAVILAND: -- is like in John
17 Boyce's district, he doesn't tend to recruit from
18 folks with Great Lakes experience.

19 MR. BOYCE: Right.

20 MR. HAVILAND: So they spend six
21 months just shadowing someone.

22 MR. FISHER: I appreciate what you're

1 describing right now. What I'm saying -- what I
2 was saying was I didn't need a briefing here
3 today. And I appreciate you all responded.

4 MR. HAVILAND: Well, no, but --

5 MR. FISHER: What I'm saying is write
6 this down. Not one off and then we don't talk
7 about it again for five years. But every year on
8 the website there should be this is what District
9 1 does to train people, this is what the training
10 program is in District 2, and this is what the
11 training program is in District 3.

12 MR. HAVILAND: Sure.

13 MR. FISHER: And there is it.

14 MR. HAVILAND: What I was getting at
15 is, when we were looking at this we realized that
16 there was a form that a previous director had
17 sent out to the pilot association saying use this
18 as the evaluation for the applicants. It wasn't
19 very robust, really didn't help us. And I posted
20 on the website in conjunction with this meeting,
21 a new form that the pilot association is going to
22 be required to use. It's going to look somewhat

1 similar to that. So every time the applicant, or
2 the apprentice pilot is out there learning, we're
3 going to have that, I think, a much better
4 administrative record. And then the other thing
5 that I don't think the pilot association
6 presidents describe was, at least once a year
7 they have to send us the evaluations of all the
8 apprentice pilots.

9 MR. GALLAGHER: Two or three times.
10 How many -- George, how many --

11 MR. HAVILAND: It's twice a year.

12 MR. GALLAGHER: Twice a year, yeah.

13 MR. HAVILAND: So twice a year we get
14 reports. This is how the person is progressing.
15 And then someone becomes a registered pilot after
16 and then there is continuing education that's
17 done.

18 MR. FISHER: Okay.

19 MR. HAVILAND: But they've got a five
20 year plan and then Vince is going to be calling
21 the pilot president saying, okay, what are you
22 doing next year and then we'll approve it. And

1 we'll make sure that, okay, you've got to take
2 these blocks. And we work in conjunction with
3 the American Pilots Association. Because they
4 know what the best practices are when it comes to
5 this.

6 MR. FISHER: Sure. All this is great.
7 I'm just saying, you know, summarize it and put
8 it on your website so that it's more public.
9 It's just a transparency thing.

10 MR. HAVILAND: Sure.

11 MR. FISHER: The Coast Guard is expert
12 in formalizing things, turning everything into
13 rules and requirements and so on. I mean, my
14 god, you guys are the agency that is a master of
15 this. Yet in this one area it's kind of, oh, if
16 you ask for it you maybe see some part. So just
17 be more formal about it. Put something on your
18 website that describes the training regime for
19 each of the three districts just so people know.
20 Okay.

21 MR. GALLAGHER: Any other discussion
22 from the panel? Any discussion from the public,

1 questions, comments? Back to the panel, any
2 further discussion? Any recommendations? Okay.
3 We'll move on to the next one, training
4 expenditures. Mr. Fisher asked to place training
5 expenditures --

6 MR. FISHER: I did?

7 MR. GALLAGHER: Yup. You asked for a
8 lot.

9 MR. HAVILAND: You said -- this is
10 Todd Haviland. We sat down and you said there is
11 that training line item in the reports that we
12 generate.

13 MR. FISHER: Yeah.

14 MR. HAVILAND: You just wanted to know
15 what that training was. So that's where they're
16 doing the formalized man model training.

17 MR. GALLAGHER: Stuff like that.

18 MR. FISHER: You're talking about when
19 in the rate setting the 150,000 per trainee? Is
20 that what you're talking about? Is that what you
21 thought I was talking about?

22 MR. HAVILAND: No. You said you

1 wanted to know -- the continuing education or the
2 training funds, you know, where that was going.

3 MR. FISHER: Okay.

4 MR. HAVILAND: So like John sends a
5 whole bunch of guys from District 1 down to
6 Covington.

7 MR. FISHER: Okay. I am not
8 remembering asking for that. I'm remembering
9 asking what becomes of the 150- that gets built
10 into the rate for each trainee.

11 MR. HAVILAND: Okay.

12 MR. FISHER: And whether that's sort
13 of tracked. What we weren't clear on was, does
14 -- I'll ask you or John or you, when 150,000 --
15 the rate setting process allows for \$150,000 to
16 be added to the rate for each trainee in each
17 district. What I didn't understand and perhaps
18 it's just me, is do you in turn compensate that
19 guy at 150- or is it just helping --

20 MR. GALLAGHER: No. Here is the way
21 that was started out as. We had zero money in.
22 Back in eight years ago, we had, we knew we had

1 -- we were down to ten pilots. We knew we had
2 three of them going. We went to the Coast Guard
3 and we said, listen, we have to -- it's not right
4 for us to bring three additional pilots on, fund
5 them out of the -- so what we'll do is we'll
6 just wait until our guys retire, we'll hire
7 another pilot, we get him in the rate, and we
8 move on. At that time Todd said, well, I can't
9 do it because surcharges weren't allowed.

10 So he says, whatever expenditures you
11 have, we will approve that. Okay? So we did
12 that for the one year, so that when the rate base
13 came for that year that was included as a
14 recognizable expense. So we said listen, at
15 least give us the starting point. It was John
16 Boyce and I that said, listen, let's do a
17 starting point. Let's start out with 150,000.
18 We know that's not going to cover, but it will be
19 something better than nothing right now. So we
20 start out with \$150,000 on whatever we pay the
21 individual, we were expecting to get reimbursed
22 out of the rate.

1 So the -- like I told you 14 and 1,
2 that 1 is training. He's making -- it depends
3 what level when you're in the training in ours
4 and it's all spelled out, he's making 5 percent
5 less than what a registered pilot. He's getting
6 the same benefits because he's moving the ships.
7 It's not like he's -- it's not like some of the
8 coastal ports where they bring them in and there
9 is a three year training and they don't move a
10 ship. So our trainee guys are servicing
11 industry.

12 MR. FISHER: Right.

13 MR. GALLAGHER: So that's how the
14 \$150,000 comes in. Us for example, we're paying
15 our guys with the benefits and everything, it's
16 costing us over 300,000 a year for the guy
17 probably. Close to --

18 MR. FISHER: So the 150- helps pay
19 some of his compensation?

20 MR. GALLAGHER: Yes. And it doesn't
21 cover it.

22 MR. FISHER: It doesn't cover all of

1 his compensation?

2 MR. GALLAGHER: That's correct.

3 That's how my district works. Now, other ones
4 work different. John's they have to do the first
5 six --

6 MR. BOYCE: We just changed all
7 together.

8 MR. GALLAGHER: Well, your six month
9 --

10 MR. BOYCE: But we -- it's completely
11 different than it used to be at our stop. It
12 used to be you did your first six month-ish, then
13 you could get a temporary registration, you could
14 work part way. Mostly in un- designated waters.
15 Then at some point in time you train into the
16 river. You go back to a training phase, then you
17 were trained for the whole district. We don't do
18 it that way anymore. Now it's a straight two
19 year training plan, get them trained in the lake,
20 the river, everywhere. And the three guys who we
21 just brought on are the first three guys going
22 through it this way. But basically we took the

1 150- over the course of two years, chopped it up,
2 they're going to end up getting a monthly stipend
3 that ends up getting graduated as you go from
4 beginning training to just before you get fully
5 registered. And someplace in the middle of the
6 two years, get a limited registration to start
7 moving some ships in some areas depending on the
8 ships, depending on the areas, until you get to
9 the end of the two years you should be able to
10 move anything anywhere and then you'll become
11 fully registered.

12 MR. FISHER: How are you deciding how
13 to compensate them before they're fully
14 registered?

15 MR. BOYCE: We went with there is
16 150,000 should be in the two years of their
17 training.

18 MR. FISHER: Can I pause you right
19 there? In the rate, Todd, is 150- provided each
20 year for each trainee, or is it one time --

21 MR. HAVILAND: Each year.

22 MR. FISHER: So you should get 300-

1 over two years for a trainee.

2 MR. BOYCE: Theoretically. We just
3 started doing this and it's a bit of hoping it
4 follows through this way. A bit of hedging bets
5 and trying to make it happen.

6 MR. FISHER: So would the trainee get
7 about 150- a year?

8 MR. BOYCE: To stagger it? We're
9 going to make them get a little bit less the
10 first year, a little bit more the second year.
11 So better to say over two years you should get
12 300-.

13 MR. FISHER: Okay.

14 MR. HAVILAND: Todd Haviland. The
15 reason why the surcharge was put into place, was
16 we knew we had a whole bunch of retirements. And
17 the pilot associations were resistant to hire
18 folks. So the situation is changed a little bit
19 now because the associations are much younger.
20 But the thought was is it's real hard to try to
21 tell someone to take a whole bunch of money out
22 of your pocket to train your replacement and then

1 you don't get any money for it.

2 MR. FISHER: Right.

3 MR. GALLAGHER: Steve, if we had one
4 individual going, and what if we had 15 pilots,
5 we were down to ten because of the recession. If
6 we had the 15 pilots and you say okay we can wait
7 until that guy retires, replace him, and then we
8 wouldn't need the surcharge and it would just be
9 in the rate.

10 MR. FISHER: I understand.

11 MR. GALLAGHER: That's what we're
12 doing and that's the ideal thing to happen. But
13 we were so far behind that if we didn't get these
14 people and ramp up -- we replaced I think over 70
15 percent of our -- over 70 percent of the people
16 we had there, let alone adding.

17 MR. FISHER: But it's interesting
18 because from what you two have described, and we
19 haven't talked to Jon yet, you're saying the
20 trainee ultimately is getting I reality more than
21 that 150-?

22 MR. GALLAGHER: Yes. In our district.

1 MR. FISHER: You're saying he's not,
2 he's getting that pretty much.

3 MR. BOYCE: We used to when you go
4 from training, to working, back to training, back
5 to working again, he would have ended up making
6 more at the end of the day that way. But it's
7 not in the rig, it's coming out of the other
8 pilots are all making less to do that.

9 MR. FISHER: Right.

10 MR. BOYCE: This way we're going with,
11 well, if 150- is the right number while you're in
12 training, that's we're going to use. And if it
13 is it works, if it's not then it's not the right
14 number.

15 MR. FISHER: Has anyone quit because
16 it was --

17 MR. BOYCE: It's a month and a half.

18 MR. FISHER: All right. And Jon?

19 MR. OLNEY: Probably more close in
20 line with what Danny is doing than John. That
21 said, we have taken the fact into account that
22 some guys come to us with a pilot's license, some

1 guys come to us with a master's license. Some
2 guys come to us with a pilot's and master's
3 license and experience as a master. And we have
4 put them on three different tiers so they will
5 start at a different rate depending on what they
6 bring with them as credentials when they come.
7 To drive down to kind of where your point is
8 though, but it would be in excess of that
9 150,000. So like John is saying, we are dipping
10 into our own pilot's income to fund our
11 replacements.

12 MR. FISHER: Right. Okay. That's it.
13 That was the question. Thank you.

14 MR. GALLAGHER: Any other comments
15 from the --

16 MR. BOYCE: And just the other thing
17 I realized too, now they become partners once
18 they're fully registered. They're employees
19 beforehand.

20 MR. FISHER: Okay.

21 MR. BOYCE: To pay somebody \$150,000
22 a year costs over 200-. So we're still going --

1 MR. FISHER: You're taking a hit.

2 MR. BOYCE: Somebody W-2 150- is K1
3 two and a quarter.

4 MR. FISHER: Yeah.

5 MR. GALLAGHER: Open up to the public,
6 any comments, questions from anyone? Nothing?
7 Bring back to the committee. Any further
8 discussion? Any recommendations? Okay. We'll
9 move on to the next one.

10 MR. BAKER SR.: I've got a
11 recommendation. John Baker, ILA. A copy of
12 these minutes should be sent to all stakeholders
13 so they know what the hell you're talking about.

14 MR. GALLAGHER: It's public, yeah.
15 This is all recorded.

16 MR. BAKER SR.: The ones that aren't
17 here.

18 MR. GALLAGHER: Yeah, they have an
19 opportunity, John. I agree. Stakeholder
20 engagement. Steve Fisher asked for stakeholder
21 engagement to be added to --

22 MR. FISHER: You missed one.

1 MR. GALLAGHER: Which one? The
2 training?

3 MR. FISHER: Pilot association
4 projects.

5 MR. GALLAGHER: Well, that's coming
6 up.

7 MR. FISHER: Oh, I'm just going off
8 the agenda that's been handed out.

9 MR. GALLAGHER: Did I miss it? It's
10 out of whack.

11 MR. FISHER: This isn't following the
12 same thing? Got it. I don't want to just talk
13 the whole time.

14 MR. GALLAGHER: Just chill out, Steve,
15 chill out.

16 MR. HAVILAND: Giving you your money's
17 worth.

18 MR. GALLAGHER: Yeah. Stakeholder
19 engagement. Steve asked for stakeholder
20 engagement to be added to this agenda. What does
21 that mean? I have no idea I guess. Steve, do
22 you know what it means?

1 MR. FISHER: Yes, I do. Is there more
2 coffee? This is really a comment for the Coast
3 Guard. And I regret that there is not more
4 senior Coast Guard people here because this was
5 something that we think is sort of a management
6 issue for the office of Great Lakes Pilotage.
7 But you know, you know that you've got a terrible
8 relationship with the industry right now. And
9 while everyone is friendly, there is very poor
10 trust. And it's a consequence of this rate
11 setting war that occurs every year and decisions
12 that have been made. And what I'm about to say
13 I've told Todd to his face so he knows all this.
14 I've been in meetings where people conclude that
15 they so don't understand why the Coast Guard
16 makes decisions that it makes. The Coast Guard
17 staff must be taking illegal payments under the
18 table because that's the only justification that
19 would explain their decisions.

20 Now, when someone says that, I don't
21 think anything of the sort is going on. When
22 someone says that, it shows me that the Coast

1 Guard has done just an abysmal job of explaining
2 their regulatory approach. That the individual's
3 conclusion, the only conclusion that they could
4 reach is that there must be something nefarious
5 going on because there is no logical explanation
6 for the Coast Guard's decisions. So when I hear
7 that, it tells me the Coast Guard needs to do a
8 better job of explaining the decisions it makes.
9 And going out there and meeting with people.

10 And, you know, we work with the Corps
11 of Engineers, and we work with the EPA, and we
12 work with the US Department of Transportation.
13 We work all kinds of other agencies. And I can
14 tell you they all do a lot more stakeholder
15 interaction, stakeholder relation work than, at
16 least the pilotage office does. And maybe the
17 Coast Guard overall does. But definitely the
18 pilotage office does.

19 And our recommendation is that, I know
20 it's a hassle and it's a hassle for all the other
21 agencies too, but I think you've got to get out
22 there more and explain -- I'm assuming you

1 believe in the decisions you make and that you
2 believe they are the right decisions. There is a
3 task to go out and explain that to the public
4 where they at least respect your decisions. They
5 may not agree with them, but where they at least
6 respect that you've pondered all the variables,
7 you've heard everyone's opinions and views, and
8 you've made a decision and you stand by those
9 decisions. And that you believe they're the
10 right decisions.

11 And there is a step missing where you
12 need to go out and sort of sell that and talk to
13 groups. And so on. This meeting which is a once
14 a year meeting is not stakeholder engagement.
15 It's one meeting of stakeholder engagement, but I
16 think too many times I've the Coast Guard sort of
17 point to this GLPAC meeting, this once a year
18 GLPAC meeting as, hey, this is we're checking our
19 stakeholder engagement box. And I can tell you
20 the other agencies, oh, my god, it's scores of
21 meetings all the time, all year long. It's all
22 kinds of interactions.

1 Now, Todd and I have lunch every few
2 weeks and we keep in touch and so on. But I'm
3 talking about our members, people out there in
4 the field. And they're the ones who they don't
5 understand this program well, it's pretty opaque
6 to them. I don't know that they have the time to
7 learn it. But I think some outreach, some more
8 outreach is needed, and I think it's a task that
9 -- it's a challenge you confront. And it would
10 work toward improving some of the trust and some
11 of the legitimacy that I think the agency has
12 lost as its engaged in these controversial
13 decisions over the last few years.

14 Again, I'm going to assume you believe
15 they were all the right decisions. So be it.
16 Then I think you have a task of going out to all
17 the people who are upset by those decisions and
18 try to explain why you think they were right.
19 And why it was the right -- I know your
20 explanation, and quite frankly it sounds pretty
21 reasonable. But I don't think you've made the
22 effort to go explain it to all the others. And

1 who are those people? All the ports that I
2 represent, some of the vessel operators that I'm
3 here today representing. And I don't know if
4 perhaps other stakeholders. But there is a bunch
5 of stakeholder relations work that I think the
6 Coast Guard is not doing that, A, I see other
7 agencies doing, and B, I think you'd be better
8 off at the end of the day if you were doing it.
9 You don't even have to respond. I just wanted to
10 make that statement.

11 MR. GALLAGHER: Any discussion from
12 the panel? Any comments from the public?
13 George?

14 MR. HAYNES: George Haynes, Lakes
15 Pilots. You mentioned, Steve, when you first
16 were talking about -- you're worried -- can't
17 think of anything, but somebody is getting
18 payments under the table. So if I thought when
19 we were underpaid we never made target
20 compensation most of my career, we also thought
21 the same thing. Somebody is taking payments
22 under the table.

1 MR. FISHER: Yeah.

2 MR. HAYNES: So when you said that I'm
3 like, yeah, I know what that's like. Until the
4 rate came in 2016. You also mentioned these
5 people don't have the time, maybe don't have the
6 time to come and learn. There are several
7 companies that are major stakeholders that aren't
8 here right now. And if it's worth it, if it's
9 that important to them, surely they can send
10 somebody here to sit in at this meeting and ask
11 questions. Danny opens it up to the public, they
12 can speak. It's happened before. But the fact
13 that several -- I give you guys credit for being
14 here. But there are several stakeholders that
15 aren't here, they're not saying anything. But
16 you're asking the Coast Guard to be more
17 transparent and do outreach, isn't it easier to
18 come to one meeting? These are just comments,
19 thank you.

20 MR. GALLAGHER: Any other comments
21 from the public? Bring it back to the members,
22 any comments from the members? Any

1 recommendations from members? Okay. We'll move
2 on. Steve, you want the investment one?

3 MR. FISHER: Jesus.

4 MR. GALLAGHER: Go ahead.

5 MR. FISHER: What do you have next?

6 MR. GALLAGHER: Well, they didn't put
7 the investment one on mine.

8 MR. BOYCE: You want the projects and
9 updates?

10 MR. GALLAGHER: The investments from
11 the -- I think that's you want is a report, don't
12 you? From each one of us?

13 MR. BOYCE: Association project
14 updates.

15 MR. FISHER: I didn't ask for that.

16 MR. HAVILAND: I did.

17 MR. GALLAGHER: Training expenditures
18 and investments.

19 MR. FISHER: We did that.

20 MR. BOYCE: We did that.

21 MR. FISHER: We did that one.

22 MR. GALLAGHER: Okay. Which one did

1 you just ask me about?

2 MR. BOYCE: Top of the next page.

3 MR. GALLAGHER: Projects. That's what
4 I'm saying, the project investments. So that's
5 the one you want? That's the one we'll do right
6 now.

7 MR. FISHER: Instead of having me talk
8 constantly. This is a pilot report.

9 MR. GALLAGHER: You just asked for
10 this. And we'll -- so what you're asking is what
11 are we doing; right? With our projects?

12 MR. FISHER: I didn't ask for this to
13 be put on the agenda. This is Todd's.

14 MR. BOYCE: Todd put that on there.

15 MR. FISHER: Yeah, Todd put on there.
16 But in an effort to keep people from falling
17 asleep, instead of going through all the items on
18 the agenda that I asked for so it's constantly
19 me, mix it up where you guys talk.

20 MR. BAKER: You ask a lot of
21 questions, you talk the most.

22 MR. FISHER: But Todd asked that an

1 item be on the agenda that you guys --

2 MR. GALLAGHER: Let's do projects and

3 --

4 MR. FISHER: Meeting management issue.

5 MR. GALLAGHER: John, do you want to
6 start?

7 MR. BOYCE: All right. We moved into
8 new offices a couple years ago. Well, this
9 meeting was at our new office last year. The
10 dock is finished now, we're building new pilot
11 boat for Cape Vincent. That's the main things
12 going on right now. The pilot boat should
13 provide better service towards the ends of the
14 season as far as going wind bound during the
15 season. And allow us to get pilots on and off at
16 the two anchorages that were created at the end
17 of the river and beginning of the lake.

18 MR. GALLAGHER: District 2, our
19 district we last year finished up on one of the
20 pilot boats, the Maid we completely had it
21 sandblasted. New rudder system, new wheel
22 system, several years before that we had it

1 rebuilt. So that boat is pretty much done, done.
2 We don't have anything to do with that anymore.
3 The Maid this year -- mean the Belle, that is
4 down to Detroit. We moved it down to Detroit
5 last year. We had a lot or problems with the
6 docks down there just because of the -- it's on
7 the face of the Detroit River so it got marred up
8 pretty bad, we brought it back up here. We went
9 through it again this year. We invested some
10 money into a fendering system down there, so we
11 put all new fendering. It seems to be working
12 real good. Still getting just a couple little
13 marks, but nothing. I mean, it's a huge, huge
14 improvement.

15 We -- the Spirit, Huron Spirit is up
16 and running good. We haven't had any problems
17 whatsoever this year. Our hose at Port Colborne,
18 a couple years ago we redid that. We still have
19 a couple things to do, we were hoping to have it
20 done earlier this year, but it just waiting for
21 contractors. We're going to redo the deck. We
22 actually had Rajiv was out, Todd, and Mr. Emerson

1 a few weeks ago. We went down the canal because
2 they hadn't see the place. John Boyce and Jon
3 Olney were there. And when you look at how we
4 operate our system out of there, I mean it's a
5 block, literally less than a block away. So a
6 pilot gets off, there is no cab, there's nothing,
7 walks into the facility. He can be in bed. When
8 we get dispatch, we can look out the window of
9 our -- the house there, you can see the bridge go
10 up. It's just so efficient.

11 MR. FISHER: What did you do before
12 that?

13 MR. GALLAGHER: We've had the place,
14 but -- no. We never had a hotel. We've had that
15 place for over 35 years. But it was something
16 like you almost wouldn't want to let your dog
17 live in. But it's great now. It's a really nice
18 place. But the facility back in the day I mean,
19 it served -- it has served industry unbelievable.
20 And if not, you're getting in a cab trying to
21 find a motel which there aren't very many good
22 ones around that area. Anything close anyway.

1 But and we have our facility here believe it or
2 not it's ten years old now. Like I say, I hope
3 everyone takes the time to come and do a little
4 tour of it. It's ten years old now believe it or
5 not.

6 MR. HAVILAND: Who built it?

7 MR. GALLAGHER: We had a contractor.
8 I overseen it though.

9 MR. HAVILAND: You built your own
10 facility?

11 MR. GALLAGHER: Yeah, pretty much.

12 MR. HAVILAND: I don't think people
13 know about that.

14 MR. GALLAGHER: Well, if you come over
15 there I'll give you the tour. You talk about
16 efficiency, we were across the street, there was
17 some contamination so the building had to come
18 down. We've built the other building. Because
19 the individual that owns these facilities,
20 Acheson, they were developing the whole area and
21 cleaned everything up. So they were tearing down
22 -- we were actually renting from them on an

1 interim basis.

2 We went in there, we salvaged -- and
3 if you come to our office you'll see all the
4 ceiling tiles. We went into the building they
5 were taking down, we torn them down, cleaned them
6 up, painted them ourselves. We took all the
7 lights, we took electrical panels, we took all
8 the doors. We re-purposed it. If you look at it
9 you wouldn't know it. And we put it together,
10 all the shelving. All the beautiful oak shelving
11 that some attorney office that they had bought
12 the property because they were doing this, we
13 took all that.

14 I remember I think it was Canadians
15 said to me, well, how in the hell you building
16 this in the worst -- it was nine years ago, 2009,
17 how can you do that? Well, number one the rent
18 -- for us to own that building was cheaper than
19 what we were paying for rent anyways. And we
20 built in a bad year, which is a good year.
21 Because we had time to do it. From the day we
22 pulled the permit until the day we moved in was

1 63 days.

2 We did a lot of the work ourselves.
3 So when you go there and you look the wood is
4 nice. But we re-purposed things. I mean, so
5 we're not out there spending industry's money.
6 And we take offense to that at times. Because
7 it's not like we're doing all this stuff. Even
8 at Port Colborne, we put it all together, we put
9 a lot of it together ourselves. Yeah, we hired a
10 contractor. But we were there, some of our
11 pilots, hauling stuff over, doing this, doing
12 that. Everybody pitched in. So it's not like
13 we're spending money and have a million employees
14 hanging around. Our -- in our operation, our
15 pilot boat operators act as dispatchers at night.

16 They take care of cars, they're doing
17 multiple things. And I don't think industry
18 appreciates you know, not that they're pilots,
19 but what our support teams do. We don't have 100
20 secretaries running around. Our secretary was
21 bringing food over here today. I mean, so we do
22 a lot of things that all three groups do. So

1 that's where we're at.

2 MR. OLNEY: Jon Olney, District 3. We
3 got a couple things kind of going on concurrently
4 that the fingers are kind of intertwined as to
5 what's going on. But I'll try to make some
6 semblance of order of the thing. We finally
7 after years of trying to pull this off have moved
8 our office from Superior, Wisconsin to Brimley,
9 Michigan which is just outside of Sault Ste
10 Marie. That particular location was chosen for a
11 couple reasons. One is it has river front with
12 the anticipation we'll eventually put a pilot
13 boat right at the location of where our office
14 is. The move to Sault St. Marie area was logical
15 because in Superior, Wisconsin even though it's
16 in our district certainly, it's at the very
17 extreme end of the line. And a lot of the times
18 a ship will go through the St. Mary's River, but
19 never get to Duluth Superior so our guys never
20 got to the home office. They just often, more
21 often go to Thunder Bay instead of Duluth. Ship
22 is in Lake Superior, turns around, goes out.

1 That pilot never got to the home office. Not
2 that he has to, he could go a year and never set
3 foot in there if he doesn't want to.

4 So we moved our office and this is
5 recent news. This just happened last week. So
6 we are finally now into our new facility up and
7 running. I'd like to go along with Danny's
8 comment about we're not trying to be wasteful.
9 When we moved our office, our newly hired
10 controller went up there, hired a team of people
11 to load our equipment and stuff, files that that
12 kind of thing, onto a truck. And she drove the
13 U-Haul truck from Superior, Wisconsin to Sault
14 Ste. Marie which is probably by truck, I didn't
15 ask her, probably a 12 hour, 11 hour trip. She
16 did that on her own. Which is great, but we're
17 not trying to just waste all the money we can
18 either.

19 Another thing we've done is we have
20 acquired another pilot boat. This is a tug that
21 was built in the late 60's. And we looked at
22 several tugs before we purchased this one. And

1 some of them, if you've ever bought a used boat,
2 kind of caveat emptor. But some of them appeared
3 good until you started looking at the hull when
4 they're out of the water. And you realize, boy,
5 you could have made a major league decision.

6 But the one we actually acquired was
7 very strong. It's a steel hull and we're looking
8 for something that we can run in the upper St.
9 Mary's River in the fall and winter of the year
10 up there becomes some ice. We're not an ice
11 breaking service, but at least if there is some
12 ice floating around there, if we bang into it,
13 it's not crippling us like using the aluminum
14 boats we now have. So that boat currently is on
15 Drummond Island, not at Drummond Island, that
16 indicates in the water. It's on land awaiting
17 final inspection. But we just painted it last
18 week, so that's coming along nicely.

19 That spent the last winter in the
20 shipyard in Toledo. And unfortunately kept
21 getting backed up because also Toledo acquired a
22 lot of ship repair jobs over this last winter.

1 And then the American steamship the St. Clair
2 caught fire and everything kind of snowballed our
3 project pushing it back, pushing it back, pushing
4 it back. But anyway we're getting very close to
5 that. That was precipitated by a Canadian pilot
6 in our district absolutely refusing to get on our
7 previous pilot boat. So we had to come up with
8 an asset that would be available this year. So
9 that's what this vessel is.

10 And a good chance we're going to come
11 looking for a pilot boat at some point in time
12 because as of right now where our new office is
13 located, and it is on the correct side of the
14 locks by the way, so instead of our pilots
15 getting on the pilot boat having to actually
16 transit through the locks at Sault Ste. Marie and
17 then out to meet downbound ships, the new office
18 will alleviate going through the locks completely
19 while weather permits. And make a previous hour
20 and half or more hour just the pilot boat run
21 probably closer to 20 minutes. So instant
22 savings on pilot time turn around, getting the

1 pilot back ashore, resting now instead of sitting
2 on a pilot boat for an hour and a half.

3 MR. FISHER: John were all your staff
4 willing to move to Brimley?

5 MR. OLNEY: Brimley is the town, yeah.
6 Think Sault Ste. Marie and you're going to be in
7 the right geographic area.

8 MR. FISHER: Were they all willing to
9 move?

10 MR. OLNEY: The staff were not
11 required to. The controller that we previously
12 had wanted to become a dispatcher. And our
13 dispatchers work out of their homes. So that was
14 very easily attainable. The other office support
15 person who would have been affected was 72 years
16 old, she was offered the opportunity to move with
17 the office if she wanted to. She didn't want to
18 for very obvious reasons, she was retirement age
19 anyway. So she chose not to come. So we've
20 subsequently hired another young man who is, he's
21 studying the accounting profession. He'll have
22 his bachelor's degree in accounting, he just

1 started his fourth year. So at the end of the
2 year he should be up and running with a
3 bachelor's degree. So that will be our office
4 staff now in the Sault Ste. Marie area. And he's
5 a local young man local there. So that's how
6 that kind of all came together. But things are
7 happening finally. I mean, we are a slow moving
8 boat, but suddenly the dominoes are starting to
9 fall over and we're getting things done that way.

10 MR. FISHER: Okay. Good.

11 MR. GALLAGHER: Any other comments
12 from committee? Open up to the floor, any
13 comments or questions from the public? No
14 comments. Back to the committee, any further
15 discussion? Any recommendation? The next study
16 is the GAO study. The United States Government
17 accounting office recently completed a stem to
18 stern review of the US Coast Guard Great Lakes
19 Pilotage Office. The topic of designating the
20 Straits of Mackinac also arose in conjunction
21 with the GAO study. I'd like to have Mr.
22 Haviland provide a brief.

1 MR. HAVILAND: Todd Haviland. I think
2 most people in the room either were aware of the
3 government accountability office study. I think
4 a lot of you participate in it. It's finalized
5 if you want a copy, I'll send it to you. A
6 couple take aways from us is that it was very
7 complimentary despite some of the things you've
8 heard in here. The GAO's view of the pilotage
9 program was that it was very transparent, and
10 actually lauded us for our transparency. But one
11 of the issues that we want the advisory committee
12 to give us some feedback on is the Straits of
13 Mackinac are in undesignated waters. And we've
14 received some feedback from various politicians
15 and various stakeholders that there would be some
16 benefit to designating those waters. And just
17 kind of curious, it's not a -- it's not a
18 position the Coast Guard is pushing. But we
19 would like some feedback on the merits of doing
20 something like that.

21 MR. OLNEY: Dan, if I could jump in?

22 MR. GALLAGHER: Yes.

1 MR. OLNEY: We have prepared for the
2 advisory committee a draft resolution. I'll just
3 go ahead and pass that out real quick. If you'd
4 like me to read this, I'll be glad to read it. I
5 guess I'll ask for your input if you think that's
6 appropriate, or just read it, take a second to
7 digest it.

8 MR. GALLAGHER: If everyone has had a
9 chance to read it, Jon, it's probably be good to
10 read it to the public.

11 MR. OLNEY: I was thinking maybe for
12 the benefit of everyone in the room?

13 MR. GALLAGHER: Yes, please.

14 MR. OLNEY: If you'd please bear with
15 me while I go through this. This Great Lakes
16 Pilotage Advisory Committee Resolution urging the
17 Coast Guard to review the designations of the
18 Great Lakes waters in the Straits of Mackinac and
19 beyond. Whereas: The Great Lakes Pilotage
20 Authority -- I'm sorry. Whereas: The Great
21 Lakes Pilotage Advisory Committee is charged with
22 providing advice and recommendations to the US

1 Coast Guard on matters relating to Great Lakes
2 Pilotage; Whereas: The Great Lakes Pilotage Act
3 of 1960, the Pilotage Act, us the foundational
4 statute for Great Lakes pilotage; Whereas: The
5 Pilotage Act requires a pilot to be on the bridge
6 to direct the navigation of a vessel in the most
7 navigationally challenging waters of the Great
8 Lakes as designated by the President of the
9 United States as set out at 46 USC 9302;
10 Whereas: The specific designations of those
11 waters under Section 9302 have not been updated
12 since the 1960's while traffic patterns, the
13 public's tolerance for marine pollution
14 incidents, and many other factors have changed
15 dramatically since that last review; Whereas:
16 Marine safety and environmental protection is a
17 paramount concern of the Coast Guard, pilots, and
18 all industry stakeholders; Whereas: Certain
19 parts of the Great Lakes, including but not
20 limited to the Straits of Mackinac, have received
21 heightened attention for their environmental
22 sensitivity, increased volumes of marine traffic,

1 and other factors; Whereas: While the ultimate
2 designation must be made by the President of the
3 United States, any process of identifying such
4 waters will begin with the Coast Guard; And
5 therefore: Great Lakes Pilotage Advisory
6 Committee recommends that the US Coast Guard
7 through its Great Lakes Pilotage Division CG-
8 WWM-2 commence an immediate review of all of the
9 waters of the Great Lakes for the purpose of
10 updating the list of designated waters on the
11 Great Lakes including but not limited to the
12 Straits of Mackinac.

13 We would recommend that the Coast
14 Guard -- or that this advisory committee support
15 this and forward it to the Coast Guard.

16 MR. GALLAGHER: Do we have any
17 discussion?

18 MR. FISHER: Yes. Jon, if you'd
19 entertain a few edits --

20 MR. OLNEY: Absolutely.

21 MR. FISHER: -- we might be willing to
22 support this. Our organization has long tried to

1 dispel a public fear that shipping equals
2 pollution. And that these two things, where you
3 have ships you do have a fear for the
4 environment. And because the data shows the
5 opposite, that we're the cleanest mode of
6 transportation. So we always try to
7 de-sensationalize pollution threat from shipping
8 because we think the other modes are way worse
9 than us.

10 So some of the environmental bogeyman
11 kind of suggestions in here if we could just tone
12 them back a little bit. So the only edit I would
13 recommend is, one, two, three, the fourth whereas
14 end it right after the 1960's, which is in the
15 second line. And just put a colon after that.
16 Just again trying to remove that marine pollution
17 bogeyman. Because that -- we're helping, we in
18 the industry are helping promote. We should be
19 downplaying that because we're not, we're a clean
20 industry. That's only edit on that line.

21 The second edit is the very last
22 therefore Great Lakes Pilotage Advisory Committee

1 recommends that the US Coast Guard, delete
2 through its Coast Guard pilotage division
3 CG-whatever. And then just so it should read
4 that the US Coast Guard commence a review. And
5 the reason is that --

6 MR. BOYCE: So you're saying take out
7 "immediate"?

8 MR. FISHER: No. Well, take out --

9 MR. GALLAGHER: Pilotage office.

10 MR. FISHER: Pilotage office. The
11 Coast Guard should do the review. It's my
12 understanding that D9 has a very significant role
13 to play in any review of what's -- what safety
14 needs exist on the Great Lakes, or where we might
15 have a safety and navigation problem. And to
16 assign that role to the pilotage office is wrong
17 in my opinion. D9 has a very central role to
18 play. So we just say Coast Guard it leaves it
19 for the agency to decide who should do it. For
20 us to say the pilotage office, out of the four
21 people in the pilotage office in Washington
22 somehow should assess the safety of all the

1 various areas of the Great Lakes to me is not how
2 the agency would do it anyway. So if we just say
3 the agency and not stipulate the pilotage office.
4 I don't know, Kevin, if you want to add to that.

5 MR. FLOYD: Just leave it broad Coast
6 Guard. I'm D9 by the way.

7 MR. FISHER: Yeah, seem strange to cut
8 out D9.

9 MR. GALLAGHER: Well, I don't think,
10 Steve, anybody is cutting out D9, I think the
11 pilotage office is moving forward with it and
12 they will look -- seek input from D9.

13 MR. FISHER: So my recommendation is
14 just to say Coast Guard. Keep it simple. It
15 leaves it vague so they can decide. Those would
16 be my edits.

17 MR. GALLAGHER: Any further
18 discussion? So what Steve has recommended in the
19 fourth one down, eliminate "while traffic
20 patterns"; right, Steve?

21 MR. FISHER: Yeah.

22 MR. GALLAGHER: And the public

1 tolerance for -- and many other factors just
2 basically put a period after 1960's?

3 MR. FISHER: Yeah, or a colon.

4 MR. GALLAGHER: All right.

5 MR. FISHER: Semicolon.

6 MR. GALLAGHER: So we just eliminate
7 the rest of that sentence.

8 MR. OLNEY: I think that's, just to
9 clarify, the need for doing it though.

10 MR. FISHER: Yeah, I'm just trying to
11 take out the environmental oh my god, you know,
12 these damn ships are just going to pollute the
13 Great Lakes to death. We don't believe that,
14 none of us do.

15 MR. GALLAGHER: And they you want to
16 take out therefore, the Great Lakes Pilotage
17 Advisory Committee recommends that the US Coast
18 Guard commence --

19 MR. FISHER: Commence, yeah.

20 MR. GALLAGHER: And then take out
21 through the pilotage office. US Coast Guard
22 commences. All right. Well, this is a

1 recommendation to the pilotage office. So we're
2 actually giving this recommendation to the
3 pilotage office.

4 MR. FISHER: We advise the Coast
5 Guard, the committee advises the Coast Guard.

6 MR. GALLAGHER: Who are we advising?
7 Everybody?

8 MR. KHANDPUR: Well, DHS.

9 MR. GALLAGHER: DHS. Any comments?
10 Do we have a motion?

11 MR. OLNEY: I would then like to make
12 a motion that this committee follows up on this
13 and recommends it to the Coast Guard.

14 MR. BAKER: The corrected version.

15 MR. FISHER: As amended?

16 MR. OLNEY: Yes.

17 MR. FISHER: I second that.

18 MR. FRANKLIN: Public comment?

19 MR. GALLAGHER: Yeah, public comment.

20 MR. FRANKLIN: Dan Franklin, Lakes
21 Pilots. I just want to add I think ports. Not
22 just the Straits of Mackinac but there are a lot

1 of ports that were within everybody's districts
2 that are not designated. And so I think ports
3 should be reviewed.

4 UNIDENTIFIED: What's the language
5 now? I thought it was all --

6 MR. GALLAGHER: Well, it's saying the
7 -- updated the list of designated waters of the
8 Great Lakes, including but not limited to the
9 Straits of Mackinac. I would -- yeah, if we
10 could --

11 UNIDENTIFIED: All ports.

12 MR. GALLAGHER: -- maybe insert
13 including all ports.

14 MR. FISHER: I'll tell you, I'd rather
15 we just stay general rather than show --

16 MR. GALLAGHER: As it stands right
17 now, a guy can take a ship all the way up the --
18 well, Cleveland for example, all the way up
19 Chicago, Green Bay.

20 MR. FISHER: I hear you.

21 MR. GALLAGHER: Back in Ashtabula.

22 And the pilot doesn't have to be up there and the

1 -- there is no additional cost to industry on
2 this one.

3 MR. FISHER: Could I make a statement?
4 This review people are having trouble getting
5 their head around the dynamics around making this
6 change. And I realize nothing in this goes that
7 far, it's just saying, hey, initiate a process of
8 review. And so I think we can -- industry can
9 support initiating a process of review. We don't
10 have a sense of the dynamics. And part of the
11 problem is -- and I probably called five
12 different people, I only heard about this idea
13 about five days ago. But called a number of
14 folks trying to understand what might change,
15 most people felt like you did the cost isn't
16 going to increase because the way the rate
17 setting works.

18 People were having trouble figuring
19 out what other dynamics it might change. And
20 everyone I talked to, and I talked to ports and I
21 talked to vessel operators. And I talked to the
22 seaway. Everybody was having trouble figuring

1 out what dynamics it might change. And I guess
2 my general view is that people hadn't thought
3 about it, hadn't changed since 1960. And that
4 was another comment a lot of people made, this
5 hasn't changed since 1960, do we have an issue
6 somewhere.

7 I'm aware that the Governor of
8 Michigan and the State of Michigan has some real
9 concerns in the Straits. And I'm aware of that,
10 and I'm aware of that focus. And in fact I think
11 they're considering some state regulation on
12 ships in the Straits, which I don't even know if
13 you can do. But so that we're aware of. But
14 just not sure all the dynamics on this. If we
15 could agree to this, I think if we keep it the
16 way Jon wrote it with the changes we've
17 recommended, I'm hesitate to -- and Bill, maybe
18 the ports should be added and I don't know that
19 it's going to change the reality of the world,
20 and pilots are on the bridge when we bring ships
21 into port anyway.

22 MR. GALLAGHER: Pilots are on the

1 bridge but they're not required to.

2 MR. FISHER: I understand.

3 MR. GALLAGHER: So a foreign ship
4 captain just like the Straits can demand that the
5 pilot not on the bridge. And he could drop the
6 anchor just like they have up in the Straits
7 right now and over \$100 million and climbing.

8 MR. FISHER: So I think the hesitancy
9 comes from the problem I mentioned earlier, which
10 is we have a poor lack of trust -- or we have a
11 lack of trust. And it's a consequence of four
12 years of warring with each other. So when this
13 idea was first floated, the first thing everyone
14 I talked to said is, what is -- who is up to what
15 here? And so I think folks just need to get
16 their head around this a little bit more.

17 I think it's fine to make the
18 recommendation. I'd like to keep it as general
19 as possible and not get so specific about making
20 -- about us endorsing -- I'm going to have a
21 hard time endorsing that we add the ports to
22 this. At the end of the day that might be fine.

1 But today I'm just not aware enough of how this
2 might change whatever dynamics. And I'm
3 uncomfortable stipulating the ports. I'm okay
4 with the Straits. And the end of the day it may
5 be fine to add the ports after the review is done
6 and after we've had more time that think through
7 how changing the designations will affect all
8 kinds of things. So that's all I ask. And again
9 --

10 MR. GALLAGHER: A couple people want
11 to --

12 UNIDENTIFIED: Could you read once
13 more -- I thought it was the wording was
14 designated and undesignated waters in the lakes
15 including but not limited to -- so you're
16 reviewing the whole lakes.

17 MR. FISHER: So I'm just reading Jon's
18 -- commence an immediate review of the waters of
19 the Great Lakes for the purpose of updating the
20 list of designated waters on the Great Lakes
21 including but not limited to the Straits of
22 Mackinac.

1 UNIDENTIFIED: Probably captured ports
2 already.

3 MR. FISHER: Well, I think it does.
4 But it just doesn't --

5 UNIDENTIFIED: Ports, rivers, every
6 other -- but that's okay. If that's what you're
7 saying the entire Great Lakes including but not
8 limited to.

9 MR. FISHER: Yes. The way it's
10 written it includes the ports. I'm just not
11 wanting to --

12 UNIDENTIFIED: I agree with you.

13 MR. FISHER: -- hyper stipulate the
14 ports at this point. Again, it may be fine
15 ultimately.

16 MR. GALLAGHER: Mr. LaMarre?

17 MR. LAMARRE: Paul LaMarre, Port of
18 Monroe. Steve you and I talked about this a bit,
19 and I talked with Haynes about it quite a bit. I
20 mean, no matter what, port language in or out, as
21 you just said, Straits of Mackinac plus whatever
22 it might be. But there is not a single laker

1 that goes into any of our ports without a first
2 class pilot that is a Great Lakes pilot. So I
3 mean, as a port operator, unfortunately many of
4 our port operators don't know how the ship goes
5 in and out of the port really. And so I am in
6 complete agreement that there shouldn't be any
7 undesignated waters for a foreign flag vessel on
8 the Great Lakes. Do you feel comfortable that
9 that covers it, Dan?

10 MR. GALLAGHER: I would rather -- I
11 would like to make sure we have the ports added
12 to it and that way we're looking at the ports
13 along with the Straits.

14 MR. LAMARRE: I just don't know where
15 the threat is. And our other guys if they were
16 sitting right here I would say, I mean honestly
17 not a single domestic laker goes in and out of
18 one of these ports without a first class pilot,
19 so why should a foreign flag vessel --

20 MR. FISHER: You're thinking about it
21 unidimensionally. I guess what I don't know is
22 how does this affect -- certainly you're charging

1 more for each hour that's in a --

2 MR. GALLAGHER: What you do is you
3 charge by area. Now, why the Coast Guard -- they
4 just did it because that's the -- it costs more
5 because it's a shorter run so there is more
6 expenses. When we actually do our audits, the
7 auditors say, okay, how much are you allocating
8 and we keep telling them every year. Okay, here
9 is a number that's been used for 50 years, it
10 doesn't mean anything. Whether we get the
11 expense in undesignated it doesn't matter. So
12 for example, if they designated all the ports on
13 Lake Erie, the rate is not going to go up.
14 Because we're required to generate X amount of
15 dollars for that area and that's what -- there is
16 no additional cost for that. What it does do is
17 just like Mr. LaMarre is saying, there is no
18 laker will go into a port that is allowed to go
19 into port. A US laker is not allowed to go into
20 port --

21 MR. FISHER: Dan I understand what
22 happens operationally. I guess part of what is

1 frustrating me is we've had all four days to
2 think about this, and I'm just hesitant to sign
3 off on the ports because I represent the ports.
4 And have people run around and say Steve Fisher
5 said to go ahead and review the ports, and then
6 find out later when more than four days have been
7 given to consider all the dynamics around this
8 and be blamed for essentially -- so just don't
9 have a comfort level until I've had a more chance
10 to understand the dynamics around this.

11 UNIDENTIFIED: I can tell you, you've
12 captured the ports by saying including but not
13 limited to.

14 MR. FISHER: I agree; I agree.

15 UNIDENTIFIED: You got it. And you
16 start picking one you don't pick the open, it
17 perhaps downgrades indirectly other things that
18 are unlimited that aren't listed there. So you
19 want to keep it open for consideration of the
20 whole issue you're better off.

21 MR. BAKER SR.: Use the word harbor,
22 don't use the word port.

1 UNIDENTIFIED: No. Just leave it
2 alone.

3 MR. GALLAGHER: Clay?

4 MR. DIAMOND: I wasn't going to
5 comment on this. I'm going to comment on another
6 point. And I'm looking to change the -- or
7 suggest a change to the language. I know you
8 wanted to delete the directive to the Great Lakes
9 Pilotage. It lead to a discussion, and I was a
10 little bit uncomfortable with. But I don't think
11 we need to change the language from what you
12 suggested because I do think the Coast Guard is
13 going to make the right call on who should look
14 at it. This isn't an overall safety review of
15 the water. That's not what the -- not what's
16 being asked for. This is being asked specifically
17 to say should these be pilotage waters. It's not
18 a safety assessment of parts of the lake, it's a
19 pilotage assessment. And I think that does rest
20 with the pilotage office. But again, I'm
21 perfectly comfortable with the language being a
22 recommendation to the Coast Guard to look at

1 this. Because at the end of the day, I think
2 they'll make the right call as to who should be
3 doing this. So I also happen to agree with my
4 good friend Stu the Sturgeon that the language as
5 written, while it would be better, I think, to
6 clarify and point out harbors, and ports, and
7 rivers and all that sort of thing, it's
8 essentially saying to look at the entire system
9 is what the language is currently saying. It's
10 saying the Straits, but not limited to the
11 Straits.

12 MR. FISHER: Right.

13 MR. DIAMOND: To look at all of the
14 designated waters on the lake. So while I do
15 agree that it would be better to spell out
16 harbors, ports, rivers, at the end of the day if
17 it's what it takes to get you all to agree is to
18 leave it as is, I think you're still covering all
19 of the designated -- all of the waters of the
20 Great Lakes Public Act.

21 MR. GALLAGHER: Any other comments
22 from the public? Take it back to the committee,

1 any discussion? We have a recommendation then;
2 is that correct? By Jon?

3 MR. OLNEY: I made a formal --

4 MR. GALLAGHER: Will you amend your
5 recommendation to coincide with what Steve wants?

6 MR. BOYCE: That's what he did. He
7 said he makes the amended resolution.

8 MR. GALLAGHER: And Steve, you're
9 willing to second that?

10 MR. FISHER: As was amended earlier.

11 MR. OLNEY: Per your amendment.

12 MR. GALLAGHER: Taking your couple
13 things out?

14 MR. FISHER: For my amendment, yeah.
15 And I'm willing to support that.

16 MR. GALLAGHER: Okay. So second by
17 Steve. Any other further discussion here? Any
18 comment from the public? We'll take a vote. All
19 in favor?

20 (Show of hands)

21 MR. GALLAGHER: Motion carried. Even
22 when we disagree we can agree. Okay. Where we

1 at? Mr. Fisher, cost control and efficiency
2 study.

3 MR. FISHER: Can I ask? Can we do ten
4 first and then do --

5 MR. GALLAGHER: Which one?

6 MR. FISHER: Here. Can we jump to ten
7 first? Because this is something Todd had asked
8 for.

9 MR. GALLAGHER: Sure.

10 MR. HAVILAND: Brian, you're up.

11 MR. ROGERS: Brian Rogers, US Coast
12 Guard.

13 MR. GALLAGHER: All right. So the
14 topic is Coast Guard Marine area, maritime risk
15 area study.

16 MR. ROGERS: Yes. So currently we're
17 in the preliminary process of developing a study
18 to discuss risk. So we're bringing it to look
19 for your feedback to point out and identify those
20 items of risk that way it can be itemized and
21 evaluated by the Coast Guard.

22 MR. HAVILAND: Can I say something

1 real quick? So Todd Haviland. So when we review
2 like the annual reports that are given out -- are
3 issued by the Laurentian Pilotage Authority and
4 also the Great Lakes Pilotage Authority, there is
5 a section in there about risks that they're
6 mitigating. And then we went back and reviewed
7 the 2013 methodology study. And in there there
8 is a section about hey, here is some risk that is
9 going unmitigated and may be a blind spot for the
10 Coast Guard. And what Brian has come up with is
11 maybe we should spend some time and put together
12 a study to make sure that there is not some --
13 something out there that we're not all looking
14 at. Or that the risk is too high that we need to
15 mitigate it somehow. He's just looking for
16 feedback from the advisory committee on any
17 topics that you would want that to include.

18 MR. GALLAGHER: You again? Mr.
19 Fisher, what do you want?

20 MR. HAVILAND: Go over to Danny's
21 office.

22 MR. FISHER: I guess I'd like a better

1 idea of what the Coast Guard wants to do. Risks
2 regarding -- this sounds incredibly broad.

3 Navigation risks? Is that what --

4 MR. HAVILAND: Pilotage associated
5 risks to the system. I mean, we hear things all
6 the time about, you know, do the costs -- what
7 kind of risks are there with pilotage rates, what
8 kind of risks are there with the pilotage offices
9 -- or the associations. It's really a study to
10 see if there is anything out there that we're not
11 looking at.

12 MR. FISHER: I'm still not clear.

13 MR. HAVILAND: Is there a blind spot.

14 MR. FISHER: Are you talking about
15 navigating, or are you talking about economic --

16 MR. BOYCE: I think he's talking about
17 systemic risk.

18 MR. HAVILAND: Yeah, systemic general.

19 MR. BOYCE: This is the first time
20 I've heard this too, I'm just listening to it.
21 And looking at what I know like the Laurentians
22 and GLPA do, is they look at what's the risk of

1 due to age distribution in the pilot groups of a
2 vast majority of pilots retiring at one time.
3 What's the risk associated with cost of the
4 system and driving away traffic. What's the risk
5 associated with not having enough people to
6 service the system. What's the risk associated
7 with having old boats.

8 MR. FISHER: Thank you. Is that what
9 --

10 MR. HAVILAND: (Nodding head in
11 affirmative)

12 MR. FISHER: So would it include
13 navigation risk or is it more systemic as John
14 said?

15 MR. HAVILAND: More systemic.

16 MR. FISHER: So it's not hey, you
17 know, such and such buoy there is a problem with
18 the --

19 MR. HAVILAND: No.

20 MR. FISHER: Okay. So we're not
21 talking about navigating ships, we're talking
22 about -- okay. Well, you're the Coast Guard and

1 you tend to worry about those kind of things
2 that's why I wondered.

3 MR. HAVILAND: Yeah, but the pilotage
4 office --

5 MR. FISHER: All right. I guess I'd
6 almost urge you to kind of leave this open for a
7 bit because I just heard about it 30 seconds ago.

8 MR. HAVILAND: Yeah, that's what --

9 MR. FISHER: And I haven't given it
10 any thought and don't know what to tell you.

11 MR. BOYCE: Yeah, I agree, I think
12 more time is needed to actually come with ideas
13 on this.

14 MR. GALLAGHER: Any further discussion
15 from the committee?

16 MR. HAVILAND: So is it okay at the
17 next meeting we come with you with like a -- of
18 here is some potential topics we're looking at?

19 MR. FISHER: Yeah, or can we email you
20 thoughts between now and then?

21 MR. HAVILAND: Yes; yes.

22 MR. GALLAGHER: Okay. Any comment

1 from the public?

2 MR. FISHER: I might be able to save
3 you a bit of time on the agenda because number
4 nine I think can fold into this. No? Okay.

5 MR. GALLAGHER: I got my speech from
6 her, she's going to hit him. I got these FACA
7 people police, you know.

8 MR. FISHER: She didn't come.

9 MR. GALLAGHER: She's going to be here
10 at some point.

11 MR. BOYCE: She's going to read the
12 transcripts and yell at us afterwards.

13 MR. GALLAGHER: Yeah, you don't have
14 to put up with her Steve. Nothing from the
15 public, we can move on to the any further
16 discussion from the committee? No
17 recommendations, okay. Which one you want to go
18 to?

19 MR. FISHER: Number nine the cost
20 control and efficiency.

21 MR. GALLAGHER: Mr. Fisher asked to
22 discuss the cost control and efficiency study.

1 MR. FISHER: So I think Todd and Brian
2 you could incorporate these topics into a risk
3 analysis if your risk study is what John was
4 suspecting it was. Which is, you know, is there
5 places in the structure of our provision of
6 pilotage serves on the Great Lakes where cost
7 efficiencies can be achieved with the goal of
8 making the system more efficient. And it could
9 be all part of the same analysis, I would think.
10 Along with, you know, do we have an issue with
11 too many retirees coming up soon. You know, same
12 stuff. I think you can make it all part of the
13 same project. So I would recommend rolling that
14 all together in, you know, a general study and
15 analysis of, you know, a host of issues to make
16 this provision of pilotage more efficient, more
17 effective. And including every -- and we'll all
18 send you ideas, but I think -- this doesn't have
19 to be two different ideas, it should be part of
20 the same thing.

21 MR. GALLAGHER: Any further discussion
22 from the committee? Any comment from the public?

1 Any further discussion from committee? No
2 recommendation? We'll move on to the next. Next
3 topic is Canadian pilot reform legislation.

4 Well, Michelle --

5 MR. HAVILAND: Fulvio said that he
6 would give us an update.

7 MR. GALLAGHER: Okay. The Canadian
8 government recently introduced legislation to
9 modify Canadian pilots legislation. Mr. Fisher
10 asked for this item.

11 MR. FISHER: No.

12 MR. HAVILAND: Yes, you did. I'll
13 show you the email.

14 MR. FISHER: Oh, you're right. I did.

15 MR. BOYCE: You ask too many
16 questions.

17 UNIDENTIFIED: Bring your notes with
18 you next time.

19 MR. FISHER: Well, you know what?

20 MR. HAVILAND: No. But I think it's
21 good for everyone to know what's going on --

22 MR. FISHER: Now I'm remembering.

1 This shows how old I'm getting --

2 MR. HAVILAND: -- with our Canadian
3 counterparts.

4 MR. FISHER: But look, half the system
5 is in Canada and they just enacted some reforms,
6 and I think it would be useful to know.

7 MR. GALLAGHER: Fulvio, please.

8 MR. FRACASSI: Fulvio Fracassi, CEO of
9 the Laurentian Pilotage Authority. I can give a
10 brief overview of the changes to the Canadian
11 legislation. I don't purport to speak for my
12 colleague the head of the GLPA. But I can give
13 you a little bit my perspective in terms of what
14 the changes are all about. So the legislation
15 was recently changed. Essentially the Pilotage
16 Act in Canada was modernized. In part by
17 introducing some new principles and objectives in
18 the Pilotage Act that you might find of interest.

19 So one change in the legislation is
20 now that it explicitly states that in achieving
21 our safety requirement and ensuring the safety of
22 navigation, that the services not only have to be

1 effective but also efficient. So there is an
2 efficiency component that's been introduced to
3 the legislation. There is also a recognition in
4 the Canadian law now that the services, the
5 pilotage services are also there to contribute to
6 the protection of goods, of people, and of the
7 environment. So that's a positive development.

8 There was also introduction in the
9 principles and objectives of ensuring that the
10 services are being provided in a manner that
11 takes into account risk assessments, and takes
12 into account the development of technology.
13 These are all new concepts that have been
14 introduced into the legislation.

15 There is also mention in it in terms
16 of the need to -- for the pilotage authorities to
17 be self-sufficient or self funding. But part of
18 our objective is to ensure that the services are
19 being rendered at a reasonable cost. The other
20 principle and objective that's new that's worth
21 mentioning is a transparency component that
22 requires a service contract that are negotiated

1 with the pilot corporations to be rendered
2 publicly available if anybody would like to --
3 would like to see them.

4 Other components in the new
5 legislation that may be of interest relates to
6 the governance issue. The board of directors
7 that oversees the pilotage authority, the
8 composition of the board of directors now cannot
9 include active pilots, nor active industry
10 members, i.e., clients, users of the system. So
11 essentially it establishes what's more of an
12 independent board of directors. So that's a
13 change that's been introduced.

14 The other change that I think is worth
15 noting relates to rulemaking related to the
16 safety of navigation. Particularly in our region
17 there was a historical approach of dealing with
18 some safety of navigation rules in our service
19 contract with the pilot corporation. Under the
20 new legislation that's no longer permitted. Any
21 subject matter that is identified as falling
22 within regulation making authorities can't be

1 dealt with in the service contracts.

2 The regulation making authority is
3 Transport Canada, so that's been a shift. The
4 capacity to make the regulations will be
5 transferred to Transport Canada. Once those
6 regulations are established it's for the pilotage
7 authorities to administer and apply those.
8 Again, that creates, I think an appropriate
9 balance in terms of clarity of role and
10 responsibility.

11 Once the rules are set in terms of
12 navigational safety requirements, those
13 identified by the pilotage authorities and can't
14 be modified by way of service contract. The
15 authority to set tariffs has been changed. Under
16 the old legislation the pilotage authority led
17 the exercise, but it required approval in Ottawa.
18 Under the new legislation tariff setting cannot
19 be done by the pilotage authorities directly, it
20 requires board of directors approval. So that's
21 a positive change from our perspective.

22 I think last but not least that I can

1 mention is a new compliance and inspection
2 regime. The new pilotage authority now contains
3 similar inspection and investigation authority
4 that Transport Canada had in other marine
5 legislation. Pilotage Act was a bit of an
6 anomaly in that way, but there was no real
7 enforcement mechanism, per se, and so now the new
8 legislation introduces specific powers for
9 Transport Canada inspectors, investigators to
10 follow-up in terms of any potential non
11 compliance with the Pilotage Act. Including the
12 capacity to issue administrative penalties for
13 non compliance.

14 Some of the provisions of this new
15 legislation are already enforced. The principles
16 and objectives of the legislation are in force.
17 The rules about service contract not dealing with
18 safety issues is in force. The board of
19 directors new rules are in force. Others will be
20 coming into force later on. The tariff setting
21 capacity for the pilotage authority I thought as
22 well will kick in, we hope, next year. And the

1 regulation making, inspection powers, et cetera
2 by Transport Canada, I believe that will be a
3 couple of years away. So it's being phased in
4 over the next couple years so that there is a
5 smooth transition into the new legislative
6 regime. Thank you.

7 MR. GALLAGHER: Thank you. Any
8 questions or discussion from the committee? Any
9 discussions or questions from the public? I'll
10 bring it back here, any further discussions, or
11 questions, or concerns? Okay. No
12 recommendations so we'll move on. Steve, your
13 name here again. Legal fees.

14 MR. FISHER: I need to ask for more
15 agenda items. Yeah, I did ask for this one.
16 Yeah, I did ask for this one. So in the 2017 rate
17 setting, the Coast Guard had disallowed in the
18 expense base for the pilot associations, legal
19 fees that they had expended to participate in
20 lawsuits that had, I think it had participate in
21 the year before. And because that was disallowed
22 and because the pilot associations disagree with

1 that, they had brought suit against the Coast
2 Guard. And the court, and I don't mean to -- I'm
3 not a lawyer and I don't want to misrepresent the
4 court. But I believe the court essentially said,
5 Coast Guard you didn't do an adequate job of
6 describing why you disallowed those legal fees.
7 And so I wanted to ask Todd, going forward -- as
8 a consequence of all that, going forward is it
9 still the view of the Coast Guard that legal fees
10 -- and folks, just to explain to the folks in the
11 room, I don't mean to put words in the Coast
12 Guard's mouth but I think the heart of it was to
13 charge rate payers to pay the legal fees of the
14 pilot association as the pilot associations
15 engage in a legal battle with rate payers. You
16 essentially have rate payers paying their lawyers
17 in a battle over rates. And you have rate payers
18 paying the pilot's lawyers. Essentially you're
19 asking rate payers to fund the opposition's
20 lawyers.

21 And so I have a question for the Coast
22 Guard, is it still the view of the Coast Guard

1 that these expenses should be disallowed in the
2 future? And going forward how will the Coast
3 Guard treat this issue? And I guess, will you
4 provide a better explanation in the next rate
5 setting if that's your view?

6 MR. HAVILAND: I'll try to explain it.
7 Todd Haviland. If I explain this wrong, please
8 cut me off. In 2016, in the rulemaking we
9 proposed and finalized some language that
10 disallowed pilotage association legal fees when
11 they engaged in litigation against the US
12 Government. The pilots challenged that in 2017,
13 and I want to say right before the 2018
14 rulemaking the judge ruled that we had acted in
15 an arbitrary and capricious manner so we had to
16 change the rules back that say that pilotage
17 association legal fees associated with lawsuits
18 against the US Government are necessary and may
19 or may not be reasonable. That's the current
20 status of the regulations. I can't talk about a
21 potential future rulemaking. But the reason that
22 we did what we did in 2016 is, you know, we

1 didn't think it was fair that the shippers be on
2 the hook for legal fees of the pilot associations
3 when they're suing the US Coast Guard. I can't
4 really tell you about what we would or wouldn't
5 plan to do in future rulemaking.

6 MR. FISHER: Okay. Thank you. And
7 just to finish my comment, thank you for the
8 explanation. And on behalf of industry I would
9 just say that we believe the Coast Guard made the
10 right decision the first time. We think it's a
11 bit perverted to ask rate payers to pay for the
12 advocacy against them. And so we hope in the
13 future the Coast Guard takes a similar view. And
14 we hope the Coast Guard doesn't act arbitrary and
15 capriciously and but pursues that policy with
16 appropriate explanation and documentation so that
17 future courts don't view it as arbitrary and
18 capricious. Thank you.

19 MR. GALLAGHER: Any discussion from
20 the panel? John?

21 MR. BOYCE: I'll just let it go.

22 MR. GALLAGHER: Anybody? From the

1 public any comments? Mr. Baker?

2 MR. BAKER SR.: I think you guys out
3 to up your rates in the future, the pilots. Who
4 is going to pay for your -- jimmy up out of your
5 pocket?

6 MR. GALLAGHER: Any other comments
7 from the public? Bring it back for the
8 discussion. I guess I'll say something. Because
9 this is part of the process. If the Coast Guard
10 doesn't listen to us, our only appeal -- and if
11 the Coast Guard is wrong, our only appeal is to
12 go to court just like you, Steve. And not only
13 the Coast Guard you're talking about when you say
14 any entity, so for an example, if the EPA were to
15 sue one of the pilot groups, or took action
16 against a pilot group or a pilot group sued them,
17 we would have to foot that bill. And it's not
18 right. If it's not our fault, we have to defend
19 ourselves.

20 That's part of the process. Just like
21 any other business, any of the big carriers here,
22 their customers are paying for that in the rates,

1 in their tariffs, in their cost to move a
2 product. It's a course of doing business. So we
3 like to sue, no. But if somebody doesn't -- if
4 we reason with them and we have done this on
5 numerous occasions where we've said, hey, we have
6 waited another year, we've bitten the bullet on
7 some other issues for another year. We say,
8 listen, we'll see if we can't work this through.
9 If we can't work it through, we have no other
10 course of action but to take to litigate.

11 We don't like spending money on our
12 attorneys, believe me. We'd rather buy new pilot
13 boats, build the infrastructure for our
14 customers. But we have to do what we have to do.
15 And it's only reasonable, it's no different than
16 any other entity in the United States. It's a
17 recognizable expense, number one, in the -- for
18 tax purposes. It's a recognizable expense, a
19 legitimate one. And the court seen it that way.
20 If the Coast Guard wants to reverse it, go back
21 to court. It's not a threat it's a promise. Any
22 other comments? Okay. Any recommendations?

1 MR. FISHER: I happen to have a
2 resolution that I crafted on this.

3 MR. GALLAGHER: Save your time.

4 MR. BOYCE: Might be the first one to
5 get shot down today.

6 MR. GALLAGHER: Okay. The final topic
7 is public comments. We'll now hear from the
8 public. Please keep your comments to no more
9 than five minutes. I think everybody -- so we're
10 actually opening up to public now so if you have
11 anything you want to bring up, now is the time.
12 Mr. Yockey?

13 MR. YOCKEY: Bill Yockey with the
14 Longshoreman. I'd like to take note, first of
15 all, the meeting that you held in Cape Vincent,
16 it was very nice to see you. But the people that
17 were there in Cape Vincent are not here today.
18 The Port of Toledo, Paul Toth, Alex Johnson, the
19 terminal operator, and their lawyer. They have
20 never been to any other meeting of this group
21 ever. They were here at the last meeting. They
22 recommended changing the rules to circumvent a

1 labor dispute. Okay? We took offense to that
2 because it's our labor dispute that's in Toledo.
3 But I wanted to get on record here that they're
4 not here today. Okay?

5 Now, what has happened in the year
6 since is that we have won every case with the
7 Port of Toledo. The final document is right
8 here. I'll submit it to you. But the action
9 that this group took or the recommendations that
10 the Coast Guard followed from this group were
11 inappropriate and I think that that was
12 interfering in a labor dispute. And we're not
13 done with it yet. So that's as far as I want to
14 go. And I would like -- this document represents
15 16 cases that they've been found guilty of from
16 discrimination to violation of the work contract.
17 I mean, They might be out of business, but it
18 represents a lot of money. And the Coast Guard
19 interference in this was not appropriate and it
20 affected us tremendously. So that's all I want
21 to say on public comment. Any questions?

22 MR. GALLAGHER: Any questions from

1 committee?

2 MR. YOCKEY: Can I submit this or you
3 don't want it?

4 MR. GALLAGHER: Yeah, you can submit
5 it.

6 MR. YOCKEY: It's a court document
7 from the 6th Circuit in DC.

8 MR. GALLAGHER: Yeah.

9 (Exhibit 1 marked and received)

10 MR. YOCKEY: Thank you.

11 MR. GALLAGHER: Any other public
12 comments? Anything anyone wants to bring up?
13 Having concluded all the committees business, I
14 will now -- we do that with Traci.

15 MR. FISHER: All right.

16 MR. GALLAGHER: That's why I'm running
17 it, Steve.

18 MR. FISHER: All right. Didn't know.

19 MR. GALLAGHER: Is Traci here?

20 MR. KHANDPUR: Anybody heard from her?

21 MR. HAVILAND: I guess maybe she
22 didn't come. I sent her a text, didn't hear

1 anything.

2 MS. ENGLEMAN CONNERS: We haven't
3 heard from her yet. Or I haven't heard form her.

4 MR. KHANDPUR: So we should carry on.
5 Let's close it out and then we can --

6 MR. GALLAGHER: Should we close it out
7 or do we do it right here with people -- or we
8 have to do it on our own?

9 MR. HAVILAND: What's that?

10 MR. GALLAGHER: Elect a chairman.

11 MR. KHANDPUR: We can do the elect a
12 chairman.

13 MR. GALLAGHER: Right now?

14 UNIDENTIFIED: Todd, did you say her
15 flight got cancelled?

16 MR. HAVILAND: She just didn't
17 respond.

18 MR. GALLAGHER: Well, we can do the
19 election.

20 MR. KHANDPUR: We can do the elect a
21 chairman. We won't have any -- the
22 administrative session --

1 MS. ENGLEMAN CONNERS: That's under
2 administrative session, not the open meeting.

3 MR. HAVILAND: It's your meeting.

4 MR. GALLAGHER: Do the election
5 officers?

6 MR. KHANDPUR: Or is that supposed to
7 be -- are you saying that's --

8 MR. HAVILAND: It's not on the agenda.

9 MS. ENGLEMAN CONNERS: You need to do
10 it in an administrative session.

11 MR. KHANDPUR: That's going to be the
12 administrative session, yes.

13 MR. BOYCE: In that case, can we take
14 a break before we do that?

15 MR. GALLAGHER: Do we have an
16 administrator?

17 MR. KHANDPUR: No; no. We can do
18 that. I'll take care of it.

19 MS. ENGLEMAN CONNERS: Rajiv is the
20 DFO.

21 MR. GALLAGHER: Okay. All right.
22 That would conclude all the committee's business.

1 I will now enter a motion to close the meeting.

2 Do I have a motion?

3 MR. BOYCE: I'll make the motion.

4 MR. OLNEY: -- motion.

5 MR. GALLAGHER: Motion by John.

6 MR. FISHER: I'll second it.

7 MR. GALLAGHER: You've said enough.

8 All right.

9 MR. OLNEY: Olney.

10 MR. GALLAGHER: Jon Olney. All in
11 favor?

12 (Show of hands)

13 MR. KHANDPUR: Do you have any closing
14 remarks, or are you done?

15 MR. GALLAGHER: Well, just the -- just
16 that I invite everybody to our office for a tour
17 with the boats and everything. And I appreciate
18 everybody's comments. What the committee is
19 looking at doing is maybe -- and this will be in
20 the administrative part. But we're looking at
21 having a -- trying to figure out a date for the,
22 let's say, the third week in October, whatever

1 date that is, be consistent every year. That way
2 -- because we have a problem of everybody's
3 schedule, cancel the meeting, is such a hassle on
4 not only the Coast Guard, but even ours. That
5 way we can look forward next year or the year
6 after.

7 MR. BAKER: Dates already blocked off.

8 MR. GALLAGHER: Yeah; absolutely. So
9 that's what we'll be looking at. And I think
10 that will be done in the administrative section.
11 Correct? And again, I thank everybody for
12 attending. And like I say, I hope everybody
13 takes the opportunity to tour the office and the
14 boats and everything.

15 UNIDENTIFIED: Are we doing that right
16 now?

17 MR. GALLAGHER: Yeah, give us about
18 ten minutes and we'll -- we have about ten
19 minutes worth of work.

20 MR. KHANDPUR: So yeah, I'll just make
21 some closing remarks. I think this has been a
22 very productive meeting. There was a lot of good

1 conversation. And thank you for all your input.
2 I notice that this committee is a little
3 different because in terms of public -- it's
4 really, yes, the members here, but it's your
5 participation, I think, we get to hear from the
6 industry what you folks are thinking, what you
7 folks are doing. It's really important to this
8 committee. So I greatly appreciate your coming.
9 I would also just like to remind that this is an
10 advisory committee. So though we want and
11 solicit all your advice, the aspersions cast
12 against the Coast Guard, they are not necessarily
13 welcome. So we're not as good as some of the
14 other agencies, or we don't do this, I think the
15 fact that we're not transparent and if you want
16 use to be more transparent, that's certainly
17 called for. But the other things I would advise
18 to kind of keep away from those kind of
19 aspersions. Other than that, I think -- and
20 also, please pass the word to your colleagues so
21 that if we have more participation at these
22 meetings, more folks, we can get a lot of work

1 done at these meetings. So thank you all for
2 coming.

3 MR. GALLAGHER: That concludes the
4 meeting.

5 (Whereupon at 3:12 p.m., the meeting
6 was adjourned.)

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This is to certify that the foregoing transcript

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Advisory Committee

Before: USCG

Date: 09-12-19

Place: Port Huron, MI

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