

## UNITED STATES COAST GUARD

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## MEETING OF

## GREAT LAKES PILOTAGE ADVISORY COMMITTEE

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Ojibway Hotel Conference Room  
240 West Portage Avenue  
Sault Ste. Marie, Michigan

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8:00 a.m.

Tuesday,  
September 1, 2020

## 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

**Also Present:**

**ELLEN ENGLEMAN CONNORS**

**TODD HAVILAND**

**MIKE EMERSON**

## CONTENTS

Call to Order/Member introductions/ Meeting objectives/Agenda Overview . . . . .	4
Status of GLPAC Member Term-Appointments . . . . .	14
Joint Stakeholder comments/stakeholder outreach . . . . .	27
Staffing Model . . . . .	88
Limited Pilot Registration/Compensation Benchmark for Apprentice Pilots/ Training Surcharge . . . . .	147
Annual Review and Report comparing previous rate setting projections with actual data. . . . .	185
St. Lawrence River flow/Lake Ontario flooding, Seaway Closure . . . . .	193
Designation of the Straits of Mackinac . . . . .	203
Pilot Association project and updates. . . . .	217
Individual Pilot compensation reporting. . . . .	259
Host Pilots Association presentation . . . . .	280
Public Comments. . . . .	283
Closing Remarks (Captain Gallagher and DFO Mr. Rajiv Khandpur). . . . .	286
Meeting Adjourned (Captain Gallagher). . . . .	288

1 P-R-O-C-E-E-D-I-N-G-S

2 (8:00 a.m.)

3 MR. GALLAGHER: Welcome. Just a  
4 couple safety things. Safety exits are here to  
5 the right, restrooms are right outside in the  
6 hallway just right across here. Exits on both  
7 ends of the building here when you exit the  
8 building.

9 Just remember to be aware and  
10 courteous to everyone's safety during the  
11 meeting, keep the social distance and continue  
12 wearing your mask if you so wish.

13 I will now turn it over to the  
14 Designated Federal Officer, Mr. Rajiv Khandpur.  
15 Rajiv?

16 MR. KHANDPUR: Good morning everybody.  
17 Welcome to the Soo. Lots of us traveled long  
18 distances to get here. I know I have. I drove  
19 here from Washington, it was pretty enjoyable. I  
20 must say it was a nice drive with very little  
21 traffic, everybody was safely distanced, even the  
22 cars were safely distanced.

1                   Anyway, my name is Rajiv Khandpur, I'm  
2                   the Designated Federal Officer for the Great  
3                   Lakes Pilotage Advisory Committee. I welcome you  
4                   all.

5                   And I know you guys have done a lot of  
6                   hard work over the years and will continue to do  
7                   as we move forward. As the DFO I am responsible  
8                   for ensuring all provisions of the Federal  
9                   Advisory Committee Act and -- regarding the  
10                  operations of the committee. Also, as my -- in  
11                  my role as DFO I work with agency officials to  
12                  ensure that all appropriate ePIC (phonetic)  
13                  regulations are satisfied and we post all the  
14                  minutes on the website and follow all the rules  
15                  and the time lines that's required for us to do  
16                  that.

17                  A few formalities I always have to  
18                  address before we begin this meeting. For the  
19                  record, The Great Lakes Pilotage Advisory  
20                  Committee was established on November 13th, 1998,  
21                  in the Coast Guard Authorization Act of 1998.  
22                  GLPAC's charter was last renewed for two years

1 beginning on March 26th, 2019. And we also put  
2 the bylaws on file of December 2018. So both are  
3 current and in effect. Under the authority of 46  
4 USC section 9-307 as amended by section 621(a) of  
5 the Coast Guard Authorization Act of 2010 to make  
6 recommendations to the secretary of matters  
7 relating to Great Lakes pilotage, including  
8 previews of proposed Great Lakes Pilotage  
9 regulations and policies.

10 The U.S. Government establishes  
11 advisory committees so that non-governmental  
12 citizens, such as yourselves, can provide advice  
13 and input on specific issues. In this instance  
14 the Coast Guard, not the Committee members, own  
15 the Great Lakes Pilotage Advisory Committee. We  
16 expect this committee to provide us with its  
17 candid opinions and feedback, but the members  
18 must understand that you're present today to help  
19 us tackle some big issues.

20 This meeting was announced to the  
21 public in the Federal Register on Monday, August  
22 11th, 2020; Federal Register Volume 85, notices

1 page 48547. The Committee has a full agenda  
2 today. Please understand the times on the agenda  
3 are approximate and we may not be able to keep to  
4 the exact times noted but we will progress  
5 sequentially through the agenda as written. That  
6 being said, we will try to ensure adequate time  
7 is provided for presentations and the Committee's  
8 -- and public comments.

9 As stated in the agenda, at this  
10 meeting we will be reviewing the following  
11 issues. So I'll just go through the list of  
12 agenda items, an overview or impression of what  
13 we're going to be talking about today.

14 Status of GLPAC members and term and  
15 appointments. Maybe we'll skip that, but we'll  
16 get to that. St. Lawrence River flow/Lake  
17 Ontario flooding, Seaway closure. Individual  
18 pilot compensation reporting. Limited pilot  
19 registration. Compensation benchmark for  
20 apprentice pilots. Staffing model. Annual Review  
21 and Report comparing previous rate setting  
22 projections with actual data. Designation of the

1 Straits of Mackinac. Training surcharge. Pilot  
2 Association projects and updates. Stakeholder  
3 outreach. Joint stakeholder comments. Host  
4 Pilots Association presentation. Public  
5 comments.

6 None of these issues is a particular  
7 matter for the purposes of the Criminal Conflict  
8 of Interest Statute. General information about  
9 GLPAC is available in the Office of Waterways and  
10 Ocean Policy website under Great Lakes Piloting  
11 CV-WWM-2.

12 I wish to remind you to record your  
13 attendance this morning and to sign the sign-in  
14 sheets provided on the table by the door. Also,  
15 please note that we have separate sign-in sheets  
16 for Coast Guard personnel and the general public.  
17 Committee members need not sign in. The meeting  
18 agenda is also available on the tables as well as  
19 any additional information that may be placed  
20 there from time to time as it becomes available.

21 The public meeting is being recorded  
22 for a permanent record. In addition, official



1 minutes will be prepared and will appear on  
2 CG-WWM2-website within 90 days of this meeting.

3 In order to be fully heard and  
4 understood, each time you speak you must speak  
5 loudly. Also, please identify yourself and state  
6 your affiliation before you begin your comments,  
7 this includes the GLPAC members.

8 I'm trying to take good care of you  
9 and give you everything you need to do your  
10 important work. Please let Ms. Ellen Engleman  
11 Connors know if you need anything.

12 There she is. Coast Guard leadership  
13 continues to value your participation and  
14 expertise on this important maritime committee.

15 At this time I'd like to recognize Mr.  
16 Mike Emerson, he's here with us. Also came all  
17 the way from Washington, driving by himself.  
18 He's my boss and he's here today just to let you  
19 know how important this committee is and he'll be  
20 addressing us later on and giving us a few  
21 remarks about COVID and about how we've been sort  
22 of weathering this storm that's been going on.

1 So really welcome, we appreciate you coming down.

2 Thank you. That's all I got. I will  
3 call this meeting to order and turn it over to  
4 Captain Gallagher.

5 MR. GALLAGHER: Okay. Well, I want to  
6 welcome everyone to Sault Ste. Marie and to offer  
7 my thanks to Captain Jon Olney for hosting this  
8 today. Thank you, Jon.

9 MR. OLNEY: You're welcome.

10 MR. GALLAGHER: We have a very full  
11 agenda so I'd ask everyone to assist us in  
12 staying on schedule. We welcome public  
13 participation and thank you for attending the  
14 Great Lake Pilotage Committee meeting today. We  
15 have many items on the agenda, some with multiple  
16 parts. Only GLPAC members will participate in  
17 the discussion of each topic. After each topic is  
18 discussed, time permitting, I will open it up to  
19 the floor to questions or statements from the  
20 audience. Please remember to state your name and  
21 affiliation each time before you speak.

22 We'll have two breaks and a lunch

1 break today; we'll have a break during the  
2 morning and a break in the afternoon. There will  
3 be a mid-afternoon break as well. I will do my  
4 best to keep our discussions end and start at  
5 prior to at each time for the speakers. After we  
6 have discussed all the topics we open it to the  
7 floor for comments. So let's begin.

8 Our first order of business is approve  
9 the minutes from the August 12th, 2019, Great  
10 Lakes Pilot Advisory Committee meeting. The  
11 meeting summary and transcript of the meeting  
12 were posted on the GLPAC website on our last  
13 meeting in Port Huron. Is there any motion to  
14 approve the minutes?

15 MR. BOYCE: I'll move to approve the  
16 minutes.

17 MR. GALLAGHER: Approved by John. Do  
18 we have a second?

19 MR. BAKER: Second.

20 MR. GALLAGHER: By John Baker. So  
21 moved and seconded. And we'll vote now on the  
22 meeting meetings. Everyone in favor "aye."

1 (Chorus of aye.)

2 MR. GALLAGHER: Opposed?

3 Motion carried.

4 MR. KHANDPUR: Okay. Let's do a round  
5 of introductions.

6 MR. GALLAGHER: Oh, yeah; yeah. I'm  
7 sorry. Okay. Yeah, let's do the round of  
8 introduction. We'll start maybe at the back of  
9 the room. Vince?

10 MR. BERG: Vince Berg, U.S. Pilotage,  
11 Washington DC.

12 MS. POTUTO KIMBLE: Tina Potuto  
13 Kimble, Tata Steel.

14 MR. ROHN: Mark Rohn, Port of Monroe.

15 MR. LAMMERS: Nate Lammers, Pilot,  
16 Western Great Lakes.

17 MR. LAMARRE: Paul LaMarre, American  
18 Great Lakes Ports Association and Port of Monroe.

19 MR. SZCZOTKA: Brad Szczotka, Western  
20 Great Lakes Pilot Association.

21 MR. EMERSON: Mike Emerson, Coast  
22 Guard.

1                   MR. HAVILAND: Good morning. Todd  
2 Haviland, Coast Guard.

3                   MR. SWARTOUT: John Swartout, Western  
4 Great Lakes Pilots.

5                   MR. MCKENZIE: Chris McKenzie, Western  
6 Great Lakes Pilots.

7                   MR. HAYNES: George Haynes district  
8 two.

9                   MR. FRANKLIN: Dan Franklin, Lakers  
10 Pilots.

11                   MR. DIAMOND: Clay Diamond, the  
12 American Pilots Association.

13                   MR. KLEIN: Mike Klein with CHS out of  
14 Minneapolis.

15                   MR. FISHER: I'm Steve Fisher with the  
16 American Great Lakes Ports Association and today  
17 in this capacity I'm here as a representative of  
18 vessel operators.

19                   MR. OLNEY: Jon Olney, Presidents of  
20 Western Great Lakes Pilots.

21                   MR. GALLAGHER: Dan Gallagher,  
22 President of district two Pilots.

1 MR. KHANDPUR: Sorry. I was looking  
2 at lunch.

3 MR. GALLAGHER: That's more important.

4 MR. BOYCE: Okay. You can do that.

5 MR. KHANDPUR: Rajiv Khandpur, Coast  
6 Guard headquarters.

7 MR. BOYCE: John Boyce, St. Lawrence  
8 Seaway Pilots.

9 MR. BAKER: John Baker, ILA.

10 MS. ENGLEMAN CONNORS: Ellen Engleman  
11 Connors, Coast Guard. And Stacey is our court  
12 reporter today.

13 MR. GALLAGHER: Okay. Topic number  
14 one is the status of the GLPAC Members and the  
15 term appointments. And I'm going to turn it over  
16 to Ellen to explain. Ellen?

17 MS. ENGLEMAN CONNORS: Yes. Good  
18 morning, everyone. As you can see we have a full  
19 house today. Thanks to all the members for making  
20 the journey. Most of them drove and forgo their  
21 frequent miles to be here today. So when people  
22 give up frequent flyer miles -- well, I guess,

1 Mr. Fisher, you didn't -- then you know that  
2 that's true dedication to the cause.

3 Under the current GLPAC charter we  
4 have one additional membership that is not filled  
5 at this time. However, we are facing a new and  
6 bright future we certainly hope because of recent  
7 legislation. And we're very excited about the  
8 potential for GLPAC so I will turn it back over  
9 to Captain Gallagher and Mr. Fisher to talk about  
10 GLPAC's future.

11 MR. GALLAGHER: Thank you. As you  
12 know, the current GLPAC ends on September 30th,  
13 2020, unless it is extended by congress, the  
14 house met senate committee on the Coast Guard  
15 Authorization Act finished their work earlier  
16 this summer and made changes to the Great Lakes  
17 Pilot Advisory Committee as well as extension for  
18 the GLPAC. As this is pending legislation I'll  
19 ask Mr. Fisher to update us.

20 MR. FISHER: Sure. Thanks, Danny.  
21 Legislation had been approved by the senate  
22 originally earlier this congress to not only

1 extend the life of this committee for another ten  
2 years, until 2030, but also to make some slight  
3 changes in the membership structure. That was  
4 approved in the senate Coast Guard Authorization  
5 Bill, it was not in the house version of that  
6 legislation. But at this point in time we're  
7 very, very close to the end of this congress. The  
8 house and senate versions, the two differing  
9 versions of the Coast Guard Authorizing Bill,  
10 have now been conferenced into a single final  
11 version. I'm pleased to say that these changes  
12 and the extension of the life of the committee  
13 was, in fact, included in that final version.

14 Now, you've all been watching congress  
15 and they've been quite busy over the last year  
16 because of the pandemic so the legislative  
17 schedule is sort of constipated, if you'll excuse  
18 my language, but it's a backup of legislation.  
19 But our provision and our bill is in that backup.  
20 The entire conferenced final Coast Guard  
21 Authorization Bill has now been tacked onto the  
22 National Defense Authorization Act, mostly



1       because it's a train that's leaving the station  
2       and it's going to get through. Congress always  
3       passes the Pentagon's authorization bills to make  
4       sure our military continues to operate. So  
5       getting our thing attached to that thing is a  
6       good thing, and it will help ensure that it gets  
7       enacted.

8                       This committee I think technically  
9       sunsets on September 30th, 2020. It is probably  
10      unlikely that that package of legislation will  
11      get enacted by the end of September, probably  
12      likely the end of November or December. So there  
13      might be a gap, but the language of the provision  
14      actually says if there's a gap the Coast Guard is  
15      to sort of ignore it and act. Once the  
16      legislation is passed, to act as if no gap ever  
17      existed and that the committee had continued in  
18      perpetuity.

19                      What I do want to note is the changes  
20      to the membership. The legislation creates a new  
21      member, an eighth member of the committee,  
22      specifically for maritime labor. It also makes a

1 slight change to the method by which the  
2 secretary makes appointments to the committee.  
3 Four of the members of the committee; the vessel  
4 operator representative, the port representative,  
5 the shipper representative and now this new labor  
6 representative; are appointed by the secretary.  
7 In the new language these individuals will be  
8 appointed from among nominations made by each of  
9 those four sectors. Right now the secretary  
10 essentially can appoint anyone. Once this  
11 legislation is passed the secretary will make  
12 appointments from among candidates put forward by  
13 each of those four sectors. So those are the  
14 changes in the legislation. And again, I'm  
15 pretty confident it will be enacted by the end of  
16 this year and so this committee will most likely  
17 be around another decade, so --

18 MR. GALLAGHER: Thank you, Steve. I  
19 would also like recognize Clay Diamond from the  
20 American Pilots Association. Clay had worked  
21 with -- along with Mark Ruge, with Steve on this  
22 issue. So, Clay, thank you. Anything to add,

1 Clay?

2 MR. DIAMOND: No, sir.

3 MR. GALLAGHER: Okay. Thank you.

4 Does the committee want do discuss or have any  
5 questions about this topic?

6 Now that the committee has concluded  
7 its remarks I'd like to seek public comment. Are  
8 there anybody -- Todd?

9 MR. HAVILAND: Did you want me to come  
10 to the microphone?

11 MR. GALLAGHER: Yes, please.

12 MR. HAVILAND: Okay. Good morning, my  
13 name is Todd Haviland. And this is just a  
14 question for the committee and maybe Steve can  
15 shed a little light. You said that there's a  
16 slight change to the committee on how the  
17 secretary will appoint members. Do you have any  
18 envision or any idea on how that would look, as  
19 far as, you know, will reports go through your  
20 organization and provide the Coast Guard with a  
21 list of these people or should we just look to  
22 see if it comes from a Great Lakes port then that

1 person is a -- you know, assumed to be part of  
2 that group?

3 MR. FISHER: The legislation is silent  
4 on that so the agency may need to give some  
5 structure to it after the bill has passed. The  
6 legislation does not acknowledge any voice for  
7 any of those four subsectors, so it doesn't  
8 acknowledge that one group or another speaks for  
9 that sector. And I think -- my own opinion is it  
10 would be wrong for the Coast Guard to assume any  
11 one group speaks for that sector. So I think --  
12 my guess is your lawyers would conclude that any  
13 legitimate participant in one of those sectors  
14 would be able to put forward a candidate and it  
15 would be a legitimate for the secretary to  
16 consider.

17 I would guess one way to proceed is if  
18 the Coast Guard were to hypothetically do a  
19 Federal Register notice announcing that they are  
20 soliciting candidates, and whoever puts forth the  
21 candidates you would then look at those  
22 nominators and determine whether they, in fact,

1 appropriately represent that sector. It could be  
2 that somebody from outside the sector is putting  
3 forward a candidate for that sector that you  
4 probably shouldn't consider.

5 But the wording of the legislation is  
6 such that I -- so I would assume any vessel  
7 operator could put forward a candidate, or any  
8 group representing a collection of vessel  
9 operators, any shipper or any group representing  
10 a collection of shippers and so on and so forth  
11 would be able to put forward a candidate.

12 MR. HAVILAND: Good morning, Todd  
13 Haviland. I just want to ask a quick follow-up  
14 question. So would it be worth the Coast Guard's  
15 time, like after we got this list of potential  
16 nominees, to maybe hold an admin session of the  
17 advisory committee to vet these people or -- or  
18 do you think we need to go into like a notice and  
19 comment rule making, you know, that lays out that  
20 structure?

21 MR. FISHER: I think -- you mean the  
22 structure for nominations and so on?

1 MR. HAVILAND: Yes.

2 MR. FISHER: My own opinion is that  
3 you all should just decide it. I think the goal  
4 of the legislation is to make sure each of those  
5 four sectors is indeed being represented by  
6 somebody that speaks for that sector. I would --  
7 for example, for shippers I as a port person  
8 would not want a voice in how the shipper  
9 community put forward any candidate to represent  
10 them on this committee. The same with vessel  
11 operators, they would talk amongst themselves and  
12 put forward nominations. Now, if there was a  
13 group -- if there was a vessel operator who  
14 doesn't get along with the others and they want  
15 to put -- that's still a legitimate nomination in  
16 my opinion. But I don't think any of us should  
17 comment on each other's candidates. I think the  
18 goal, even though there's no legislative history  
19 stating this, my impression is the goal of  
20 legislation is to ensure that each sector is  
21 truly represented by an individual that speaks  
22 for that sector.

1 MR. KHANDPUR: Clay?

2 MR. DIAMOND: Yeah, I just want to  
3 comment I agree completely with that. And when  
4 we had the discussion with congressional staff  
5 about this, it kind of -- the expression came up  
6 about how exactly this was going to work and we  
7 kind of left it with if a particular sector, for  
8 example, wants to have the best to get the  
9 candidate that they want they would get behind  
10 one candidate, for example. And then it gets --  
11 it gets the full weight of the particular sector  
12 that's meant to be represented to the Coast Guard  
13 in a clear signal, hey, this is who the ports  
14 want, this is who the shipping operators want.  
15 That's not going to stop individuals from  
16 applying themselves but the Coast Guard gets some  
17 kind of indication of support, you know, based on  
18 who's proposing it, so --

19 MR. GALLAGHER: Okay. We don't have  
20 any comments from the audience. So does the  
21 committee have any recommendation or do we need  
22 to do anything further, any further discussion?

1                   My only concern would be -- I'm just  
2                   using labor for an example.

3                   MR. FISHER:    Sure.

4                   MR. GALLAGHER:  I mean, you're not  
5                   going to want the grocery workers of Texas to be  
6                   applying and having people --

7                   MR. FISHER:    Right.

8                   MR. GALLAGHER:  It's got to be  
9                   regional people I would think.

10                  MR. FISHER:    So the language of the  
11                  legislation says Great Lakes Maritime Labor  
12                  Organizations -- I'm doing this off my memory but  
13                  I'm pretty sure those words were used.  So I  
14                  think it does need to be Great Lakes, it does  
15                  need to be a maritime labor organization.  Now,  
16                  there are many Great Lakes maritime labor  
17                  organizations, and so the ones that truly care  
18                  about this topic, that really have a stake in  
19                  pilotage, I would think would need to talk  
20                  amongst themselves and -- or -- or put -- you  
21                  know, everybody put their own candidates forward.  
22                  But it doesn't -- it's not loose enough -- the



1 language isn't so loose that outsiders could --  
2 okay.

3 MR. FISHER: So Ellen just gave me the  
4 language in the legislation. It says, "One  
5 member chosen from among nominations made by  
6 Great Lakes Maritime Labor Organizations." Okay?  
7 So at least it shrinks the pool of potential  
8 nominations to -- now, that's still multiple  
9 groups but at least it's fewer and it's a  
10 reasonable number to sort of caucus among to --

11 MR. GALLAGHER: Okay. If there's no  
12 other further discussion on that topic we'll move  
13 on. Oh, I'm sorry. John?

14 MR. SWARTOUT: John Swartout, Great  
15 Lake Pilots. Steve, you're talking about filling  
16 the seventh position, the one that's unfilled  
17 right now? Is that what this is about?

18 MR. FISHER: No, this is actually  
19 silent on all that. It doesn't speak to that at  
20 all, it leaves that part of the law alone. It  
21 stands as it is now.

22 MR. SWARTOUT: Oh, okay.

1                   MR. FISHER: Yeah. So this creates an  
2 eighth, really, and kind of leaves the seventh  
3 alone, so --

4                   MR. GALLAGHER: Todd, did you have  
5 something?

6                   MR. HAVILAND: Good morning, Todd  
7 Haviland, U.S. Coast Guard. I believe the  
8 proposed legislation opens up -- removes some  
9 restrictions from that eighth -- the potential  
10 eighth member that the committee would  
11 unanimously recommend, so doesn't it remove the  
12 requirement for a background in finance and  
13 accounting?

14                   MR. FISHER: Yes. I'm sorry. I  
15 forgot about that. For some reason back in '97  
16 or '8 when this whole thing was created the --  
17 what John Swartout referred to as "the seventh  
18 person," this is the individual who's supposed to  
19 be chosen by unanimous agreement of the others.  
20 That person, by law, was required to have a  
21 background in accounting and finance or something  
22 --

1 MR. OLNEY: Or finance.

2 MR. FISHER: Yeah. So that was, in my  
3 opinion, something that one of the drafters of  
4 this put in there back in the 90's. I don't  
5 think it's ever been particularly a relevant  
6 item. I don't know that the -- anyone who's held  
7 this slot in the past has necessarily had that  
8 expertise, maybe they have. But that was dropped  
9 ultimately and I think it was done cooperatively  
10 in a discussion between Clay, myself, Mark Ruge  
11 and others were helping work with congress on  
12 this because it was just extraneous and so,  
13 again, offers more flexibility to maybe filling  
14 this spot because it doesn't have that  
15 requirement attached to it.

16 MR. KHANDPUR: But it still has the  
17 unanimous motion clause?

18 MR. FISHER: Yeah.

19 MR. GALLAGHER: Anyone else?

20 Okay. We'll move on to the next  
21 topic. We had a recommendation at the last GLPAC  
22 meeting in Port Huron, a suggestion that

1 additional outreach from the Coast Guard to allow  
2 stakeholders to provide joint comments on  
3 individual inputs to the rate making methodology  
4 prior to the rule making. I know this is a big  
5 initiative and the Coast Guard has this as a goal  
6 that the Coast Guard wants to achieve. So I'd  
7 like to recognize Mr. Mike Emerson, Director of  
8 Marine Transportation System and the Senior  
9 Arctic Policy Advisor at the Coast Guard  
10 headquarters to offer some comments. Mike?

11 MR. EMERSON: Good morning, Mike,  
12 Emerson, Coast Guard. Pleasure to be here.

13 I think if I could go -- before I get  
14 to stakeholder engagement, maybe suggest that we  
15 change the name of the GLPAC to the "novel  
16 GLPAC," because this is a novel organization, and  
17 not unlike the current climate with the pandemic.

18 My first thought during the beginning  
19 of the travel restrictions and lock downs  
20 associated with the pandemic was that the  
21 healthcare workers need to keep coming to work.  
22 Similarly we need the marine operators to keep

1 coming to work. When there was a shortfall of  
2 toilet paper and people were looking around going  
3 where can I hoard toilet paper they ran to  
4 Walmart, they saw the shelves were empty and it  
5 occurred to me that someone better quickly say  
6 this is essential. The marine operators need to  
7 be essential, all of you. Mr. Boyce's -- Captain  
8 Boyce's crew better continue getting on these  
9 vessels coming into the Great Lakes, into the  
10 third largest economic motor in the world, and be  
11 available to continue to move goods, lest the  
12 store shelves would be bare.

13 So I wrote a talking point that CISA,  
14 the critical infrastructure folks, who were  
15 defining healthcare workers as essential would  
16 also consider the marine operators as essential  
17 and would help us in shaping the policy and  
18 getting some good guidelines out there for  
19 operators to continue to be safe and to keep  
20 commerce moving safely.

21 Seeing the John D. Leitch moving  
22 through the lock this morning was inspiring to

1 me. As I was jogging down the lock view sidewalk  
2 there watching this big ship move was a reminder  
3 of the importance of all of your jobs of what  
4 your folks bring to the table and the importance  
5 of the GLPAC, the novel GLPAC, if you will.

6 Let me take a moment to tell you that  
7 the distinguished federal official for -- I don't  
8 know -- 20 years -- I don't know how long you've  
9 been doing this Rajiv.

10 MR. KHANDPUR: 15, yeah.

11 MR. EMERSON: Rajiv is about to retire  
12 at the end of the month and I would ask you all  
13 to take a moment and shake his hand or give him a  
14 knuckle bump, because this is an individual that  
15 has demonstrated great patience with process,  
16 brought great experience and knowledge and been  
17 committed to everything that you put into a  
18 recommendation. If it leaves this room we're  
19 going to take action on it. We haven't done the  
20 stakeholder engagement to the degree that we want  
21 to, but that is our next up. We have moved  
22 forward with designated waters in the Strait

1 because you all said do it and my understanding  
2 is there could be an executive order very soon.  
3 That that's moving forward and I, again, go back  
4 to the importance that we place on the GLPAC.  
5 This is an organization, that unlike many other  
6 FAPAs (phonetic) actually has relevance, actually  
7 has impact in what you all decide. And I'm  
8 excited about the new membership. I'm encouraged  
9 the signals we're getting on the authorization  
10 are very positive, so I think you're going to be  
11 around at least 'til 2030 or until I retire.

12 So I would say thanks to you, Rajiv,  
13 that's for all your service. We are going to  
14 solicit his job, if you know anyone that can take  
15 a punch and a pay cut have them apply.

16 I'd like to welcome Ellen Engleman  
17 Connors, we added her to the staff, what a  
18 diamond to be able to add on and I would just say  
19 watch out. But I will tell you, she'll take good  
20 care of you. I don't know that the commandant  
21 knows we have coffee and donuts here, and  
22 apparently they're good donuts. So, please,

1 welcome Ellen to the group.

2           We did define mariners as essential,  
3 Coast Guard worked with the CDC and  
4 operationalized some of their guidance so it  
5 would fit onto what is safe space on a bridge and  
6 a ladder and what do we need to wear for PPE and  
7 can we get from some FEMA. We pursued a lot of  
8 those things, set up the unified command with  
9 Canada and we looked at a lot of opportunities to  
10 remind our acting secretary of DHS to remind MRAD  
11 and DOT of the importance of all of your jobs; of  
12 the owners, of the exporters and importers, of  
13 the shippers, of the pilots. All critical  
14 workers all doing essential functions with health  
15 and safety in mind, making sure that you had some  
16 sort of regime where we knew what kind of vessels  
17 we're dealing with for the pilots. We had the  
18 VOMY (phonetic) report and we had a lot of  
19 constructs at least discussed if not implemented  
20 to make sure that commerce was flowing. People  
21 are now talking about the global supply chain.  
22 And I can tell you in my career they never did



1 that. They never really thought about the  
2 importance of tow boats and of deep draft vessels  
3 carrying cargo to get to their Walmart. They do  
4 it now, the global supply chain, it's not even  
5 just the national.

6 This group is critical to continue in  
7 that dialog. We've made great progress. You  
8 know, in the rule making we've gone through some  
9 rough times, we've radically changed it and since  
10 2013 and made some significant changes. You know  
11 we went through labor dispute issues and I think  
12 that's passed and clear. I'm very proud of that.  
13 We got a great endorsement, Director Haviland  
14 helped the GAO with hours of interviews and a  
15 review of program and got very high marks on  
16 where the Coast Guard stands with oversight of  
17 the pilotage and how you all are doing the pilot  
18 -- each of the districts in supporting commerce.

19 So I go back to it's a novel GLPAC.  
20 We are looking at rolling out an organized  
21 engagement stakeholder involvement in the rule  
22 making. I'd like to say that we would be there

1 by now because 2020 was going to be a multi year  
2 rate making, it was going to be a rate making  
3 that was maybe negotiated, you all would tell us,  
4 hey, we got this, we'll talk about the rate,  
5 we'll give you a number, we're done. Coast  
6 Guard's part would be very objective, arms  
7 length. That's what I'd like to do, that's where  
8 I'd like to go, and I would like to see your  
9 recommendations to support that. And again, I'll  
10 go back to we'll -- on it. We are about the  
11 safety of the marine environment first, the  
12 efficiency of commerce second, and then we're  
13 about collaborating/working together. That's the  
14 Coast Guard that you're paying for and I hope  
15 that we're serving you.

16 I welcome any questions or comments,  
17 sidebars, whatever you want. I'll be here all  
18 week. Thank you very much.

19 MR. GALLAGHER: Does anyone have any  
20 questions for Mike?

21 MR. KHANDPUR: I'd like to take a few  
22 minutes and --

1 MR. GALLAGHER: Rajiv?

2 MR. KHANDPUR: I'd like to thank Mike  
3 and thank the committee. Yeah, I've been the DFO  
4 for this for about 15 years now, I think 2005 I  
5 took over. So I've seen this committee go  
6 through lots of ups and downs and I think we're  
7 in a good place now. As Mr. Emerson said, we did  
8 that study back in 2013 and then you started to  
9 make all the changes thanks to Todd Haviland. I  
10 know he's worked with you guys, driven you guys  
11 hard, but I think we're at a good place. And, you  
12 know, like we always said in the pilotage, if  
13 everybody is unhappy with you he's doing a good  
14 job, and everybody is unhappy with Todd, so --  
15 but that's a measure of his success. But I'm  
16 really happy with him, he's been great. I've  
17 been able to kind of take a look back and just  
18 look at what he's done and everything that he  
19 does has my full endorsement and my boss's  
20 endorsement and all the way up the leadership  
21 chain. So I think we're in a good place and I  
22 think there's a good future for this

1 organization. The GLPAC, the advisory committee,  
2 has been great. All of you guys excellent --  
3 excellent input.

4 So I just want to thank you. I just  
5 wanted to take this time to thank Mr. Emerson for  
6 saying the kind words and I'll miss you guys.  
7 Maybe I'll come here back as a public member and  
8 throw some stones at you to kind of relive the  
9 old days. Thank you. That's all I have.

10 MR. GALLAGHER: All right. Thank you,  
11 Rajiv. Does anyone have any questions? Tina?

12 MS. POTUTO KIMBLE: Tina Potuto Kimble  
13 from Tata Steel. So I think I'm the only member  
14 of the public here who is for pilotage, so --  
15 first I want to say thank you very much, because  
16 it's very important to us that you take this time  
17 so thank you for all that you do.

18 But the second -- my actual question  
19 is -- you know, it's a little disturbing to me  
20 that I'm the only member of the public here. And  
21 my question is can you just give a little bit  
22 more detail about stakeholder engagement, what

1 you've done so far and how can we help.

2 MR. EMERSON: I suppose that's for me.

3 We are, Tina, taking a round turn on this year  
4 because of the pandemic. There wasn't a lot of  
5 opportunity. In fact, I'm actually surprised  
6 that we were here. To have an in-person meeting  
7 was a top priority and as early as -- as recent  
8 as one month ago, the first week of August, I was  
9 pretty convinced this wasn't going to happen. So  
10 we did try to get a public notice out that this  
11 was going to happen. We did hold out confidence  
12 but I don't think anyone really thought we were  
13 coming here. I didn't expect to find a venue  
14 that would allow us to put the masks down. Here  
15 in Michigan is a lot different than we're seeing  
16 in a lot of other places. In DC in particular  
17 this just doesn't happen. So this here was a  
18 bust. It's a great recommendation but what we  
19 have with Director Haviland is an effort to have  
20 lunch meetings, have phone calls and to continue  
21 dialog virtually and remotely as a substitute.  
22 What I can tell you in the future is in 2021 if

1 we can pull the mask off a little bit more you  
2 will see more public presence, more of your  
3 representation, the shippers and the other folks  
4 that do have to pay for pilot services. I think  
5 you're going to see more operators here. I'd  
6 love to see the Canadians here and they were  
7 invited. And, in fact, I think Director Haviland  
8 expected at least one representative here today  
9 and then I know she canceled, but --

10 MR. HAVILAND: Yes.

11 MR. EMERSON: I don't have a good  
12 answer for you other than 2020 was not the way we  
13 expected and I don't know how this is going to go  
14 forward in the coming months. But I want to  
15 leave you with I'm committed to that  
16 recommendation, which I think was righteous in  
17 the beginning. And my last word in my previous  
18 comments was "collaboration." So I can offer you  
19 that for what it's worth.

20 MR. HAVILAND: Good morning, Todd  
21 Haviland from the Coast Guard. Just to answer  
22 your question a little more. Before the COVID

1 pandemic hit we had begun to set up stakeholder  
2 engagements first at Coast Guard headquarters. We  
3 had looked at the various stakeholders and  
4 figured, you know, this small group had similar  
5 interests; and we had identified four different  
6 groups we had started to invite to have lunch  
7 with Mr. Emerson and the -- and meet with Admiral  
8 Timme. And then were organizing public meetings  
9 throughout the Great Lakes region, so it wasn't  
10 going to be a formal GLPAC meeting but we were  
11 going to, you know, hold a public meeting where  
12 we would say the Coast Guard is here, we're going  
13 to tell you what the methodology looks like and  
14 we're going to take comments on what you think  
15 the input should be. And I know that when Mr.  
16 Rasicot -- or Gary Rasicot took over as the  
17 director a few years ago -- or almost ten years  
18 ago I guess, he had some engagements with folks,  
19 so after those engagements, you know, we did a  
20 lot of things with the rule making. The lawsuits  
21 have kind of -- they haven't discouraged us from  
22 meeting with anyone, but we get the perception

1 that if there's a lawsuit pending some groups  
2 don't want to speak to us until the judge, you  
3 know, makes a decision. But like Mr. Emerson  
4 said, all that's behind us. And, you know,  
5 really, from our vantage point -- and we talk  
6 about this a lot -- the people who provide the  
7 service, the people who support that service  
8 that's being provided and the people who pay for  
9 the service know a lot more about this than we  
10 ever will. And, you know, we would love nothing  
11 more than for you to come to us and say, hey, as  
12 a group we've met and this is what we think the  
13 rates should be and this is what we think your  
14 rates should be for the next four or five years.  
15 We'll still continue to do our audits, we'll  
16 still continue to do our oversight, we'll still  
17 continue to make everything transparent. But in  
18 the absence of that since the law requires us to  
19 establish rates every year if we don't get that  
20 input, you know, from the relevant stakeholders  
21 then we have to go through our ten step process.  
22 But, you know, again, as Mr. Emerson said we



1 would like nothing more than -- you know, like  
2 Steve recommended, you guys send in a letter. If  
3 we all know who the relevant stakeholders are say  
4 this is the number of pilots we want, you know.  
5 This is what we think how your compensation  
6 should be lower, this is what we think the  
7 increase should be, you know, each year for the  
8 next three or four years. And then as long as it  
9 doesn't, you know, compromise safety we're all  
10 for it. I mean, do you agree?

11 MR. EMERSON: Or decrease.

12 MR. HAVILAND: Yeah. I mean,  
13 decrease/increase, remain steady, whatever, you  
14 know, the people who know this is the best way to  
15 go.

16 MS. POTUTO KIMBLE: My only question  
17 or comment is it seems like a very insular group  
18 right now. And so what I was -- I'm trying to  
19 get at is how do we expand it more so that when  
20 you're having discussions there's some fresh  
21 ideas coming in? And so things like who are the  
22 -- like Tata Steel is a large importer into the

1 Great Lakes, you know, who else is a large  
2 importer into the Great Lakes? Word from DHS,  
3 perhaps customs, you know, to get that kind of  
4 information to then have specific conversations  
5 with the importers. I'm just throwing that out  
6 there. I have no idea. But do something in your  
7 stakeholder engagement to reach more people like  
8 me. Maybe it might be a good idea -- I just  
9 think that -- that's why I'm asking like what  
10 have you done so far. But I'm up on time. I'll  
11 and come up with some ideas. Thank you again.

12 MR. GALLAGHER: Clay?

13 MR. DIAMOND: Just along those lines  
14 I would think the development of the new process  
15 for nominating members of the GLPAC will go a  
16 long ways towards that. Because it's going to  
17 require a collaboration of shippers, for example,  
18 to nominate somebody. So I think that new  
19 process will help that.

20 MR. HAVILAND: Good morning, Todd  
21 Haviland, U.S. Coast Guard. I know Petro-Canada,  
22 they are extremely interested and chomping at the

1 bit to sit down and talk to us. Stephen Burnett  
2 and Matt Grimes are chomping at the bit to talk  
3 about, you know, cruise ship needs. I mean,  
4 anything you can do to help us maybe get the  
5 salty's, you know, the shipping federation, to  
6 come back and speak to us. Because, you know, Mr.  
7 Emerson and I and, you know, Mr. Khandpur, you  
8 know, we'll go up to Canada, to Montreal, two,  
9 three, four times a year. We go to Montreal, we  
10 go to Toronto. We visit their offices, we have  
11 very candid discussions. We engage with the  
12 Seaway. I have lunch with Steve about every four  
13 to six weeks. Unfortunately for the pilot  
14 presidents they probably hear from me every other  
15 day, but -- our doors are open. You know, I keep  
16 an open channel with the American Pilots  
17 Association. I try to get together with Clay  
18 every four to six weeks also. This is from my  
19 perspective, the gap that we have right now is --  
20 we just need a little more engagement from the  
21 four to five big companies that bring in the dry  
22 bulk.

1                   MR. GALLAGHER: Tina, to answer your  
2 question a little bit. Back in Port Huron last  
3 year we had the meeting, we made a recommendation  
4 to everybody, you know, we tried to coordinate  
5 that. John Boyce -- I don't want to speak for  
6 him, but he did just that. The big problem is  
7 the stakeholders, the big shippers, they talk a  
8 lot at these meetings, oh, yeah, let's do it.  
9 Because I've said this for years, it should be  
10 pretty simple, let's figure out the number of  
11 pilots, let's figure out a good compensation and  
12 let's have a multi-year rate and we can move  
13 forward. We can get rid of a lot of lawsuits, a  
14 lot of bickering that we have.

15                   These people don't want to sit down  
16 with us. You can't force them to come to the  
17 table. So they don't want to talk about it, they  
18 want to sue, they want to litigate and they want  
19 to complain. And it has been successful, about  
20 ten years ago. It's changed now, the Coast Guard  
21 is listening to them but they're moving forward.  
22 What they used to do before is just delay, "Oh,

1 let's have a study." None of them are here, none  
2 of them were in Port Huron. So all they want to  
3 do is complain. And, "Oh, we weren't invited.  
4 We didn't know." Bullshit, they know what's  
5 going on.

6 MR. KHANDPUR: Tell it like it is.

7 MR. GALLAGHER: John?

8 MR. BOYCE: Danny hit the nail right  
9 on the head. Yeah, I was on phone calls and  
10 emails trying to get people to sit down and  
11 there's a very small handful of people that want  
12 to but it represents a very small sector at the  
13 end of the day. My opinion was at what point is  
14 the Coast Guard going to listen because it easily  
15 gets complained away that, well, that doesn't  
16 represent anybody. Well, nobody wants to be --  
17 wants to be here. They'd rather take the poor me  
18 pulpit at the end and complain about the answer  
19 than actually try to solve the issue.

20 MR. EMERSON: Mr. Chairman?

21 MR. GALLAGHER: Mike?

22 MR. EMERSON: Mike Emerson, Coast

1 Guard. I'll tell you there is a way ahead here  
2 that's been in the works for awhile. I talked to  
3 Mr. Broad about it, I swap emails with Mike  
4 Broad. Some of the shippers like to email me and  
5 send me good ideas. And one of the issues that  
6 was brought up in the GAO report is to focus more  
7 on our measures to take a look at our impacts  
8 with the efficiency and the movements that  
9 involve pilotage, movements of cargo, and to see  
10 if we can get better measures from industry on  
11 their economic value, changes in their value.  
12 Are sorties up, is volume up, what's the nature  
13 -- what's the calculus there. And to solicit  
14 that from industries. So that's kind of the  
15 approach that I want to take and that we're going  
16 to take is to partner with folks that -- from  
17 your side of the equation and find out how are  
18 they doing.

19 We look at the headlines, that's one  
20 of my biggest reading efforts in the morning each  
21 day. Todd Haviland sends me a lot of the  
22 headlines from the rags up on the Great Lakes.

1 They have states up here that are bragging about  
2 record levels of grain or records numbers of  
3 short trips or the variety of different things.  
4 And we're always looking for delays; what are  
5 causing any delays, do we have the bench strength  
6 to keep pilots fully employed and moving ships,  
7 and we look at safety. And if there's a  
8 grounding or mishap, someone hits a gate -- you  
9 know, I'm going, please, may it be a Canadian.  
10 No. What I'm saying is please may it not be a  
11 U.S., that's what I said. So measures is where  
12 we're going.

13 MR. GALLAGHER: Steve?

14 MR. FISHER: Thank you. I just wanted  
15 to respond. I heard two things here in the last  
16 few minutes. One was the comment Danny made  
17 about -- and I think, Mike, you also referenced  
18 this -- the idea of everyone getting together and  
19 negotiating a rate. And I cannot support that  
20 any stronger. I absolutely agree. And we've  
21 talked about this at so many GLPAC meetings. I  
22 think the spirit is there -- I don't know about

1 the will being there, but I think everyone  
2 acknowledges that this is the path, this is the  
3 place to go. It's not an easy road though, and  
4 Danny is correct, there are some people in the  
5 mix who might need some arm twisting and some  
6 cajoling to be cooperative. I think, though,  
7 it's the right path and it's worth the effort.  
8 Todd, I think you mentioned that Gary Rasicot had  
9 tried this years ago. I thought that was the  
10 first time I had seen that and it was worth the  
11 effort. I think -- I don't know what happened in  
12 that instance but it was a shame that that  
13 initiative on his part didn't ultimately come to  
14 fruition. I think it's worth trying again. I  
15 think everyone -- in our past discussions we've  
16 talked at this committee that it's something we  
17 ought to keep at.

18           Let me, though, correct something that  
19 I think might be -- I want to make sure the  
20 record is correct. We are holding this meeting  
21 here today during a pandemic during which the  
22 U.S./Canadian border is closed. And so I would



1 hesitate to characterize any Canadians who have  
2 an interest in pilotage, because there's a lot of  
3 Canadians who have an interest in U.S. pilotage,  
4 that their absence in this room today is  
5 representative in any way of their lack of  
6 interest. Mike and I talked with the other  
7 industry representatives and some are very  
8 frustrated that this meeting is being held and  
9 that it's being held -- you know, they realize  
10 the circumstances are unique but they're  
11 frustrated that they cannot be here. Technically  
12 I think legally they can cross the border but  
13 then they have to quarantine to go home for two  
14 weeks so --

15 MR. GALLAGHER: That's not true,  
16 Steve; that's not true.

17 MR. FISHER: Okay. But --

18 MR. GALLAGHER: We cross the border  
19 daily.

20 MR. FISHER: Are you not an essential  
21 --

22 MR. GALLAGHER: They're essential

1 workers.

2 MR. FISHER: Okay. I don't know the  
3 universe of people who might want to come, but  
4 they thought it was -- but let me add, there's a  
5 personal decision everyone has to make as to  
6 their own safety and whether or not they want to  
7 come to something like this.

8 The other comment -- and I don't know  
9 if this is true, I'm telling you what people have  
10 told us -- was that a request was made for there  
11 to be a speaker phone in the room so people who  
12 didn't feel safe traveling or whatever could  
13 participate by voice, and they said that that was  
14 not responded to. So I don't know if that's  
15 accurate.

16 MS. ENGLEMAN CONNORS: That is  
17 absolutely not accurate. We were all  
18 disappointed but we did not have the ability to  
19 provide that type of technology. This is a  
20 public hearing that was published in the Federal  
21 Register, therefore all public, not just  
22 stakeholders, all public; Tanzania, Africa, New

1 York City, wherever; would have to have the  
2 ability to call in. And I do not have that level  
3 of technology in my purse. So we tried to find a  
4 way that we could try to do that, and perhaps as  
5 things move forward and Zoom goes to 5G or  
6 whatever and other things make it possible we  
7 would have that ability if this kind of meeting  
8 restrictions continue. But wouldn't it be great  
9 if we get the vaccine and we don't have these  
10 meeting restrictions and this was just kind of a  
11 bad year.

12 We did try -- we did inform everyone  
13 as best as we could. I for myself as a meeting  
14 planner do apologize if anyone did not get the  
15 word. But I was doing a lot of phone calls and  
16 emails to people as well, trying to share with  
17 them, including with Coast Guard folk, that we  
18 would do our best but I could not guarantee that  
19 we could do it and we were not able to pull off  
20 that technology.

21 MR. FISHER: Okay.

22 MS. CONNORS: This is not a retirement

1 ceremony, it's not a -- it's a formal Federal  
2 Advisory Committee meeting and therefore we have  
3 to follow the Public Notice rules of that and  
4 therefore we were -- our hands were a bit tied by  
5 the technology restrictions that we had. So,  
6 again, we did try and if anyone did not get that  
7 word I'm happy to call them and explain to them  
8 personally or apologize because we certainly  
9 tried to let everyone know.

10 MR. FISHER: All right. Thank you.  
11 Just it all goes back to Tina's initial question.  
12 If we want to improve stakeholder outreach -- and  
13 I acknowledge all the things, Mike, that you  
14 mentioned that the director is doing. But even  
15 with attendance at this meeting today is a unique  
16 meeting during a pandemic, the next meeting will  
17 not be the same. The meeting in Port Huron I  
18 thought was very well attended. It had plenty of  
19 Canadians at it from all kinds of pilots,  
20 shippers, tanker operators. So I think really we  
21 have a unique situation today at this meeting and  
22 it probably won't be that way in the future.

1 MR. GALLAGHER: Todd?

2 MR. HAVILAND: Good morning, Todd  
3 Haviland, U.S. Coast Guard. I was just wondering  
4 if Captain Gallagher would share some of the  
5 things that you did with Mr. Burnett when he  
6 reached out to you to ask about, you know, cruise  
7 ship potential throughout the Great Lakes.

8 MR. GALLAGHER: Yes. Last winter  
9 Stephen Burnett along with Matt Grimes -- we were  
10 working with Matt Grimes; actually we went up to  
11 Alpena with him, we went to Port Huron, we  
12 invited him in there, we brought all the  
13 stakeholders from the region, the Port Huron  
14 area, gave them, you know, a good history of  
15 pilotage, which he already had. I mean, he's a  
16 very intelligent individual, he's been around.  
17 So we're working with the stakeholders, the ones  
18 that want to work with us. And they do, they see  
19 the value in pilots. They don't want -- they  
20 can't afford the delays; they can't afford any  
21 delays.

22 You know, like I've said at numerous

1 meetings, Steve, I mean, you know, it shouldn't  
2 be that hard to figure out a number of pilots.  
3 Do you want delays, one shipping company will say  
4 they're perfectly fine with delays, until they  
5 get a delay, then, oh my goodness what's going  
6 on. You know these cruise ships, they've made  
7 the commitment that they'll order pilots a year  
8 prior to. They know their schedule, here's the  
9 time we want the pilot to be onboard. It's a  
10 first come/first serve, if they put their notice  
11 in a year in advance they're going to get the  
12 pilot before a Fednav ship, before a Canfornav  
13 ship, before Polsteam. They're putting in the  
14 order, that's the way the system is. If the  
15 shippers want to change the system they need to  
16 come to the table. We need to have the amount of  
17 pilots that we need to move the ships. If not  
18 this is what's going to happen, the cruise ships  
19 and the petroleum product people are going to  
20 order a year in advance, because they know their  
21 schedule, and they're going to get -- they're not  
22 going to get priority but it's first come/first

1       serve. That's just the way it works.

2                   Like I say, we've worked a great deal  
3 with them. We've spent a lot of time with these  
4 folks. So anyone that wants something from us we  
5 go out of our way to do it. I mean, we -- we  
6 appreciate it. You know, it's new business, it's  
7 good for the system. And we understand the other  
8 customers also but they need to come to the  
9 table. And we try. I mean, I don't know how  
10 many times I've tried. I know John did over the  
11 last year here with them since the last meeting  
12 we had in Port Huron and they just don't want to  
13 sit down and talk to us. I mean, right -- if you  
14 look at the transcript that we had in Cape  
15 Vincent, you know, they kept saying we need to  
16 talk, we need to talk but when I offered them to  
17 talk and say, okay, let's sit down and have a  
18 meeting, "Well, let's just wait and see." So  
19 they'll say it in public but when you ask them to  
20 actually sit down they have no interest. All  
21 they want to do is, oh, we're going to sue and  
22 let's see if we can force the Coast Guard -- this

1 is my theory -- if we can force the Coast Guard  
2 to do something. And that's what they're doing  
3 and that's what they've done their whole lives  
4 and they've been successful. They're not quite so  
5 successful anymore and their litigation strategy  
6 is not the best. Their track record is not that  
7 good. Yes, Tina?

8 MS. POTUTO KIMBLE: All I know is  
9 since I started this -- sorry for opening this  
10 can of worms. My only point is that I know -- I  
11 sense, being relatively new to this, there is a  
12 lot of frustration and I hear a lot of "they's"  
13 and "they's" are, I assume, vessel operators is  
14 my impression. I might be wrong on that.  
15 Shippers I don't think are as vocal or -- you  
16 know, the Federal Register notices, for example,  
17 I just don't think that we're following that kind  
18 of thing. And so engagement in the outreach to  
19 the shipping community may be -- for example,  
20 when you say things like my steel, when it comes  
21 in again, is going to be delayed because a cruise  
22 ship operator is able to, you know, request a



1 pilot a year in advance, understand that that's  
2 the way the system is ran and we're not asking  
3 you to deviate from that, but changing the system  
4 would attract attention. Like coming to a  
5 shipper and saying, "If we don't change the  
6 system you are going to have delays," now you're  
7 going to get the attention of people. Right? And  
8 so my only point in raising this is, you know, I  
9 hear a lot of frustration here and hopefully --  
10 you know, I'm offering help to try and reach more  
11 of my kind, because my perception is that might  
12 help with some of this log jam. Thank you.

13 MR. GALLAGHER: Tina, just one more  
14 comment. We are -- I am very point blank with  
15 the people at times, to a point that they think  
16 I'm threatening them. And it's not a threat it's  
17 reality. If you don't have enough pilots you're  
18 going to have delays. I mean, it's just the way  
19 it is. But then they'll -- after I tell them the  
20 truth they don't want to hear the truth, they go  
21 whining to the Coast Guard, "Oh, he's threatening  
22 us" or "If we don't have more pilots we're going

1 to have a delay." Well, it's reality. And if  
2 the cruise ships order a pilot in advance I hate  
3 to say it but they're going to get the pilot.  
4 And it's not -- it's not that we don't want to  
5 move the steel. I mean, you guys having been  
6 here long before these cruise ships. But they're  
7 going to use the system to their advantage just  
8 like the big shipping companies. And -- it's  
9 just -- it's the truth. Todd?

10 MR. HAVILAND: Good morning, Todd  
11 Haviland, U.S. Coast Guard. Just to follow-up on  
12 your point. I mean, we made some very big  
13 changes in the methodology between 2013 and 2016.  
14 Not everyone agreed to them but I don't think  
15 anyone has ever been able to come to us and say,  
16 you know, we didn't get a say. And, again, we're  
17 willing to make changes, but I've experienced too  
18 many time where someone has asked me to do  
19 something and I've done it and then in public  
20 they criticize me like I was, you know, the  
21 dumbest person on earth for doing exactly what  
22 they asked me to do.

1           So our goal is to bring everyone to  
2     the table, give everyone a say -- and, I mean,  
3     not just one time but multiple says. So not only  
4     can we do what's best for the system moving  
5     forward but that all the stakeholders, you know,  
6     honestly believe that they have a say and we  
7     respect and, you know, encourage their input.

8           MR. KHANDPUR: I just want to make a  
9     note, just remind everybody what an advisory  
10    committee is. So a federal advisory committee,  
11    we're required to follow specific guidelines in  
12    terms -- and I think Ellen recorded this, we  
13    cannot have meetings that are just with one group  
14    or another under the Advisory Committee Act.  
15    With that there has to be participation. You  
16    cannot be colluding with any one section or  
17    segment of the population. This is an advisory  
18    committee for participation from the public, like  
19    you said, Tanzania, if somebody wants to talk  
20    about it from there. So we're required -- and I  
21    know that sounds like, yeah, but nobody is coming  
22    from there, but as a governmental advisory

1 committee we have to be able to provide access to  
2 anybody and everybody that wants to join in. And  
3 so that is what we do here and that's why that  
4 remark about not having the technology to get  
5 everybody in -- because, you know, I've heard --  
6 I've heard remarks to the effect, well, nobody  
7 else is joining in, it's just four or five of us  
8 so why can't you provide that availability to us.  
9 And so that -- I just wanted to kind of lay that  
10 -- lay that sort of thing down as to why we do it  
11 the way we do and what are the requirements; we  
12 have to provide 15 days notice before an advisory  
13 committee and all of that stuff.

14           The part of it is in terms of reaching  
15 out and doing outreach, it's -- and it may be an  
16 opinion of mine. I don't know how much people  
17 care. Pilotage may be not a big part of their  
18 business, it's small -- small peanuts to the  
19 other billions of dollars that they're dealing  
20 with so a few dollars here and there in pilotage  
21 maybe they're not interested. So then they come  
22 back and then they get all shook up but then they

1 go away again because it's just not worth their  
2 time. So there are a lot of factors in terms of  
3 outreach. But the Coast Guard has done  
4 everything it can to reach out to the maximum  
5 segment of folks that we want to bring to the  
6 table. And so some people are very engaged  
7 because it's a big part of their -- of the bottom  
8 line, and some people are not. And I think that  
9 may be -- I'm offering an opinion here obviously  
10 but that's my take on this. So -- but we will  
11 continue to do, we will continue to outreach, we  
12 will continue to put the word and all are welcome  
13 to attend, all opinions are welcome.

14 MR. GALLAGHER: Anyone else in the --  
15 Steve?

16 MR. FISHER: Thanks, Danny. Rajiv, I  
17 would -- I appreciate the efforts the Coast Guard  
18 is making and if I could just comment. We  
19 interact with a lot of other federal agencies and  
20 they all have stakeholder engagement efforts. And  
21 sometimes they have to badger us a little bit to  
22 engage in their programs. And should it be that

1 way? Probably not, you know, but everyone's got  
2 short bandwidth, everybody is overworked,  
3 everybody is spinning too many plates. And so,  
4 you know, MRAD badgers us into going to their  
5 meetings, and once we do it's good, and we should  
6 have done it in the first place but they have to  
7 do that. The Corps of Engineers does the same  
8 thing. So I would just say this is not unusual  
9 for a federal agency to sort of have to reach out  
10 and poke people a little bit to get the  
11 engagement. I think Tina's right, it's worth the  
12 effort to identify the stakeholders and even the  
13 ones who haven't historically or traditionally  
14 been engaged they might get engaged. But it's  
15 okay -- even though -- it's not just sort of,  
16 hey, we're putting out the word, come if you will  
17 statements, it takes some nudging. And every  
18 federal agency goes through that and it's very  
19 common. And so -- but I think it's worthwhile,  
20 it ends up strengthening your program, so --

21 MR. GALLAGHER: Okay. Any other  
22 comment from the public?

1                   Okay. We'll bring it back to the  
2                   committee. Any further discussion from the  
3                   committee? John? Jon?

4                   Does the committee want to make any  
5                   recommendation?

6                   I guess I've got a question for Todd  
7                   then. The Coast Guard still has the ability to  
8                   do multi-year rates if the -- if both sides to  
9                   get together with pilots members, but --

10                   MR. HAVILAND: Good morning, Todd  
11                   Haviland, U.S. Coast Guard. And we have it in  
12                   our regulations that we can set a multi-year  
13                   rate. So we would prefer to do that in  
14                   conjunction with, you know, the maximum amount of  
15                   stakeholder input and involvement, but that is  
16                   not a prerequisite for us to do that.

17                   MR. GALLAGHER: Okay. All right. No  
18                   --

19                   MR. KLEIN: Mike Klein with CHS. Is  
20                   it possible to -- and is it even legal -- and it  
21                   gets a little cumbersome, but can an announcement  
22                   be put out there that a GLPAC meeting is going to

1 take place, if you're interested to listening  
2 remotely you have this amount of time to get that  
3 designation in or, you know, let us know that  
4 that's the case. And then if we then have  
5 identified people that want to participate then  
6 we see if we can provide the remote access to  
7 that group. Is that allowable?

8 MS. CONNORS: Thank you, Mr. Klein.  
9 Ellen Engleman Connors, Coast Guard. I don't  
10 have an answer. I had actually put forward that  
11 type of idea when we were first starting to plan  
12 the meeting and sometimes -- sometimes the  
13 government has to catch up to the moment as far  
14 as the rights and the rules. I don't know how  
15 else to say it because, you know, publishing in  
16 the Federal Register is a bit antiquated if you  
17 don't pull up that Federal Register every day to  
18 read it. And I know all you do, I'm sure that's  
19 the first thing on your iPads is to look up the  
20 Federal Register notices of the day.

21 So sometimes the way we do business in  
22 communication with the government -- I mean, I've



1       been in the government almost 30 years now too  
2       and it's -- some of it doesn't change as fast as  
3       technology does. The fact that we've been slowly  
4       integrating -- and I want to give kudos -- this  
5       is a little bit off base. But Mr. Emerson has  
6       led the way for our group to telecommute. Vince  
7       and I will telecommute to participate in  
8       meetings, to use technology to the best of our  
9       abilities. The rule making that's going on now,  
10      all the prework and everything that's being done  
11      all over the country, literally, to try to get  
12      this done and not let COVID stop us and  
13      everything else. So we are slowly integrating  
14      more and more technology but we have to  
15      coordinate not just what the Coast Guard wants  
16      but FACA at large it has its own set of rules.  
17      So this GLPAC FACA that is part of the Coast  
18      Guard is part of the world of FACA's and we have  
19      to coordinate with all those rules too. So  
20      that's DHS and then the FACA lawyers and all the  
21      other things.

22                   So my answer to you is I think the

1 government at large -- if I may say so -- is  
2 getting better at utilizing technology and that  
3 -- I don't know where the Zoom type meetings are  
4 going to lead and how they'll filter down but  
5 they've not filtered everywhere yet. And this is  
6 an example of where they haven't completely  
7 filtered everywhere the way you may be using it  
8 personally or in your business. Long answer and  
9 no answer at the same time, but we're doing the  
10 best we can to integrate technology the best that  
11 we can. Again, I'm hoping that we don't -- we  
12 kill this with a vaccine and we don't have to  
13 worry, but that's --

14 MR. KHANDPUR: But that's an excellent  
15 point, so we will take that back and consult with  
16 our lawyers and see where we can go with that.  
17 Because I sense that there's a lot of people that  
18 would like to participate but don't --  
19 necessarily can make it here. Even in a normal  
20 non-COVID time just traveling distances a lot of  
21 people that are not members of the committee  
22 would still like to participate as a public but

1 really don't have the wherewithal to be able to  
2 travel where it is and all that. So I think you  
3 raise a very interesting point. We don't face  
4 this issue with the other advisory committees  
5 because let's face it, this advisory committee  
6 really goes to your pocketbook. So I think the  
7 interest here becomes a lot more acute than we  
8 face in others so I think this question has not  
9 really been raised and the other advisory  
10 committees are content to kind of go the way the  
11 world has been doing it. But I think you raise  
12 an excellent point and I think we need to take  
13 this back and take a look at it.

14 MR. GALLAGHER: John?

15 MR. BOYCE: I think it speaks volumes  
16 to a level of interest if someone is going to  
17 invest whatever amount of time to sit at the own  
18 desk or their own home and listen in on a phone  
19 call while they're doing three other things or if  
20 they're actually going to come to a meeting and  
21 prepare, or not, but actually put forth the  
22 effort to be here. If you don't have the level

1 of interest to actually put forth to be here then  
2 I don't think the world needs to bend to make it  
3 convenient for you. That's my personal opinion.  
4 Tina, you're here; you know, we're here. People  
5 that want to come can come. I think there's a  
6 convenient excuse about the pandemic of I didn't  
7 feel safe, I couldn't make it and whatnot and I  
8 think that's a bending of the facts.

9 MR. KHANDPUR: Certainly one point of  
10 view.

11 MR. GALLAGHER: Mr. Haviland?

12 MR. HAVILAND: Good morning, Todd  
13 Haviland, U.S. Coast Guard. I also want to go on  
14 the record to say we held this meeting in person  
15 because we told the advisory committee members  
16 wanted this to be in person. As the chairman do  
17 you mind -- because we had quite a bit of  
18 conversation between us before we decided to do  
19 this in person.

20 MR. GALLAGHER: Yes. Well, as John  
21 pointed out, you know, you can sit in your living  
22 room watching T.V. or watching the kids, maybe

1 out on a golf course, you know, put it on mute  
2 while you hit it and not paying attention. I  
3 mean, it's -- it is what it is. This is -- as  
4 Rajiv said, this is a different group than the  
5 other advisory committees. It affects  
6 everybody's pocketbook. Anybody that wants to be  
7 here can be here. And I'm disappointed a lot of  
8 the shipping companies aren't here. There's no  
9 excuse. I mean, if they had a function in Canada  
10 we would be there. They had the ability. Soo,  
11 Canada, is only five minutes away, their home  
12 country is only five minutes away from here, a  
13 hell of a lot closer than my house. I mean,  
14 we've got people who traveled from DC in cars. I  
15 mean, we -- the pilots travel all the time. And  
16 it's actually good -- I think it's great having  
17 it up here in the Soo because everybody -- unless  
18 they flew in from Detroit they see what the  
19 district three pilots have to do; they have to  
20 get in their car every time from Port Huron,  
21 which is the same from the Detroit airport, and  
22 drive up here to catch a ship for the Soo to go

1 back to Port Huron to ride back to the Soo, or  
2 vice versa. And let the people see -- you know,  
3 for 100 and some miles there's not a store. You  
4 better make sure you're gassed up. And this is  
5 the beautiful time of year. Give it about  
6 another 30 days -- I mean, it could be snowing  
7 today up here. And, you know, we have to travel  
8 every day, every day. I mean, we've got guys  
9 going across the border, you know, probably four,  
10 five people every day driving five, six hours for  
11 these ships, to service them. And if they're not  
12 interested to show up shame on them, you know.

13 And, Tina, I appreciate your  
14 attendance. But, you know, we don't know who the  
15 customers are, all we do is move the ships. We  
16 don't know who owns that cargo. You know, a lot  
17 of times we don't know who the agent is half the  
18 time, they won't tell us. So, I mean, we don't  
19 know this stuff unless they come forward, unless  
20 you, like you have, and we appreciate it. And  
21 we've done -- you know, if Tata Steel needs  
22 something and we can help them out, you know

1 this, we've offered it. We know you, we'll help  
2 out. But for these shipping companies to sit  
3 there and say, oh, it's inconvenient or -- in  
4 Port Huron there wasn't -- Steve, there was a few  
5 but there wasn't any -- where was the big --  
6 where was Canfornav, where was Fednav, where was  
7 Wagenborg. We've gone up to Montreal and we've  
8 sat down with them. Last December we sat down  
9 with Wagenborg with the Coast Guard. And it's  
10 like, well, we don't want to talk about that  
11 right now, we're just too busy, we let the  
12 shipping -- "Do you know what they're doing?  
13 They're suing, did you know that?" "Well, they  
14 tell us a couple things but we really don't." So  
15 they -- as Rajiv said, they're too busy, they  
16 don't have an interest, but then they'll complain  
17 of a pilot's rates, of a pilot's numbers. They  
18 have one delay and look out, you know, they're on  
19 the phone with Todd, well, make this pilot do  
20 this, make that -- you know, let's cross train  
21 everyone. Well, anybody that's been around here  
22 -- and some of these people play stupid because

1 they know what's going on, they've been around  
2 here a long time. Paul Gardou (phonetic), these  
3 people are not dumb people, they know, they've  
4 got the system figured out. But it's to their  
5 advantage to stonewall, that's my opinion.

6 Go ahead, Steve.

7 MR. FISHER: I want to thank the three  
8 pilot associations because I think we we've done  
9 over the last three years was the right thing to  
10 do, which was to meet in each location where the  
11 association is headquartered. This was a good  
12 idea. I know you guys see your operations every  
13 day, we don't though. And it's a good learning  
14 experience to physically visit your operations,  
15 see your pilot boats and see how you're set up.

16 So first of all, I think that was a  
17 wise idea and I think we've been following that  
18 for three years. Other than Danny's organization  
19 the rest of you are inconveniently located.  
20 Sorry but you are. And so by the very nature of  
21 that location I think it becomes tough for other  
22 people to -- and it takes extra effort, as you



1 point out, Danny, for people to come.

2 But I also think Mike's idea has  
3 merit. We had talked earlier about going down to  
4 Covington, Louisiana for a meeting, which I think  
5 is another good idea. But I would predict right  
6 now when we do that meeting, if we do that  
7 meeting, it will also have challenged attendance.  
8 So -- so you're right, Danny, if someone is truly  
9 interested they can get on a plane and go down to  
10 Louisiana. But just predicting it here today, we  
11 will probably have challenged attendance at that  
12 meeting. But that isn't a reason not do to that  
13 meeting. That's a good idea to go down there and  
14 to see that facility.

15 So these ideas for meeting location  
16 where it enriches the committee member's  
17 experience and understanding of pilotage are  
18 absolutely worthwhile but I think we're all going  
19 to have to work on attendance. And maybe, you  
20 know, we need to get on the phone with our  
21 colleagues and nag them a little bit more. But  
22 it -- it's worth doing these meetings that help

1 educate us all about the different aspects of  
2 pilotage.

3 MR. GALLAGHER: Mike?

4 MR. EMERSON: Mr. Chairman, if I  
5 could? Mike Emerson, Coast Guard. I'd just like  
6 to follow onto Mr. Fisher's comments. I haven't  
7 heard anybody here today complaining about  
8 delays. I haven't heard anybody complaining  
9 about the performance of the pilotage. I haven't  
10 heard anybody complaining about the movement of  
11 goods, about the safety record. I tell you what,  
12 it occurs to me that there would be interest if  
13 those were problems. This room would be fill,  
14 risk or not they would have flown, they would  
15 have crossed the border illegally. They would  
16 have gotten here to see this meeting and be part  
17 of the conversation if there was a problem. We  
18 have moved the Great Lakes Pilotage Advisory  
19 Committee to a level where we're all kind of  
20 saying some of the same things. We've got a good  
21 idea on the table and I suggest you vote on it  
22 and recommend it. If I can't implement it I'll

1 tell you I can't implement it because we're the  
2 little Coast Guard that couldn't, or we'll try  
3 our best and do it. There are some cyber  
4 requirements that Ms. Connors was not able to  
5 solve. They were very specific, they weren't  
6 legal hurdles, they're actually cyber demands  
7 that we have to comply with because we're a DOD  
8 environment. And I can't offer Canadians access  
9 that Mr. Khandpur would love to offer. We would  
10 love to have a whole lot of people eating donuts  
11 here and drinking coffee with us, but, one,  
12 there's not a problem to solve because we're  
13 doing pretty well it seems to me by the  
14 headlines, and maybe I can get some better  
15 measures from industry. But we have a collegial  
16 group here that's actually about problem solving  
17 and we can do this and continue to do this.

18 The alternative was not to have a  
19 meeting, I chose to have the meeting. I told you  
20 I was transparent in the beginning. I chose to  
21 have a partial meeting with a limited audience  
22 vice not having a meeting at all. I think it's

1 good to see the environment. I wanted to see  
2 Captain Olney's program here and I think it's  
3 good to get you all together. And there is no  
4 dispersions or ill feelings toward anyone that's  
5 not here, Tina, especially the Canadians. I  
6 recognize personal choices, I recognize some of  
7 the access limitations. It's a weird time, this  
8 is a novel GLPAC.

9 MR. GALLAGHER: Ellen?

10 MS. ENGLEMAN CONNORS: I just want to  
11 say the Coast Guard is always ready to respond.  
12 And Ms. Traci Silas, who is our DHS  
13 representative, just called in and said that we  
14 will be able to do preregistration through the  
15 Federal Registry if we need to do that in the  
16 future. Okay? So things are constantly moving  
17 forward and we will look at how to do that, are  
18 we legally able to do that. I will need to find  
19 out how to do that and that's a good homework  
20 assignment to me. But, Mr. Klein, we will be  
21 able -- according to Traci Silas be able to do  
22 that. And there are ways to handle emergency

1 situations. Okay? So we will work at that. But  
2 as Mr. Emerson said, we have a broad audience and  
3 there will be challenges beyond my iPhone so  
4 we'll work it out. Okay? Thank you.

5 MR. GALLAGHER: Paul LaMarre?

6 MR. LAMARRE: Yes. I actually -- I  
7 don't usually write comments down but if we --

8 MR. GALLAGHER: Would you state your  
9 name?

10 MR. LAMARRE: Paul LaMarre, the Port  
11 of Monroe. I don't usually write comments down  
12 but I've written this for the end of the meeting  
13 and I think following up on Mr. Emerson's  
14 comments it's the perfect time for it.

15 And that is, we talk about value.  
16 What is the value of the pilots, the value for  
17 each of us to remain in business. To remain  
18 employed in the face of our current challenges it  
19 is priceless. In the darkest days of the  
20 pandemic, even before most lakers were getting  
21 underway, the pilots answered the call and were,  
22 and continue to be, on the front lines; not just

1 on vessels but on foreign vessels, some third  
2 world crews and flags of registry. You are on  
3 foreign soil. And we talk about convenience,  
4 it's not convenient to step aboard a third-world  
5 ship in the midst of a pandemic to get some of  
6 these goods to its final destination. My port  
7 owes you our season. The towing industry owes  
8 you its sustainability. And we as an industry  
9 owe you a debt of gratitude that we continue to  
10 operate as a system. From the bottom of my  
11 heart, please take it to your members, your  
12 fellow captains, thank you. If there is one  
13 message that gets across today, all bitching  
14 aside, thank you, because the system stops if  
15 you're not answering the call and that's not  
16 fricking convenient. And so those are my two  
17 cents.

18 MR. GALLAGHER: Dan Franklin?

19 MR. FRANKLIN: Dan Franklin, Lakes  
20 Pilots. I'd just like to thank Mr. LaMarre for  
21 those words. I was on the first ship to district  
22 two back in the first week in April, I believe,

1 and I can tell you it was a strange feeling  
2 climbing up that ladder not knowing what you're  
3 walking into. But I had to go to work. I'm a  
4 pilot, I move ships safely, that's what we do.  
5 And so we did it, we answered the call. We went  
6 to work, we moved goods. Thank god we're still  
7 here, we haven't lost anybody. And -- but thanks  
8 for your appreciation.

9 MR. GALLAGHER: Clay, did you have  
10 something?

11 Anyone else? Does the committee? Mike  
12 do you want to make a recommendation that the  
13 Coast Guard move forward with --

14 MR. KLEIN: Yeah, I would recommend  
15 that we put a proposal in front of the Coast  
16 Guard that they offer the opportunity to announce  
17 when a Great Lakes Pilotage Advisory Committee is  
18 going to take place and we define a time period  
19 for anyone that's interested in joining that  
20 meeting remotely has to sign up or designate  
21 their wishes that they want to and then we  
22 provide that access to them if it's possible.

1 MR. GALLAGHER: Anyone want to discuss  
2 it?

3 MR. BOYCE: This is John. But it  
4 already is announced. I mean, that's the Federal  
5 Register. I mean, I think we should encourage  
6 the Coast Guard to go beyond the minimum -- and I  
7 know Todd does. I've been on the email chains  
8 that are this long announcing it to, you know,  
9 147 people. So I'm not sure what that point of  
10 the recommendation is.

11 MR. KLEIN: And all I would say is,  
12 you know, if you could talk to me five months ago  
13 and ask me if I knew what a Zoom meeting was I  
14 wouldn't have -- it wasn't even on my radar. I'd  
15 never heard of it. And five months later it's,  
16 you know, second nature to me to join these  
17 meetings because we've been forced to do it. So,  
18 you know, things are available out there and we  
19 just move forward with the advancements that are  
20 there. I mean, my company, we used to meet, you  
21 know, in the office, but we figured out a way to  
22 do it without having to meet in the office and



1 everyone can still do their job remotely and so  
2 I'm just proposing that we offer that to our --  
3 anyone that wants to join these meetings.

4 MR. BOYCE: I think my point was  
5 there's two different parts to your comment.

6 MR. KLEIN: Okay.

7 MR. BOYCE: One is the notification,  
8 the other is remote access. What I was just  
9 speaking to was the notification part of it.  
10 There's Federal Register guidelines, it's 15  
11 days, it's printed, it's there. To go beyond  
12 that I don't think there's a problem encouraging  
13 it, but on the same token my point is I know  
14 firsthand Todd already does that. So I think to  
15 provide guidance that more needs to be done -- I  
16 think that's a little bit difficult for the Coast  
17 Guard to pick up that ball because I think, at  
18 least in their eyes, they're already doing that.

19 MR. KHANDPUR: If I may? The way I  
20 took his comment was -- I think what Mike was  
21 saying was that write the notice but then ask  
22 people to respond if they would like to register.

1       Because our problem is we have to go out to  
2       everybody. Now, if you have a certain segment  
3       that can respond from that everybody that says we  
4       want to be here, maybe there's a way we can  
5       provide access to just those people and still  
6       have fulfilled our obligation to go to everybody.  
7       Do you see that? So if I put it out to everybody  
8       and now 15 people say, okay, I'll be there and  
9       I'll provide those 15 people then I can tell the  
10      FACA authorities I provided access to everybody  
11      that wanted to be there. Is that what Traci told  
12      you, Ellen?

13                   MS. ENGLEMAN CONNORS: Again, there's  
14      access and there's technology, it's like having  
15      the right adapter plug. All right? So we're  
16      working through the rules to ensure like in an  
17      emergency -- like, you know, the hurricane came  
18      through, what would you do for the meeting or,  
19      you know, the remote thing and stuff like that.  
20      My best suggestion, if I may, is let us continue  
21      to work to ensure that the people who want to be  
22      here can be here and we will do the best that we

1 can continually, you know, through individual  
2 outreach, through registration and any use of  
3 technology that is viable. Okay? There are some  
4 things I can do right now and some things I can't  
5 do at this very moment today on technology. That  
6 doesn't mean it's not allowed necessarily, but I  
7 still have to have the right plugs. And if Mr.  
8 Emerson wants to up my budget -- no, I'm joking.  
9 That was a sidebar.

10 So, yeah, I think the heartfelt thing  
11 is that we want people who want to be here to  
12 participate and we're all still learning. Again,  
13 there's theory and reality. Okay? The theory is  
14 we have potential capabilities to do things, the  
15 reality is can I make sure I have the tools in  
16 the right place to do it. It's practical in  
17 theory and that's what we'll work on. So thank  
18 you.

19 MR. KLEIN: Yeah. Mike Klein with  
20 CHS. And Rajiv hit the nail on the head. What  
21 my suggestion is, or my proposal, would just  
22 eliminate the need to provide access worldwide

1 when there might not be any interest outside of  
2 this region. But if we find out, you know, that  
3 a number of people within a certain region have  
4 signing up we might be able to provide that  
5 access.

6 MR. GALLAGHER: Do you want to put  
7 that as a recommendation, Mike?

8 MR. KLEIN: Yeah.

9 MR. GALLAGHER: Okay. So the  
10 recommendation is that the Coast Guard would  
11 preapprove through notice a certain group of  
12 individuals?

13 MS. ENGLEMAN CONNORS: I wrote down  
14 his language if I could read it, sir?

15 MR. GALLAGHER: Okay.

16 MS. ENGLEMAN CONNORS: Offer  
17 opportunity to announce to GLPAC with the defined  
18 time period to attend remotely and then provide  
19 access if possible.

20 MR. KLEIN: Yeah; you'd have to  
21 qualify it, yeah.

22 MR. FISHER: Second if you're --

1 MR. GALLAGHER: Okay. We've got a  
2 motion by Mike, second by Steve. Any discussion?

3 Come to a vote. All in favor -- oh.  
4 Clay?

5 MR. DIAMOND: So I guess after  
6 committee discussion it's proper for --

7 MR. GALLAGHER: Yes.

8 MR. DIAMOND: I would think it would  
9 be important -- and I think that was your intent.  
10 I think it would be important to make clear that  
11 what you're talking about here is an individual  
12 requests access and that individual gets some  
13 unique access as opposes to granting -- say Zoom  
14 is the platform, it could be a different  
15 platform, but granting some kind of public access  
16 to Zoom, which could be a circus. But that's  
17 what you're talking about -- right? -- a  
18 particular individual notifies the Coast Guard I  
19 would like to attend this remotely, that  
20 individual is then given a unique access to the  
21 meeting? Limit it to that first.

22 MR. KLEIN: Mike Klein with CHS. And,

1 yes, that's what I'm looking at.

2 MR. GALLAGHER: Vince?

3 MR. BERG: Vince Berg with the U.S.  
4 Coast Guard. In January the Coast Guard is coming  
5 up with their own type of Microsoft Teams and  
6 that will allow -- when you do Teams you have to  
7 be on that team to be able to be accessed for  
8 that. So that might be an avenue that we might  
9 be able to use if we need to individualize that  
10 as just a -- you know, to be invited.

11 MS. ENGLEMAN CONNORS: I apologize  
12 that this is going on so long. I know you want  
13 to get back to the real core of content of the  
14 meeting. My suggestion, sir, Mr. Klein, is that  
15 we kind of keep it -- the language that we have  
16 right now, Mr. Diamond as well, so that we can  
17 see what is possible and then we can respond back  
18 accordingly. Because otherwise, again, we have  
19 the theory and the reality of the technology  
20 linkage and I'm just trying to say if we could  
21 perhaps keep it with your suggestion language and  
22 we'll do our best. We understand what the intent

1 is, I just can't separate the wheat from the  
2 chaff right now theoretically. And so if we  
3 could just consider that we will do our best to  
4 respond and see what we can do with whatever  
5 tools we have and whatever requirements we have  
6 that match the requirements and tools.

7 MR. KLEIN: Okay.

8 MR. GALLAGHER: Any other discussion  
9 from the public?

10 Okay. We've got a motion by Mr.  
11 Klein, second by Mr. Fisher. All in favor?

12 (Chorus of aye.)

13 MR. GALLAGHER: John?

14 MR. BOYCE: Nope.

15 MR. GALLAGHER: Opposed?

16 (Show of hands.)

17 MR. GALLAGHER: All right. So that's  
18 over.

19 MR. HAVILAND: So is the vote five to  
20 one?

21 MR. GALLAGHER: Yes. We can either  
22 take a break now or continue on. Do we want to

1 continue on one more topic? The staffing model.  
2 As everyone knows the traffic in the Great Lakes  
3 over the past few years has changed. Pilots are  
4 providing service on petroleum tankers and  
5 Canadian domestic fleet. Cruise ships also would  
6 be a significant player. We have winter  
7 navigation that has kept district two and three  
8 open throughout the years. So I'd like to invite  
9 -- recognize Mr. Todd Haviland from the Coast  
10 Guard.

11 MR. HAVILAND: Good morning, Todd  
12 Haviland, U.S. Coast Guard. Before I start my  
13 comments I just wanted to follow-up on some of  
14 the things that Mr. Emerson said. I think Mr.  
15 Khandpur and everyone here recognizes it.

16 15 years ago this committee didn't run  
17 so smoothly. I think we could get about three  
18 hours worth of everyone's attention before it  
19 turned into, you know, a whole bunch of profanity  
20 going back and forth. I think, you know, Rajiv  
21 gets a lot of credit for helping us, you know,  
22 focus the advisory committee, you know, a



1 relevant clearing house for all the ideas we  
2 have. You know, I think once you retire you'll  
3 be greatly missed so thank you again.

4 The staffing model. So in 1959 when  
5 the Locks were opened and then in 1960 when the  
6 congress implemented the Great Lakes Pilotage Act  
7 it was primarily dry bulk salty marine vessels  
8 into the system. And about three or four years  
9 ago that all started to change. First it was  
10 with the petroleum tankers and a little bit of  
11 the cruise ships. And up until that point, you  
12 know, that might have been three percent, you  
13 know in a good year five percent of the business.  
14 Well, in the last few years it has become a very  
15 significant portion of the business. At times I  
16 know in district one the petroleum tankers will  
17 be 40 percent of the business, you know, over a  
18 given month. And in district three the cruise  
19 ships, you know, have really bailed you guys out,  
20 you know, during the lean years.

21 So, as was stated earlier, under the  
22 current regulatory regime it's first come first

1     serve.  So the petroleum tankers and the cruise  
2     ships theoretically have the ability to order  
3     pilots, you know, not only weeks, months, but  
4     maybe, you know, one, two, three years in  
5     advance.  And if the regulations don't change  
6     they will be in line to get that first come first  
7     service.  And I've had this discussion a number  
8     of times with the folks in Canada and I said I,  
9     you know, appreciate the fact that you  
10    essentially built the system but these waters are  
11    for everyone's use, despite what historically has  
12    happened.  And in conjunction with the commandant  
13    maritime commerce strategy where it's our job to  
14    ensure the facilitation of maritime commerce, you  
15    know, across all U.S. waters.  The same applies  
16    for us.  So to dovetail what Mr. Emerson was  
17    saying, I think if there's one issue that  
18    everyone can agree to it's you know, how many  
19    pilots do you want.  Because just like the  
20    shippers don't want too many pilots, the pilot  
21    associations don't want too many pilots.  You  
22    know, the shippers don't want that extra money in

1 the rate and the pilots don't, you know, want to  
2 not work and sit around and not make their target  
3 compensation goals.

4 The same is true if there's too few  
5 pilots. If there's too few pilots the pilot  
6 associations and U.S. registered pilots, you  
7 know, have to dig into that recoupment and rest  
8 that is so important to them. And then on the  
9 shippers' side it results in delays. So I don't  
10 know what outreach we need to do but, you know,  
11 the Coast Guard is willing to facilitate any  
12 meeting that we have to or willing to hold  
13 whatever public hearings -- or public meetings  
14 that we need. But we truly believe when it comes  
15 to the staffing that that is an issue that all  
16 sides should be able to agree to. And I know no  
17 one has a crystal ball but -- you can ask the  
18 pilot presidents, at the beginning of the  
19 COVID-19, you know, a lot of people were calling  
20 me saying, oh, this is going to be just like  
21 2008. And I said, "I don't think so. I think  
22 we're going to have, you know, still a pretty

1 strong demand for grain. The petroleum is still  
2 going to need to move." And I knew all the  
3 specialty cargo with the windmill parts that were  
4 coming in. And this year had there been cruise  
5 ships I think it really would have taxed the  
6 system. So what my plea is to everyone in the  
7 room, and to the stakeholders, is, you know,  
8 please don't wait for it to become a problem when  
9 I think there's plenty of, you know, information  
10 that everyone holds that we can come together --  
11 or you guys can come together and tell us, you  
12 know, what we need to do, or at least advise us  
13 on, you know, maybe, you know, you want us to  
14 modify the staffing model if you just don't want  
15 us to -- if you don't feel comfortable telling us  
16 exactly how many pilots you want. But tell us  
17 how you want the staffing model modified.

18 And this also leads into, you know,  
19 the winter navigation system -- or season. For  
20 years, I mean, almost 50/60 years, the goal was,  
21 you know, to expand the season a little bit. But  
22 for nine and a half months the season and the

1 system was open and then the system closed, the  
2 pilots, you know, got their rest, they did their  
3 training, they went to the doctor, they did what  
4 they had to do. But the last couple seasons  
5 districts two and three have had to remain open  
6 all year. Our staffing model is not created to  
7 deal with that. So for the last couple years --  
8 the pilots aren't going to want to hear this --  
9 but, you know, rates have been depressed a little  
10 bit because we've included all those hours.

11 Because the ten year only average includes the  
12 hours from our navigation system. Well, I've  
13 been pleading with the shippers in Montreal to  
14 come to the table and talk to me about this,  
15 because there's a three year lag with expenses  
16 and all those expenses associated with keeping  
17 districts two and three open year around are  
18 about to hit the rates.

19 And from my perspective I'm  
20 indifferent. I mean, the rates are the rates.  
21 You know, every expense that goes into the rate  
22 will be necessary and reasonable. But I think

1 that there's a discussion that kind of follows up  
2 on what Tina was saying. Is it fair for the  
3 folks who use the system only during the time the  
4 locks are open to subsidize that handful of ships  
5 that come in after the locks close and still  
6 employ pilots. I mean, when we were in Port  
7 Huron last year that Canadian registered pilot  
8 said they have a hundred and I believe forty  
9 assignments last year.

10 MR. FISHER: During?

11 MR. HAVILAND: During the winter  
12 navigation season. I mean, during --

13 MR. GALLAGHER: During the closed  
14 season.

15 MR. HAVILAND: Yeah, when everything  
16 is supposed to be closed. I mean, I'll talk to  
17 Captain Gallagher. This year you came back from  
18 Florida -- what? -- seven times to move ships?

19 MR. GALLAGHER: Six times.

20 MR. HAVILAND: And I just want to let  
21 everyone know we didn't create the staffing model  
22 to deal with these things but from a safety

1 perspective we've got to look at this. And then  
2 I also think from a fairness perspective we would  
3 like to hear, you know, some input from the  
4 players on, you know, what is the right way  
5 moving forward.

6 MR. GALLAGHER: Go ahead, Steve.

7 MR. FISHER: I can just tell you not  
8 only my view as a member of the committee but  
9 we've talked with the other industry  
10 representatives. We don't think the users of the  
11 normal nine month, nine-and-a-half month season  
12 should subsidize the one or two that want to  
13 operate during the winter; it's not fair and it  
14 doesn't make sense.

15 I guess a question I'd have for you is  
16 what would -- and you might not know the answer  
17 right here off the cuff. But it would be  
18 interesting to look at a model or something that  
19 what would happen to an operator who wanted to  
20 operate during the winter. I mean, there would  
21 almost have to be a different rate structure for  
22 the winter months. You'd have to come up with a

1 system I guess for how to charge them because  
2 essentially the handful that want to operate  
3 during the winter would have to support the full  
4 cost of the districts that need to remain open --  
5 remaining open or partially open I guess. So it  
6 would be interesting to see what -- my guess is  
7 it would probably be very costly and ultimately  
8 maybe discouraged their use of winter months.

9 Have we had a winter where they were  
10 operating but then the ice and the weather  
11 conditions kind of stopped them or has it not  
12 been that way?

13 MR. GALLAGHER: Not in the last few  
14 years, no.

15 MR. FISHER: They essentially operated  
16 all winter?

17 MR. GALLAGHER: Yes. And some of  
18 these operators are here all year, some of these  
19 operators -- they're just not coming in in the  
20 wintertime, they're here all year. So the ones  
21 that we've been servicing lately they're here  
22 year round.



1 MR. FISHER: Right.

2 MR. GALLAGHER: So they're actually --  
3 you know, they're here the 12-month season, not  
4 the nine month. You know, the system is based on  
5 a nine-month season.

6 MR. FISHER: Right.

7 MR. GALLAGHER: And as Todd said, you  
8 know, I came back and forth to Florida, that's at  
9 my expense.

10 MR. FISHER: Right.

11 MR. GALLAGHER: Okay? Because in our  
12 association the way our rules work -- I don't  
13 know, Jon, how yours does, but a person has to  
14 get to their own base. So you can live wherever  
15 you want but you're responsible to get here. So  
16 every time I travel back and forth -- or anybody  
17 in our group, it's at their expense to service  
18 the ship.

19 MR. FISHER: Right; yeah.

20 MR. GALLAGHER: And if we turn it down  
21 -- if we turn it down then there's not going to  
22 be any pilot services. The system is built on

1 278 days available, and that's what the  
2 compensation is based on, that's what the bridge  
3 hours are based on. I think the Coast Guard  
4 needs to recognize 360 -- you know, the full  
5 season for compensation, which is going to  
6 increase compensation. Mr. LaMarre?

7 MR. LAMARRE: Paul LaMarre, Port of  
8 Monroe. To Steve's point about all of the users  
9 paying for one private company, in this case --  
10 so Suncorp decides to charter a ship that's ice  
11 class and go all year. And our port has been a  
12 beneficiary of it. However, just because one  
13 company decides to charter a vessel and  
14 ultimately put a strain on the whole system  
15 because you have ice breaking assets committed to  
16 that almost full time when there has been ice in  
17 the rivers, I think that there almost should be,  
18 for at least the time being, a separate rate  
19 outside of what it is all season long. If there  
20 are additional costs through your association, et  
21 cetera, whatever, for you to have to come back  
22 there's value to that, whatever that is. But, I

1 mean, we're subsidizing Suncorp as just one  
2 example there for keeping that vessel going year  
3 around. And that's -- so I'm happy it's coming  
4 to my port. I'm happy that it's using tugs in  
5 and out, but at the same time it is imbalanced  
6 for sure.

7 MR. GALLAGHER: Clay?

8 MR. DIAMOND: Yeah, Clay Diamond with  
9 the American Pilots Association just to add a  
10 perspective. Generally pilot rates are  
11 established to support modern day pilot  
12 association here. And I'm not aware of anywhere  
13 in the country, for example, where what you pay  
14 as a rate depends on how many times you use  
15 piloting services or whether you use it for a  
16 month out of the year or where you use it for 12  
17 months out of the year. A pilot rate is  
18 established based on the total traffic, the  
19 expenses needed for the compensation to, you  
20 know, make those to be equal. So it would  
21 certainly be a novel approach to try to appoint  
22 the rates based on this guy uses it a couple

1 extra times a year. There would be some  
2 challenges for that. And again, I'm not aware of  
3 anyplace else that does that. That's not always  
4 a reason to say no, I'm not implying that. But  
5 this would certainly be breaking new ground, at  
6 least as far as I'm concerned.

7 MR. FISHER: I'm sorry. Are there  
8 other seasonal areas in the United States?

9 MR. DIAMOND: There are places where  
10 the traffic dips certainly in the winter, but --  
11 like deep in New England, for example, there's --

12 MR. GALLAGHER: Alaska?

13 MR. FISHER: Is Alaska seasonal?

14 MR. DIAMOND: Yes; seasonal for cruise  
15 ships.

16 MR. GALLAGHER: And the other users  
17 pay -- I mean, Alaska is a good example. They  
18 may -- in the wintertime maybe couple of ports  
19 only have two movements a year. And we never  
20 used to have a lot of them, so this was never  
21 really a big issue. If we had maybe one or two a  
22 winter it was just -- but lately, I mean, the

1 Canadians are taking us every time they're going  
2 someplace, because either they don't have the  
3 personnel, they don't have the license in place.  
4 Last year wasn't quite as bad as the previous  
5 year. I mean, we had -- the Bill Bramble that the  
6 guy bought, I mean, it was like he wanted to go  
7 for a ride every -- once a week.

8 MR. FISHER: Right.

9 MR. GALLAGHER: And it's a lot on our  
10 people. And I think the Canadians have it  
11 probably worse than us because of the -- And I  
12 think they're struggling too to find a balance  
13 because, you know, people are there all year and,  
14 you know, they're having a hard time keeping up  
15 with the pace of it during the winter months.

16 MR. FISHER: Right; right.

17 MR. GALLAGHER: When it's supposed to  
18 be their down period. But, you know, we have  
19 other ships, some of the regular carriers, that  
20 get stuck at the end of the year.

21 MR. FISHER: Yeah.

22 MR. GALLAGHER: So John for an example

1 -- I mean, the year before last, John, you were  
2 working well into the first week of --

3 MR. BOYCE: I think the 11th.

4 MR. GALLAGHER: Yeah, the 11th of  
5 January for the regular customers when the system  
6 is based on 270.

7 MR. FISHER: Right; right.

8 MR. BOYCE: Well, that was another  
9 point I was going to make. Is it's not so simple  
10 as saying the additional cost in the off season,  
11 because one of the things it does is it  
12 completely reorganizes the staffing model. You  
13 know, that's based on being off for three months,  
14 now if that's not there that reshuffles the whole  
15 deck.

16 MR. FISHER: Right.

17 MR. BOYCE: And not saying you can't,  
18 but it's going to be some crazy arithmetic to  
19 figure out how you reshuffle those three months  
20 worth of pilot availability into the rest of the  
21 year because it changes the whole dynamic.

22 MR. FISHER: Right. Can I ask an

1 operational question? So put cost aside, you all  
2 would need to restructure really the way you  
3 operate during the winter months, you'd have that  
4 to have some amount of workforce available and  
5 willing to work those months, and that would have  
6 to figure into how they rest and how they --  
7 right? -- or --

8 MR. GALLAGHER: Well, the regulations  
9 say we're supposed to be available for the entire  
10 season. So if six of the petroleum operators  
11 decided this winter to winter in the Great Lakes  
12 and run every day we have to provide it.

13 MR. FISHER: Okay.

14 MR. GALLAGHER: By law we have to  
15 provide it, and that's what we're doing. And if  
16 one of our guys don't want to do it, go to  
17 Walmart and get a job. That's what I tell my  
18 guys, "If you don't like getting up in the middle  
19 of the night go find a day job someplace." It's  
20 the job we have, it's the mandate that the Coast  
21 Guard expects of the pilots, to be on call and be  
22 there. If you can't then you've got to find a

1 different occupation. And we're doing our part,  
2 but people have to realize, like John said, the  
3 staffing model is changing. I mean, we -- Todd?

4 MR. HAVILAND: Todd Haviland, U.S.  
5 Coast Guard. I was just going to ask you to  
6 maybe explain a little bit more everything that  
7 goes into, you know, keeping your operations  
8 going and keeping, you know, a proper staffing  
9 out there. Because I think some of us understand  
10 it because we live it every day, but others, you  
11 know, don't.

12 MR. GALLAGHER: Yeah. For an example  
13 I'll use pilot boat guys, district three with the  
14 Canadians. We were able -- and weather  
15 depending, you know, we can't do this all the  
16 time but weather depending. We were able to keep  
17 our pilot boat in operation for them. It wasn't  
18 our usage in district two. It was for district  
19 three and the Canadians, because they're the ones  
20 that were going a little out of petroleum  
21 products up above. If not -- now they've got --  
22 district three would have to have two pilots



1       aboard and it depends on where it's coming from.  
2       If it's coming from Nanticoke going up to the  
3       Sault they've got to send someone all the way  
4       over to Nanticoke to put a couple pilots on, the  
5       Canadians would have a couple pilots.

6                 So like last year, we -- you know, the  
7       last couple of years, weather permitting, we have  
8       had our pilot boat guys operating all year long.  
9       You've got dispatch, someone has got to dispatch  
10      these people. I don't care if you have one ship  
11      in the system or, you know, a hundred, you still  
12      have that dispatch that has to answer that phone.  
13      And you've got to pay them.

14                MR. FISHER: Right.

15                MR. GALLAGHER: You can't just expect  
16      them to -- you know, pay them 20 cents a phone  
17      call, so -- and transportation. I mean, we still  
18      have our drivers moving people around. It's --

19                PARTICIPANT: In the wintertime.

20                MR. GALLAGHER: In the wintertime, and  
21      it's no different than through the season. It's  
22      costly and, you know, a lot of our people -- I

1 mean, they're -- that's their downtime. Our  
2 pilot boat crews get two weeks off a year. They  
3 work 12 hours a day seven days a week. They get  
4 two weeks off a year. And when the other ones  
5 are gone they've got to cover for the other guy,  
6 so then they're on 24 hour call.

7 So our system is -- you know, their  
8 downtime is in the winter. The last couple of  
9 years they don't get that downtime.

10 MR. FISHER: So to maintain an ability  
11 for people to have downtime, to maintain --  
12 really to accommodate operators who want to  
13 operate in the winter really the whole system  
14 needs to kind of puff up a little bit and it's  
15 going to be more expensive, it's going to be  
16 bigger though. You're going to need more staff I  
17 would assume. And it's really a big decision to  
18 take on that total cost so that a handful of  
19 these operators can operate in the winter.

20 Todd, do you have any sense of is this  
21 business that's going to sort of go away in a  
22 year or two or does this appear to be ongoing and

1 it's going to be permanent?

2 MR. HAVILAND: Todd Haviland, U.S.  
3 Coast Guard. That's the -- I think that's the  
4 reason why we want the input, because we believe  
5 you know better than we do. But I would have  
6 never thought, you know, the Canadian domestic  
7 fleet would employ U.S. registered pilots as much  
8 as they do. I don't see that coming to an end  
9 any time soon. But again, I -- I don't speak for  
10 them.

11 MR. FISHER: Haven't we speculated in  
12 past meetings that the Canadian domestic fleet is  
13 using pilots right now because they've got a lot  
14 of turnover and they've got some new officers on  
15 their ships that maybe aren't where they ought to  
16 be and so at a point in time they're going to be  
17 seasoned enough that they might not be hiring  
18 pilots much? I've heard that kind of  
19 speculation. If that's the case then this might  
20 evaporate in a few years, this new demand may  
21 evaporate in a few years.

22 MR. HAVILAND: Todd Haviland again,

1 U.S. Coast Guard. I think if anyone could answer  
2 that question they, you know, could make a lot of  
3 money. But when I speak to Fluvio and Michelle  
4 at the Laurentian and Great Lakes Pilotage  
5 Authorities they still don't have enough people.  
6 So every time it seems like a Canadian laker  
7 company gets someone qualified they're almost  
8 immediately poached.

9           And again, I don't speak for the  
10 Canadians and I don't want to get the impression  
11 as if I do. But based from where I sit -- and  
12 this is another part of a different outreach that  
13 Mr. Emerson has asked us to engage in, and Mr.  
14 Khandpur. But it's almost like they're in a  
15 vicious cycle where there aren't enough mariners  
16 so as soon as someone gets qualified they, you  
17 know, get hired by the Canadian authorities, the  
18 Canadian domestic fleet remains short so they  
19 continue to employ people and I don't see an end  
20 in sight. But I think the pilot presidents might  
21 have a little better perspective I think.

22           MR. GALLAGHER: Jon, I think you could

1 probably speak to this just as well as anyone.  
2 But I think that tankers they're using you more  
3 and more over the years; correct?

4 MR. OLNEY: Yes, they are. A couple  
5 of years ago we had virtually no tanker traffic  
6 -- I'm sorry. Jon Olney, Western Great Lakes  
7 Pilots. We had virtually no tanker traffic that  
8 we had to service and now it's a regular -- I'm  
9 sorry -- it's a regular occurrence, not  
10 irregular; a regular occurrence that we're  
11 servicing Canadian tankers. Same thing with some  
12 boat carriers. Now, not so much this year but in  
13 years past we've done boat carriers that came out  
14 of nowhere, nobody saw it coming and all of the  
15 sudden we're standing around on ships carrying  
16 iron ore.

17 MR. GALLAGHER: We've had -- just in  
18 the last couple weeks we've had ones that we've  
19 seen go up and down the river for years without  
20 pilots they're ordering pilots all the time now.

21 MR. OLNEY: Right.

22 MR. GALLAGHER: I mean, and they're

1 doing turnarounds quick. I mean, it's up the  
2 river, it's Toledo to Cleveland to -- you know  
3 it's -- I would have thought that it's going to  
4 go away maybe, I think it's going to get worse,  
5 that's what we're seeing.

6 MR. DIAMOND: Not related to the  
7 seasonal but I would offer a perspective on  
8 cruise ships that I think -- again, I know -- but  
9 all regions of the country have -- you know  
10 northeast and mid Atlantic and all over the west  
11 coast, including Alaska and Hawaii have  
12 significant cruise ship traffic. And as  
13 everybody knows, it's been shut down pretty much  
14 since March. We've been privy to a lot of  
15 discussions amongst the cruise line industry.  
16 There's a lot of concern, as you can imagine,  
17 about -- the whole cruise ship industry, for the  
18 most part, is based on large capacity, large  
19 passenger volumes, and they are struggling to  
20 figure out how this is going to work moving  
21 forward. Part of the discussion, however, is  
22 what used to be a small niche of cruising is

1 looking to be the most viable in the short and  
2 the mid term and that's the small capacity  
3 passenger cruise ships are going to be the  
4 easiest to get back online and run and there's  
5 going to be a significant investment in those. So  
6 -- and that's coming from the cruise executives.  
7 So the perspective and prospective of cruising on  
8 the Great Lakes is pretty promising given what  
9 else is going on, you know, kind of around the  
10 world. So I think that's a pretty good  
11 indication that that demand is going to certainly  
12 not wane, it's likely going to increase.

13 MR. HAVILAND: These are all good  
14 problems to have.

15 MR. FISHER: Yeah; yeah, we're  
16 struggling with growth, that's not a bad thing.  
17 Danny and John and Jon, are there other  
18 impediments that we haven't discussed to becoming  
19 a year round -- being open to serve robustly year  
20 round? I realize you're going to need more staff  
21 but are there things we haven't talked about?  
22 You know your operations, I don't.

1 MR. GALLAGHER: Ice.

2 MR. FISHER: Okay.

3 MR. GALLAGHER: I mean, last year was  
4 a mild year. The last couple years we've been  
5 lucky, we were able to keep the pilot boats  
6 going. But there's a point in time, and that  
7 point in time could be December 20th, where pilot  
8 boats can't operate anymore. And then we're  
9 looking at, you know, chartering a tug that has  
10 business elsewhere because we can't commit to  
11 them and the cost of operating is -- you know,  
12 it's an additional \$10,000 every change. So, I  
13 mean, that's -- it's the ice. I mean, if we had  
14 beautiful weather then, yes, we'd probably be  
15 open all year round, but that's one of our big  
16 problems is the ice and keeping our pilot boats  
17 going.

18 MR. FISHER: Right.

19 MR. GALLAGHER: I mean we can keep the  
20 cars going, we can keep the dispatchers on, we  
21 can keep, you know, the pilots in place, but --  
22 Mother Nature.



1                   Any more discussion? Anything from  
2 the public? No? Yes, John?

3                   MR. SWARTOUT: John Swartout, Western  
4 Great Lakes Pilots. The topic is staffing model;  
5 right? The current language in the CFR over the  
6 staffing model does not have any, you know,  
7 interval for reviewing the staffing model or  
8 staffing for the three districts. But I think  
9 it's worth noting that in district three bridge  
10 hours exceeded projection by 21 percent in 2016,  
11 38 percent in 2017 and 28 percent in 2019, and  
12 this year is running about the same as last year.  
13 So we're understaffed currently to handle the  
14 amount of traffic we have. We are getting very  
15 close to having an authorized number of pilots  
16 now and this year we're missing about 2500 bridge  
17 hours that would have been here if the cruise  
18 ships could have operated. So we're just lucky  
19 to be able to service the traffic this year with  
20 the pilots we had. If the cruise ships had been  
21 operating we would have been overwhelmed.

22                   MR. HAVILAND: Todd Haviland, U.S.

1 Coast Guard. I'm sorry, I skipped over this. But  
2 the current staffing model is built upon the  
3 maximum number of ships we move in a 24 hour  
4 period at the opening and closing of the season  
5 when we don't have the aids of navigation in,  
6 when the weather is bad and there tends to be a  
7 lot of ice and it requires double pilotage. But  
8 again, we are open to reviewing, you know, that  
9 methodology or that staffing model if it needs to  
10 change.

11 MR. GALLAGHER: Dan Franklin?

12 MR. FRANKLIN: I'd just like to say  
13 too, you know, we talk about the beginning of  
14 season/end of season double pilotage, but we have  
15 incidents that I heard during the season where we  
16 had an incident with one of the canals closing  
17 down, you know, something happened to ships so  
18 you might get five, six, seven, ten vessels  
19 waiting to come through and all of the sudden you  
20 have this whole bunch of traffic coming through  
21 requiring pilots. So it's not just an end of  
22 season/beginning of season. You know, obviously

1 everybody that deals with this day to day knows  
2 that ships don't stay on the same schedule as  
3 cruise ships do. A lot of our customers have  
4 very varied schedules, these delays happen and  
5 they go up through the system and all of the  
6 sudden in our part of district two we have a  
7 whole slug of traffic coming through that we've  
8 got to try and clear as efficiently and safely as  
9 possible.

10 MR. FISHER: Can I?

11 MR. GALLAGHER: Steve?

12 MR. FISHER: Todd, when the current  
13 staffing levels that are provided in the rate  
14 were decided, you take into consideration the  
15 cruise traffic? You do not -- is there a lag on  
16 this or --

17 MR. HAVILAND: Todd Haviland. No,  
18 it's very straightforward. So we look at  
19 historically how long it takes to perform the  
20 entire job. So from the time a person gets  
21 dispatched to they get to the vessel, they  
22 perform their work, they get off the vessel --

1 and this includes pilot boat time -- they do  
2 their administrative stuff. We factor in that  
3 there might be a little bit of a delay. And then  
4 how long it takes them to get them back to that  
5 station like Captain Gallagher was talking about.  
6 And then we say, okay, if we have those times in  
7 place, and, for example, we want to move five  
8 ships a day on the St. Lawrence River, well then  
9 we know that turnaround time is about 24 hours so  
10 we need ten pilots to move five ships a day on  
11 the St. Lawrence River.

12 If you simply want me to say we want  
13 to be able to move 14 ships a day on the St.  
14 Lawrence river -- or, you know, seven ships a day  
15 and then we increase it to 14. But right now the  
16 staffing model is focused on what happens at the  
17 beginning and end of the season.

18 MR. FISHER: I see. Okay. There's a  
19 lull.

20 MR. HAVILAND: Because historically we  
21 had a huge influx when the system opened, it  
22 would die down around June and there wouldn't be

1 a whole lot of activity until maybe September and  
2 then it would ramp up again for, you know, the  
3 end of the season and then that big, you know,  
4 end of the season rush in December where everyone  
5 was trying to get that last load in and last load  
6 out.

7 MR. FISHER: And do you track delays  
8 just as a way to track how well this system of  
9 staffing calculation is working? I mean, is it a  
10 way to measure sort of, hey, I'm getting it right  
11 or I'm getting it wrong?

12 MR. HAVILAND: We're trying to track  
13 delays but it's really difficult to -- and I'll  
14 pass it over to Captain Boyce in a minute. On  
15 the American side the loss is clear. If you're a  
16 U.S. registered pilot or if you're an applicant  
17 you have to be available as needed as long as it  
18 doesn't compromise safety. On the Canadian side  
19 they're governed by collective agreements and we  
20 -- and I can't, you know, effect that, so -- lots  
21 of times things will happen in one part of the  
22 system and then it's just like a domino or a

1 doppler effect, it just builds and builds and  
2 builds.

3 MR. FISHER: I see.

4 MR. HAVILAND: And it hits the rest of  
5 the system and then, you know, for awhile it  
6 becomes an accordion where we move some, delays,  
7 move some, delays, move some, delays. But the new  
8 pilot boat that -- you know, that they delivered  
9 to Cape Vincent the designated anchorage is at  
10 Tibbetts Point and Carleton Island should help  
11 with that. You know, the pilot boats that they  
12 bought in -- for Detroit, the Huron Spirit, to  
13 help keep things moving. And then, you know, Jon  
14 Olney's investment recently here should alleviate  
15 a lot of those things. And then you've got like  
16 the house at the House of Cape Vincent, the House  
17 of Massena, those things are -- those things are  
18 -- you know, not only are they facilitating  
19 commerce but they're also reducing expenses.

20 MR. BOYCE: What I was going to say is  
21 it's a real simple question about tracking delays  
22 that is unanswerable, largely -- as Todd has

1 mentioned -- with the Canadians and their  
2 collective agreements and the way it works  
3 handing off vessels back and forth. It's not a  
4 spreadsheet, it's a diary of how ships get  
5 delayed. And like Dan was saying, one of the  
6 biggest problems we have now is not the opening  
7 and closing, it's an average Tuesday in June  
8 there's three Cornwall pilots on a tour and all  
9 of the sudden the traffic that was flowing,  
10 literally, starts backing up. And all of the  
11 sudden now they call out seven pilots on overtime  
12 and it hits the system. And now you could have  
13 moved all the traffic if it went when it was  
14 supposed to, but it starts backing up and now you  
15 start getting into -- now you move the whole  
16 bunch and now they went through all the guys so  
17 now everybody is resting and you're backing up  
18 and you go forward and back it up and go forward.  
19 And that happens over and over and over and over  
20 again.

21 MR. FISHER: Right. Could I ask each  
22 of you -- because, again, you guys know, you live

1 your operations where we come together once or  
2 twice a year so we're not up to speed as much.  
3 Can I ask each district how many guys you have,  
4 what's the number -- the head count that's  
5 authorized in the most recent rate, just to  
6 compare the two, and then how many are trainees,  
7 if any?

8 MR. BOYCE: We've got 20 full bodies,  
9 17 in a rate, three on the pure trainee status.  
10 And it's -- it's, you know, somebody's call  
11 whether that's enough or not, because it's  
12 certainly not a big enough number to alleviate  
13 delays, they will happen.

14 MR. FISHER: Right; right.

15 MR. BOYCE: But that's where we're at.

16 MR. FISHER: That's where you're at?

17 MR. BOYCE: Yeah.

18 MR. GALLAGHER: We have 15 authorized  
19 in the rate, we have 15 pilots, we have one  
20 trainee, and then we have one that we use as a  
21 contractor for fill.

22 MR. FISHER: Contractor? Okay.



1                   MR. GALLAGHER: And we utilize him a  
2 lot. We -- as far as reporting goes, Todd has  
3 established a procedure every month for all three  
4 districts. And like John's a little bit  
5 different because he's getting that Cornwall  
6 thing, and we get the fact that -- as Dan  
7 Franklin said, with the Welland Canal when  
8 they'll delay a bunch and then they'll call  
9 people on overtime and flush the system. And we  
10 get hit with that once on awhile just the one  
11 way, not downbound, so it doesn't affect us  
12 downbound like it does John both upbound and  
13 downbound. But we're reporting every month, the  
14 first week of every month, we give them -- the  
15 petroleum ones, the cruise ships, the  
16 noncompulsory pilots we give them, you know, the  
17 delays, how many people we've recalled off of  
18 recuperative rest and how many hours in delays.  
19 You know, we're calling our people back. We're  
20 providing the service.

21                   MR. FISHER: Right.

22                   MR. GALLAGHER: And that's what --

1 expects as long as we're doing it safely. And,  
2 you know, our people are not getting their 100  
3 percent recuperative rest like they're supposed  
4 to, the days off.

5 MR. FISHER: Do you find that ability  
6 to use that contract pilot to give you some  
7 flexibility to --

8 MR. GALLAGHER: If you can find him,  
9 we've got one individual. But I've got some of  
10 our guys that have retired that they don't want  
11 anything to do with it; they're retired, they're  
12 done, they're -- you know, a couple of them have  
13 come back for us but they're at the point in time  
14 where they don't have to do it and they don't  
15 want to get up at 2:00 o'clock in the morning to  
16 travel for six hours to catch a ship and be up  
17 all night and --

18 MR. FISHER: Right. Okay.

19 MR. GALLAGHER: And when do you use  
20 them?

21 MR. FISHER: Yeah.

22 MR. GALLAGHER: You're in a busy time

1 of year so you're -- you know, they're not going  
2 to be on call for you.

3 MR. FISHER: Right. Okay.

4 MR. GALLAGHER: You've got to drag  
5 them off the golf course or fishing boat, so --

6 MR. FISHER: Right.

7 MR. GALLAGHER: But, you know, we have  
8 one just like John has one who actually was  
9 retired working a full load.

10 MR. BOYCE: Yeah, he's not a  
11 contractor; he was supposed to retire four years  
12 ago and we keep begging him to keep working  
13 because -- yeah.

14 MR. GALLAGHER: And really we don't  
15 have, Steve -- it's unbelievable, you would think  
16 people would be knocking down our doors for jobs.

17 MR. FISHER: Right.

18 MR. GALLAGHER: They do everywhere  
19 else in the United States. We don't have that.

20 MR. FISHER: Right; right.

21 MR. GALLAGHER: You know, we go and  
22 solicit people.

1 MR. FISHER: Jon?

2 MR. OLNEY: We have 20 authorized in  
3 the rate, we have 17 fully registered pilots.  
4 Now, it has to be noted that three of our guys  
5 retired at the start of this year, they all year  
6 were COVID related. None of the three that  
7 retired were planning to retire at the beginning  
8 of this year so it blind sided us completely.  
9 Otherwise we would have had 20.

10 MR. FISHER: 20, right.

11 MR. OLNEY: But now we have 17. We  
12 have seven in various stages of apprentice  
13 status. And there are four Canadian pilots also  
14 working in our district. One of them got sick  
15 about three weeks ago so he was off the roll for  
16 a couple of weeks and then that transitioned  
17 right into his time off. So there was a span of  
18 time where the Canadians had three instead of  
19 four.

20 MR. FISHER: Right.

21 MR. OLNEY: And every once in awhile  
22 you'll find on the schedule they have one guy

1 scheduled to be working and three of them are on.

2 MR. FISHER: Okay.

3 MR. OLNEY: They had another pilot  
4 they were supposed to start this year in the  
5 spring, that person hasn't started yet. So  
6 that's -- that's reasons that our district is  
7 still strained. As John Swartout had indicated,  
8 you know, our numbers are either up or the same  
9 as last year but we don't have the people we  
10 thought we were going to have in the spring due  
11 to -- nothing that anybody could have seen.

12 MR. FISHER: Right, could have  
13 planned. Do you have some anticipated  
14 retirements coming up?

15 MR. OLNEY: We have -- one of our guys  
16 has come to me and said next year I'm definitely  
17 going; it's not a discussion thing, next year I'm  
18 gone.

19 MR. FISHER: Okay.

20 MR. OLNEY: He has not said at what  
21 point in time.

22 MR. FISHER: Okay.

1 MR. OLNEY: But then as you look at  
2 our group seniority-wise I'm number seven in our  
3 group and everybody that's above me  
4 seniority-wise is very close to my age or  
5 substantially older.

6 MR. FISHER: Right.

7 MR. OLNEY: So we've got retirements  
8 looming and by looking at -- we chose to take on  
9 a seventh applicant this year.

10 MR. FISHER: Right. Because of that  
11 looming --

12 MR. OLNEY: Yes, because we can see  
13 the horizon coming and it's coming rapidly.

14 MR. FISHER: Okay. This is good to  
15 know, so --

16 MR. GALLAGHER: Jon, I think it's  
17 important to let Steve know, so you have a rate  
18 for 20, you have full -- 17 fully registered?

19 MR. OLNEY: Uh-huh.

20 MR. GALLAGHER: But five or six of --  
21 five of them I know for sure are providing full  
22 service. So industry is getting service for 21

1 pilots. Am I wrong, Jon?

2 MR. OLNEY: They are getting more than  
3 17, that it would indicate, but we've got 17  
4 fully registered.

5 MR. FISHER: Because some of the seven  
6 are capable enough to provide service?

7 MR. OLNEY: Yes. They have obtained  
8 their minimum required trips --

9 MR. FISHER: Okay.

10 MR. OLNEY: -- and during the season  
11 can, in fact, go out and work on their own moving  
12 ships and providing service.

13 MR. FISHER: Right.

14 MR. GALLAGHER: I think it's  
15 important, Jon, that Steve realizes that industry  
16 is not paying for 20 and getting service --  
17 paying for 20 and only getting service for 17.  
18 They're paying for 20 and with the applicant  
19 pilots that you have in the system they're  
20 actually getting more service than the 20 pilots.  
21 I think at least 21 if I'm -- or maybe 22?

22 MR. OLNEY: That would be correct.

1           MR. FISHER: Right. And then once all  
2 seven are fully registered you're going to have  
3 more than 20 if the allowable number doesn't  
4 change from year to year?

5           MR. OLNEY: Yes. Unless people --

6           MR. FISHER: Unless people retire?

7           MR. OLNEY: Exactly.

8           MR. FISHER: Okay.

9           MR. GALLAGHER: Dan?

10           MR. FRANKLIN: Dan Franklin, Lakes  
11 Pilots. I'd like to just follow-up on a point.  
12 We touched on the Canadian industry and the  
13 issues that they're having getting people --  
14 drawing from the domestic fleet. And recently  
15 coming over from the U.S. side to domestic you're  
16 seeing the same issues, where they don't have  
17 enough people that are really qualified to move  
18 to a massive position and then draw from, so it's  
19 a shrinking pool. You know, we're at the apex of  
20 maritime industry. We're drawing from a  
21 shrinking pool of all our applicants. So it's  
22 not just as easy as you put out an application



1 and you say, hey, we're going to hire -- people  
2 are pounding on your door and you take the cream  
3 of the crop. You have people that have been  
4 established at companies; maybe 15, 20, 30 years  
5 career at a company; and ask them to completely  
6 change, uproot their lives, maybe move today to a  
7 different area. And not everybody wants to be a  
8 pilot. You know, we have to come aboard a ship  
9 that I may have never been on before, I've never  
10 met the captain before, I've never met the crew.  
11 I have no idea how it handles. I need to come on  
12 and within seconds I need to be able to take over  
13 command of that ship and pilot it safely. Not  
14 everybody is comfortable with that level of risk.  
15 But with the shrinking maritime industry that  
16 we're drawing from -- I know, obviously from Jon,  
17 the issues with the massive retirements trying to  
18 replace those people it's not just easy to pull  
19 out one guy and --

20 MR. GALLAGHER: Todd?

21 MR. HAVILAND: Good morning, Todd

22 Haviland, U.S. Coast Guard. I would request that

1 the pilot presence discuss what goes into the  
2 decision before you hire someone and, you know,  
3 what guys consider, you know, ideal levels of  
4 hiring. Because I know you don't just want to  
5 hire a whole bunch of people and hope the traffic  
6 comes.

7 MR. OLNEY: Jon Olney, Western Great  
8 Lakes Pilots. One of the things that we're  
9 looking for, in addition to obviously the skills  
10 that you need to do this job, is we're looking  
11 for people that we can have a relationship with  
12 that we're comfortable. Because this is not an  
13 employee/employer relationship where if somebody  
14 isn't working out, well, we're just going to fire  
15 him. It doesn't happen, you've created another  
16 family member or partner, if you will. So we're  
17 looking for the job skills and who can we live  
18 with as a partner who's going to be a good  
19 business partner and who's going to come to  
20 meetings like this when they're not getting paid  
21 to do it, or to sit on our committees to spend  
22 countless hours trying to look at pilot book

1 designs, for example. So that's one of the  
2 things that we're looking at.

3 I'd kind of like to dovetail something  
4 Dan Franklin mentioned, he didn't quite go as far  
5 as I thought we could. And that is in the  
6 shrinking pool he was referring to the  
7 environment is making it more and more difficult  
8 to be a mariner. And I don't mean to be a pilot,  
9 to be mariner in general. There's all this --  
10 all the training that has to go in now. If a  
11 mariner comes with STCW certification certain of  
12 those seals have to be renewed on a regular  
13 basis, so instead of him being able to go home on  
14 vacation he's going off to training. So just  
15 being a mariner is a tougher and tougher  
16 occupation than it used to be. So as Dan  
17 Franklin's pool is shrinking, it's being shrunk  
18 from the inside as well as the outside, if that  
19 makes sense.

20 MR. FISHER: Right; yeah.

21 MR. KLEIN: This is Mike Klein. This  
22 takes a side note on the discussions. But just

1 for my education, when that congestion happens at  
2 the canal or at the locks and you have six or  
3 seven vessels that are stacked up or in line,  
4 then if a cruise ship is in that line does the  
5 fact that that order that he put in a year in  
6 advance still have clout? Does he move to the  
7 front of the line or is it still first come,  
8 first serve in that --

9 MR. GALLAGHER: When you're moving  
10 through the system -- when they order a pilot  
11 they're ordering a pilot, let's say, in Detroit  
12 -- okay? -- they arrive at Detroit the evening  
13 before, they know they're going to go the next  
14 morning. When a system is moving through the  
15 system if there's delays because of traffic they  
16 don't move ahead of everyone, they still stay in  
17 line of their place.

18 MR. KLEIN: Okay.

19 MR. GALLAGHER: But in our case, I  
20 mean, if they were -- if they knew they were  
21 going to be at Port Dover at 8:00 o'clock on  
22 Monday morning, as long as they're willing to pay

1 us we'll reserve that pilot.

2 MR. KLEIN: Sure.

3 MR. GALLAGHER: And if they want to  
4 cancel that pilot they have the ability to cancel  
5 that pilot and then they go way to the back of  
6 the line.

7 MR. KLEIN: Okay.

8 MR. FISHER: Could I add an addendum  
9 to his question? If they're stuck in line at a  
10 lock with the other ships and their next  
11 destination they've ordered a pilot a year  
12 earlier to show up at that spot, or there needs  
13 to be a change at that spot, they could miss it;  
14 right? They could --

15 MR. GALLAGHER: They can miss it but  
16 as long as they don't cancel the pilot the pilot  
17 is there available for that vessel, yes.

18 MR. FISHER: I see; I see. Okay.

19 MR. GALLAGHER: Any other discussion  
20 from the public? Any more comment from the  
21 committee?

22 Any recommendations from the

1 committee?

2 At this point why don't we take a 20  
3 minute break here.

4 (Off the record.)

5 MR. GALLAGHER: Before we move onto  
6 the next one. The staffing model, somebody --  
7 John Boyce, you had a question?

8 MR. BOYCE: Yeah. On the previous  
9 motion -- I may have misunderstood -- is the  
10 desire to have the, I guess, remote access during  
11 the pandemic or from now on? Because if it's for  
12 just the pandemic then I'd like to change my vote  
13 to yes, I get that. I interpreted that as a from  
14 now on. If it's from now on I'm going to stick  
15 with "no."

16 MR. KLEIN: This is Mike Klein with  
17 CHS. I guess that comes back to me. But my  
18 intention would be going forward even after the  
19 pandemic is solved. I think remote access is  
20 going to be with us going forward then we may as  
21 well stay with it is my thoughts on it.

22 MR. GALLAGHER: My thoughts was that

1 I thought it was just during the pandemic also.

2 MR. KLEIN: Okay.

3 MR. GALLAGHER: I think it's important  
4 that people make an effort. Again, you know, we  
5 have -- you know, you talk about shippers a few  
6 thousand feet away from here. We have -- you  
7 know, over in Canada one of the big shippers  
8 right here. Again, if they -- they can attend  
9 their monthly golf outings and picnics and run  
10 clubs, and -- if they can do that remotely but  
11 they don't, you know. So I think it's important  
12 that we -- again, we have people in person. I  
13 mean, if they can attend their golf outings they  
14 should be able to find -- you know, this is only  
15 one meeting a year basically, they should be able  
16 to find time to participate.

17 MR. KLEIN: This is Mike Klein again.  
18 I guess the way I view it is I can't control how  
19 anyone else is going to react. I just feel that  
20 I'm part of a committee that is making  
21 recommendations to the Coast Guard and it  
22 represents a big majority of people and if we

1 have the technology available to include them in  
2 the discussions it -- from where we sit we can't  
3 judge or determine how they're going to react to  
4 it but I feel it should be our position to offer  
5 as much access to this committee as possible.

6 MR. BOYCE: Based on that if there was  
7 any differing opinions on what that motion was --

8 MR. GALLAGHER: Ellen, what was the  
9 actual motion that Mike made?

10 MS. ENGLEMAN CONNORS: The motion was  
11 to offer opportunity to attend GLPAC meeting  
12 within the defined time period to attend remotely  
13 and provide access if possible; so in other  
14 words, to ensure there's an opportunity that in  
15 the announcement for the GLPAC that there is a  
16 defined time period to attend remotely and to  
17 provide access if possible, with an emphasis on  
18 the "if possible."

19 MR. BOYCE: I believe there's a  
20 fundamental difference in understanding on what  
21 was voted on. I don't know if re-voting is the  
22 correct answer or clarification on the motion is



1 the correct answer or what. I'm not a  
2 parliamentarian.

3 MR. HAVILAND: You can put forward  
4 another recommendation --

5 MR. BOYCE: I would put forward the,  
6 I guess, recommendation that the previous  
7 recommendation was only intended for the time  
8 frame of the pandemic, but that doesn't really  
9 work to change anything. Because if you have  
10 four people that say this it was and two people  
11 say it wasn't, the first one still passes and the  
12 second one doesn't.

13 MR. GALLAGHER: Yeah.

14 MS. ENGLEMAN CONNORS: You could put  
15 a -- excuse me. You could put in a  
16 recommendation to withdraw the previous  
17 recommendation.

18 MR. BOYCE: I put in a recommendation  
19 to withdraw the previous recommendation.

20 MS. ENGLEMAN CONNORS: And then you --

21 MR. BOYCE: Or I motion to -- but it  
22 still does the same thing, it still --

1 MR. HAVILAND: Can I speak?

2 MR. GALLAGHER: Yup, go ahead.

3 MR. HAVILAND: Good morning, Todd  
4 Haviland. As Rajiv said earlier, I mean, you're  
5 an advisory committee. We're not bound by your  
6 recommendations. I mean, if we receive a  
7 recommendation from you I do think we can  
8 implement we will try it, but there's nothing  
9 preventing you from making your, you know, wishes  
10 known.

11 MR. BOYCE: Okay. So I think it's  
12 safe to say on the previous recommendation four  
13 of the six members -- one voted against, three  
14 out of the six members thought that was only for  
15 the pandemic, two actually voted for it to be  
16 ongoing. Is that a fair characterization of what  
17 transpired?

18 MR. KLEIN: This is Mike Klein. I  
19 don't think we discussed any time bars prior to  
20 the first recommendation.

21 MR. BOYCE: Agreed. And now realizing  
22 what was and wasn't discussed on that motion, I

1 think we're expanding on what was intended by  
2 that.

3 MR. KLEIN: Mike Klein with CHS.  
4 Again, my intention is just to make this meeting  
5 as accessible as possible for all industry  
6 members to participate and not just because of  
7 one reason or another. We should always make it  
8 as available as much as we can for the industry  
9 to participate.

10 MR. GALLAGHER: Clay?

11 MR. DIAMOND: It would seem to me that  
12 it would be worth -- it would be worth voting on  
13 your recommendation, Captain Boyce, because,  
14 again, you know, the Coast Guard has to consider  
15 what happens here and the vote on this, if it  
16 happens to be four to two, I think would give  
17 context to the previous recommendation.

18 MR. GALLAGHER: Yeah, I probably agree  
19 with Clay. I don't think we can withdraw Mike's  
20 motion, I think we've got to let that stand.  
21 But, John, if you want to make a motion that the  
22 understanding was for the pandemic, when and if

1 it ever clears up.

2 MR. BOYCE: Is that a motion or a  
3 point of clarification that everybody agrees  
4 with?

5 MR. FISHER: Can I say something just  
6 to clarify my position before we move onto a vote  
7 or anything? I hear Danny and I agree, people  
8 need to make an effort to come here. It is just  
9 one meeting a year and if they care about this  
10 issue it's not that onerous to come here.  
11 However, I also agree with Mike that opening up  
12 more participation, more transparency is -- from  
13 a governmental perspective it's a good policy to  
14 do. And I would think this is true about most  
15 advisory committees. I'm mostly concerned about  
16 going to Covington and those kinds of meetings,  
17 which, again, as I said earlier, I think they're  
18 good ideas but they're going -- because they're  
19 out of the region, because there kind of one off  
20 strange meetings, they're going to probably  
21 result in less participation from a number of  
22 people, not just the sort of front line players

1 here but also others. So I think those situations  
2 -- I hear you, John, the pandemic has created a  
3 unique situation here, but I think those kinds of  
4 meetings, like going down to Louisiana will be  
5 another type of situation where just because of  
6 the nature of the meeting we're going to have  
7 poor participation. And so that might be yet  
8 another situation where Mike's suggestion would  
9 come in handy, because we could allow people to  
10 participate remotely who don't want to fly all  
11 the way to Louisiana. We're going there so we  
12 can see the training facility, those other people  
13 may not find that to be as of interest to come  
14 all the way to Louisiana, but they could  
15 participate by phone or Zoom or whatever the  
16 technology is.

17 MS. ENGLEMAN CONNORS: I'm sorry.  
18 Again, I just -- a gentle reminder. Please don't  
19 assume that commercial technology is available  
20 everywhere. And please understand that this is  
21 an interactive -- this is only my second meeting,  
22 but I see the interaction and the discussion.

1 And I'm just pointing for clarification, if you  
2 have remote people they must identify themselves,  
3 they must spell their name, they must say their  
4 name and their organization for the court  
5 reporter, then they must ask their question and  
6 we must find a way to filter those questions in  
7 for you and then you must respond and/or them and  
8 they have to respond to you and then we would  
9 have perhaps multiple people in a cue and we will  
10 have to interrupt your discussion in order to  
11 provide their cue, or we set up a section for  
12 cuing. We -- I do not anticipate moving panels  
13 around where you would all be seeing each other,  
14 so it might be disembodied voices and  
15 verification of who that disembodied voice is.  
16 All right?

17 So, again, transparency, yes. But  
18 please understand that there are challenges to  
19 provide you the same capabilities that you have  
20 when you're sitting in a room if you're talking  
21 about remote access, and also the bandwidth and  
22 everything else. I'm not trying to drag this

1 down. I just want to, please, remind you that  
2 the private sector has its toys and tools and the  
3 government has what we have to work with and we  
4 will do everything we can to support you in any  
5 way that we can, but please understand the  
6 limitations also, especially if you're at remote  
7 sites and things like that. So I just -- I just  
8 share with you the reality. Sorry for the  
9 raindrops but there are some challenges as well  
10 from a meeting planning perspective.

11 MR. GALLAGHER: Clay, do you have  
12 something?

13 MR. DIAMOND: This is Clay Diamond  
14 with the American Pilots. I mean, just to get at  
15 this issue of the ability to provide input. And  
16 correct me if I'm wrong, but the Federal Register  
17 that announces the meeting gives instructions to  
18 anybody who can submit a comment there as well.  
19 So the agenda is public, all the agenda items are  
20 public. If there's an issue that somebody who  
21 doesn't feel it's worth their time or the expense  
22 to come to the meeting can submit comments. If

1 the argument is it's not worth them coming and  
2 it's also not worth me taking the time to write  
3 comments and submit them, then you get pretty  
4 close to the point, well, then it's probably not  
5 that important to them. So again, I'm just  
6 reminding everybody that the Federal Register  
7 notice already offers a number of opportunities  
8 for people to comment on the agenda items in  
9 writing.

10 MR. GALLAGHER: Tina?

11 MS. POTUTO KIMBLE: I'm Tina Kimble.

12 So my only comment is that if we're -- and I'm  
13 going back to my previous statements earlier when  
14 I opened Pandora' box. Sorry. But if we're  
15 trying to open it up to participation from as  
16 many people as possible I personally invite the  
17 idea of allowing video participation or  
18 telephonic participation or whatever, because,  
19 for example, I'm particularly interested in pilot  
20 delays; right? And there's a full days' agenda  
21 that are of issues that are importance to  
22 everybody for different reasons, they just don't



1       happen to be that important to me. So to be able  
2       to jump into the conversation on pilot delays and  
3       then pull out of the conversation for -- I don't  
4       have to waste the whole day traveling all the way  
5       up here, which is a lovely part of the country,  
6       but for a single issue that is of interest to me.  
7       I think you'd get a lot more feedback,  
8       participation and conversation. And, yes, you  
9       can provide comments on the Federal Register  
10       notice but to engage in dialog on the topic I  
11       think you would benefit from having people who  
12       are interested in the narrow topic of the  
13       individual items participate on those particular  
14       issues.

15                 But I guess more importantly maybe to  
16       just end this, to just say what the capabilities  
17       are, why don't we ask the Coast Guard to find out  
18       what the capabilities are and once we know what  
19       the capabilities are then you'll know whether or  
20       not you can -- whether or not this whole  
21       conversation will have a viable impact. So maybe  
22       that's just --

1                   MR. GALLAGHER: John, anything further  
2 that you would like to --

3                   MR. BOYCE: No, I guess as long as its  
4 clarified what was intended by the vote from the  
5 six individuals.

6                   MR. GALLAGHER: Okay. I think it's  
7 duly noted so we'll move on. The staffing model,  
8 I think it may be wise for the committee maybe to  
9 make the recommendation that the Coast Guard look  
10 at the staffing model in lieu of all the winter  
11 navigation and -- what they do with it, you know,  
12 they can maybe come back and report it to the  
13 committee or -- Todd, what's your thoughts on --  
14 are you able to do something like that?

15                   MR. BOYCE: I'll go right out and make  
16 a motion for the Coast Guard to investigate  
17 modifying the staffing model to take into account  
18 current traffic dynamics. Does that work? I  
19 mean, I think that gets to -- broad enough to  
20 include, you know, whether it's cruise ships,  
21 tankers, beginning/end of season, not ending the  
22 season; traffic dynamics in general.

1 MR. GALLAGHER: Okay.

2 MR. OLNEY: I second that.

3 MR. GALLAGHER: Okay. Second by  
4 Olney. Any discussion from the public?

5 Nothing from the public. We're back  
6 to the committee. And we'll vote on it. All in  
7 favor?

8 (Show of hands.)

9 MR. GALLAGHER: So we have a unanimous  
10 consent. Okay. We'll move onto the next one.

11 Topic four is limited pilot  
12 registration/compensation benchmark for  
13 apprentice pilots/training surcharge. Over the  
14 past few years the Coast Guard had included a  
15 surcharge to help offset the cost of training  
16 applicant pilots. Last year the Coast Guard  
17 stopped that practice. We have since been  
18 discussing how much the compensation should be  
19 for an applicant pilot with a limited  
20 registration.

21 Mr. Haviland, could you give insight,  
22 your wisdom?

1                   MR. HAVILAND: Good morning, Todd  
2                   Haviland, U.S. Coast Guard. So this all kicked  
3                   off around 2015 when Captain Boyce called me one  
4                   day and said, "Hey, I'm having one heck of a time  
5                   recruiting people in their late 30's to early  
6                   40's to come to district one." Totally fund --  
7                   you self fund their training, their travel, their  
8                   per diem, their lodging and then not provide them  
9                   with a stipend and expect them to go, you know,  
10                  anywhere between six and 48 months of being an  
11                  indentured servant while they're going through  
12                  their apprentice process. So I thought at the  
13                  time we'd work out a deal where we would put some  
14                  money in a surcharge, allow the associations to  
15                  collect it, that would cover at least most of  
16                  those costs and it would kind of deal with the  
17                  issue.

18                  We had some challenges with the  
19                  surcharge over generating the amount of money  
20                  that we had anticipated, because as we heard  
21                  earlier traffic started spiking on 2016 and it  
22                  really hasn't stopped. So then it got more

1 complicated in the rule making, okay, this is the  
2 amount of money that you collected, this is what  
3 we thought it should be. And then, you know, the  
4 Pilot Association was like, well, in our group  
5 we've got to pay them this much to stick around,  
6 in this group we're paying them this much to  
7 stick around, you know, in this group we're  
8 paying them something a little different. And  
9 then it became harder to explain to people within  
10 the government who were reviewing the rule making  
11 before we could publish it, you know, what's  
12 going on with this surcharge, where are these  
13 monies going, you know, can you explain this  
14 reconciliation again. And it was taking like an  
15 extra month within the internal review just to  
16 get through that. So I was like, okay, you know,  
17 enough is enough, we're going to stop the  
18 surcharge and, you know, just put this in the  
19 expense base. And then as we talked about it  
20 more it's like, well -- if we've got target  
21 compensation established for someone who is a  
22 partner; you know, a U.S. registered pilot or,

1 you know, like Don Mesker who is -- he's got a  
2 temporary registration but he essentially works  
3 like a full-time pilot as if we was a partner,  
4 but due to the age restrictions and regulations  
5 don't allow him to maintain the status as a  
6 partner. I thought, well, why don't we help by  
7 saying, okay, we've got this target compensation  
8 and a person with a limited registration who's in  
9 that training -- because we potentially treat  
10 them all the same to a degree. But what  
11 percentage of that target compensation that we  
12 have established should be applied to fund the  
13 salary of the apprentice pilots who are making  
14 their way, you know, from zero to 100 percent.  
15 And what I'm hoping the committee will do is not  
16 so much give us a number today -- I mean, if you  
17 can give us a number that'd be great, but, you  
18 know, think around that concept and maybe, you  
19 know, get together and provide us with some, you  
20 know, comments here in the future about what's  
21 fair for a guy -- or for a mariner -- it could be  
22 a woman -- but for a mariner to make during that

1 training period.

2 MR. FISHER: Mr. Chairman?

3 MR. GALLAGHER: Yes.

4 MR. FISHER: It might help the  
5 discussion if I could ask each of the three  
6 presidents of the associations to educate the  
7 rest of us how are you deciding what to pay those  
8 guys now? How do you decide what to pay a  
9 trainee now?

10 MR. GALLAGHER: For our district,  
11 district two, it's in our working rules. We give  
12 them a percentage, whatever that is. Now, we  
13 have a couple individuals like Jon has right now,  
14 like for or five guys, that can't be registered  
15 or on their last stages. Our guys are getting 95  
16 percent of what a full registered pilot makes for  
17 everything.

18 MR. FISHER: Okay.

19 MR. GALLAGHER: So in our district we  
20 do it a little bit different, each get 95  
21 percent. He's only getting the seven days off  
22 per month, the recoup, if possible. So we

1 figure, you know, they're losing very little  
2 money compared to registered pilots. Because our  
3 district we want to attract the best people we  
4 can, we want a captain that's highly experienced  
5 that we're poaching from the lakes. And if we  
6 bring him in here and we're paying him their  
7 wages they're just not going to come.

8 MR. FISHER: Right.

9 MR. GALLAGHER: Very few of them are  
10 going to come unless there is a downturn in one  
11 of the companies, and that's where we've  
12 recruited from, you know, when a couple of the  
13 companies were sketchy. But my opinion that we  
14 should be paying them as much as we can because  
15 we want the best of the best. And by getting the  
16 best you're -- you know, we train them a lot  
17 faster, they get cued up a lot faster, we put  
18 them to work a lot faster, they're generating  
19 some money. You know, the extra few days -- I  
20 mean, we're making sure that every opportunity  
21 they are getting trained. So they're giving up  
22 some of their time off right now and we pay them



1 accordingly, so --

2 MR. FISHER: Okay.

3 MR. GALLAGHER: And we made a  
4 commitment to them. And in our district we got  
5 bit by the rule because Todd's saying, well, I'm  
6 going to reduce it to the cheapest one. Well,  
7 that's not right because we've already committed  
8 to these people. Now if knew somebody and that's  
9 all they could get, well, then you're going to  
10 get somebody that might take five years, six  
11 years of training. It's not beneficial. I think  
12 you have to pay somebody a decent wage.

13 MR. FISHER: John and Jon?

14 MR. OLNEY: Jon Olney, Western Great  
15 Lakes Pilots. We do it a little bit differently  
16 than Danny but our rate of pay for the guys is  
17 also in our rules so it's already established.  
18 It does increase as a guy moves from the first  
19 year into the second year, providing that, you  
20 know, we're still on the track towards making him  
21 a full partner or getting him fully registered.  
22 And when he's moving ships on his own, even

1 during the training phase of his career, when  
2 he's operating on his own then he gets an  
3 increase for that because he's actually  
4 generating revenue.

5 MR. FISHER: Right. Okay.

6 MR. BOYCE: We've changed how we do it  
7 completely over the last year and a half and it  
8 kind of bit us. Originally -- and this is going  
9 back a number of years -- there was no training  
10 compensation for the training in the first six  
11 months, but then as he was able to add some ports  
12 and legs, when he was working on the portion he  
13 made the same amount as a pilot would have been I  
14 guess on a day-by-day basis. And then as he  
15 progressed through working more and training less  
16 he ends up making more because he's doing more  
17 working. What that ended up doing was depressing  
18 what the pilots make and increased what the  
19 trainee made in relation to what was in the rate.  
20 So then we decided to go to, well, what the rate  
21 has is 150- so that's what we're going to, we're  
22 going to do 150,000 and set up on more, I guess,

1 a contract basis of this is what you will make  
2 per month, per year. And we brought three  
3 trainees on and about six months later we find a  
4 \$450,000 hole in our budget now because the Coast  
5 Guard pulled out the training stipend. So now  
6 there's no source of revenue. It wasn't in the  
7 expense base anymore because it had been taken  
8 out because there's a surcharge.

9 MR. FISHER: Right.

10 MR. BOYCE: So it came out of the  
11 expense base as a surcharge and then the  
12 surcharge got removed and now you have a \$450,000  
13 hole in your budget, that's where we're at right  
14 now.

15 MR. GALLAGHER: John is attracting --  
16 it should be noted though, John is attracting  
17 different people than the two of us.

18 MR. FISHER: Understand.

19 MR. GALLAGHER: They don't have the  
20 pool to draw from; they're drawing from a --

21 MR. BOYCE: Correct, there are no  
22 laker captains where we're at.

1 MR. FISHER: And for that reason are  
2 your -- does it take longer to train your guys  
3 than your guys because your guys are probably  
4 laker --

5 MR. BOYCE: Yeah. Nobody has  
6 experience in our district so you can't bring  
7 that in.

8 MR. FISHER: Okay. So you've kind of  
9 been left in the lurch by the change in policy I  
10 see?

11 MR. GALLAGHER: We all have. Out  
12 district has suffered -- all three have.

13 MR. FISHER: Because the 150-  
14 evaporated and -- do you have authority on your  
15 own to just put it in the expense base or that's  
16 not --

17 MR. HAVILAND: Can I speak?

18 MR. FISHER: Yeah.

19 MR. HAVILAND: Good morning, Todd  
20 Haviland, U.S. Coast Guard. So I just want to  
21 clarify. The intent of the surcharge was to  
22 accelerate certain expenses. So instead of

1 getting certain expenses accelerated more  
2 efficiently it's going to take three years for  
3 the expense to be incurred before we evaluate  
4 that it's necessary and reasonable. And I  
5 believe part of what Captain Gallagher was also  
6 saying that -- not only in addition to that but  
7 because we had this 150,000 thought in our head  
8 -- you know, 150,000 is nowhere near 95 percent  
9 of what target compensation is. So those  
10 expenses that he asked us to include in the rate  
11 were excluded; correct?

12 MR. GALLAGHER: Yes.

13 MR. HAVILAND: And that's no, you  
14 know, small amount of money.

15 MR. FISHER: So I'm confused. May I  
16 ask a question? So, for example, this year would  
17 you -- since you don't have the authority to do  
18 the 150- -- or since the Coast Guard isn't doing  
19 the 150- in the rate, would you put your training  
20 costs into the expense base -- but it's not going  
21 to show up for three years; right?

22 MR. OLNEY: Correct.

1 MR. FISHER: I have that correct?  
2 Okay. So that's kind of where you've been left  
3 in a hole kind of?

4 MR. BOYCE: Yeah, because you need the  
5 cash this year to pay for it.

6 MR. FISHER: Okay. So let me ask the  
7 Coast Guard, why didn't you allow for that?

8 MR. HAVILAND: Good morning, Todd  
9 Haviland again. Just because of the confusion it  
10 was causing and the conflict it was causing, you  
11 know, between the pilot groups and us and -- and  
12 really -- I understand we have three separate  
13 associations, but when you're talking about  
14 compensating a U.S. registered pilot we have one  
15 standard and we kind of feel that there should be  
16 one standard to compensate an apprentice pilot.

17 MR. FISHER: Okay.

18 MR. BOYCE: I truly think it was a  
19 case of the road to hell is paved in good  
20 intentions.

21 MR. FISHER: Okay. Last thing I'll  
22 say.

1 MR. HAVILAND: Can I just say one  
2 thing?

3 MR. FISHER: Yeah.

4 MR. HAVILAND: And I understand their  
5 point, you know. So we're asking them to expend  
6 a lot of money with the promise that a future  
7 vessel will pay for that.

8 MR. FISHER: Right. Okay.

9 MR. GALLAGHER: A big problem, Steve,  
10 with it to is when we started -- when we went for  
11 the surcharge, you know, we talked about it. At  
12 that point we had ten pilots. Okay? So three of  
13 them are getting ready to retire so all right  
14 should they lose money to train their replacement  
15 or just wait? I mean, what happens in most  
16 offers? I mean, it's, okay, there's three people  
17 in the pilots job because they're going to have  
18 to add a -- or Rajiv is retiring -- okay -- so  
19 they should already have Rajiv's guy in place and  
20 the three of them here or the four of them in the  
21 office should take a cut to train his  
22 replacement, that's what they were asking --

1 MR. FISHER: I get the --

2 MR. GALLAGHER: That's what the  
3 industry wanted from us and we just said at least  
4 give us something and then put it in the expense  
5 base. Well, that worked the first year. Now it  
6 went back and then it's like, well, no, we didn't  
7 do that. Well, that's what it says but we're not  
8 going to do it. So, I mean, this thing has  
9 changed and the pilots have been the ones  
10 suffering.

11 MR. FISHER: Right.

12 MR. GALLAGHER: So, I mean, to me I  
13 guess it's pretty simple; let's just wait until  
14 the guy retires and then we'll start replacing  
15 him.

16 MR. FISHER: Right.

17 MR. GALLAGHER: Well, we have five  
18 guys so now we've got five less pilots at -- that  
19 aren't going to be able to service ships, so --  
20 if you have one that's fine, but --

21 MR. FISHER: I wanted to ask you, so  
22 you said because the Coast Guard was putting the



1 150- in the rate as a surcharge you were paying  
2 the training 150-, is that still what you're  
3 doing right now even though you don't have --  
4 Okay; okay.

5 MR. HAVILAND: Good morning, Todd  
6 Haviland, U.S. Coast Guard. But if we set the  
7 percentage of what an applicant should make as  
8 that of a U.S. registered pilot, that money will  
9 be there for you then to pay your apprentices.  
10 And that's what the goal is, instead of having to  
11 do the reconciliation three years later --  
12 because even though they get the money, you know,  
13 this year, I still have to wait for the expenses  
14 to reconcile everything and then go back and  
15 forth.

16 MR. FISHER: Right.

17 MR. HAVILAND: But if the money is  
18 already in the rate for that compensation and  
19 then the only thing that's being floated for  
20 three years is the lodging and the transportation  
21 and little bit of training.

22 MR. BOYCE: Yeah, I understand. It

1 comes a lot easier -- if he's going allow four  
2 apprentices in a district he puts four apprentice  
3 compensations. Just like if they're going to  
4 allow 18 pilots there's 18 pilots worth of  
5 compensations. I think that works.

6 MR. HAVILAND: Yeah, and really what  
7 we're looking for is what should that percentage  
8 be. Because as the compensation for someone  
9 making target fluctuates --

10 MR. FISHER: Right; right.

11 MR. HAVILAND: -- we would expect the  
12 same thing to fluctuate each year.

13 MR. FISHER: Right. So just to make  
14 sure I understand. So we know what target is.  
15 You're paying the trainee -- I'm pointing at John  
16 -- 150-. We could calculate what percentage that  
17 is of target.

18 MR. BOYCE: Yeah, which is a number  
19 that's --

20 MR. FISHER: Danny, you're saying that  
21 you're paying 95 percent of target?

22 MR. GALLAGHER: You know, 85, 95,

1 depends when schedule --

2 MR. FISHER: And then, Jon, you said  
3 it's a little bit of a scale because as they get  
4 more experienced they're going to go up a little  
5 bit?

6 MR. OLNEY: Right. But we're still  
7 going to be close to that \$150,000 like John was  
8 saying.

9 MR. FISHER: Oh, that's the  
10 neighborhood you're in?

11 MR. OLNEY: That's the neighborhood,  
12 yeah; the total compensation, yes.

13 MR. BOYCE: But I will say that 150-  
14 is not a good number. You know, we -- in the  
15 interview process -- sorry guys -- but through a  
16 lot of flack at the Coast Guard saying, yeah, we  
17 know it's not the right number, this is what  
18 they'll do and this is what it is, you know, grin  
19 and bear it and there's a lot of teeth mashing  
20 and grinning and bearing it but I don't know how  
21 long that will last for, you know, that was it.

22 MR. FISHER: Do you Johns hear

1 complaining from the trainees because they know  
2 Danny's trainees are getting way more than --

3 MR. BOYCE: No, it's not even a  
4 comparison to Danny's. It's a comparison to, you  
5 know, I was -- I was sailing as master at XYZ  
6 company making this, you're asking somebody to  
7 uproot, leave everything for that amount and you  
8 miss people because of that.

9 MR. OLNEY: John Olney, Western Great  
10 Lakes. To add onto what John is saying, another  
11 component is there's no guarantee when you come  
12 into the training program two years, three years  
13 down the line you're going to get fully  
14 registered.

15 MR. FISHER: Right.

16 MR. OLNEY: So now the same guy John  
17 was just referring to may have uprooted his  
18 family, or at least left a perfectly good career  
19 with a company he's been at for 20 years and  
20 throwing the dice and comes up short.

21 MR. FISHER: And one of the ways he  
22 came come up short though, per your earlier

1 comment, is that he may not be a good fit for the  
2 partnership?

3 MR. OLNEY: Very true.

4 MR. FISHER: Yeah. Okay.

5 MR. BOYCE: But, you know, one of the  
6 big things that you're asking that's kind of  
7 unseen in all that, especially in my district, is  
8 somebody is almost by definition moving to be  
9 here, or commuting a whole lot and you end up  
10 putting a whole lot of expense on somebody that  
11 first two years either with a ton of travel or to  
12 move. And trying to do that when you probably  
13 just put a 50 percent hit on their compensation  
14 and all that it really puts a real, real  
15 difficult situation on people coming in.

16 MR. FISHER: All right.

17 MR. BOYCE: And when we say 150- --  
18 well, I'll leave it at that. I'm going to start  
19 rambling.

20 MR. FISHER: And I --

21 MR. BOYCE: No, I will expand. All  
22 150- -- I know, I couldn't help myself. A couple

1 people commented, "Boy you've been quiet this  
2 morning," so I was good. But the 150- is a  
3 little bit different than the pilot's  
4 compensation. With a pilot that compensation  
5 number includes anything for retirement, includes  
6 anything for medical benefits, all that. For our  
7 trainees they're actually getting more than 150-  
8 because we give them health insurance on top of  
9 that.

10 MR. FISHER: Yeah.

11 MR. BOYCE: You know, retirement  
12 contributions are on top of that. Per diem,  
13 reimbursements for equipment, all kinds of stuff  
14 is on top of that 150-. So in reality they are  
15 making more than 150-.

16 MR. FISHER: So like the previous  
17 discussion this is -- yeah, this is a tough call  
18 that the Coast Guard will have to wrestle with on  
19 --

20 MR. GALLAGHER: They've been  
21 struggling with it.

22 MR. FISHER: Yeah.

1           MR. FISHER: Some of us end up on the  
2 short end of the stick.

3           MR. FISHER: Yeah. Have you -- I know  
4 this happened years ago, but in recent years have  
5 you had anyone up and quit because they didn't  
6 like they trainee compensation? I really you're  
7 asking very, very experienced mariners to come  
8 into an environment and probably take a pay cut  
9 at first. And then -- have you had anyone say  
10 forget it, I'm not willing to -- I'm trying to  
11 ask what's the tolerance for this among the  
12 trainees?

13           MR. BOYCE: Like I said, we just  
14 changed to this method with the three guys in it  
15 right now, they're about a year into it, just  
16 over a year into it. The previous mechanism by  
17 the time they were registered they were making  
18 100 percent of what a full pilot make anyways.  
19 So we don't have a whole lot of track record on  
20 the lower amount. But there is a lot of  
21 apprehension with the three guys there right now  
22 of making it the two years. You know, you get a

1 lot of, "I think I can do it." I think you can  
2 do it, but -- it's not the right place.

3 MR. FISHER: And each of you have the  
4 option to add money out of your own pockets to  
5 help get the trainee higher I assume?

6 MR. BOYCE: We are doing that now. By  
7 definition of their surcharge went away, we're  
8 putting --

9 MR. FISHER: You're funding it and you  
10 might get it back in three years; is that right?

11 MR. BOYCE: Close to \$600,000 in --

12 MR. GALLAGHER: No, that's -- no, not  
13 -- we might not get it back because he disallowed  
14 it in our district; he disallowed it in the  
15 expense base in our district. So in our district  
16 we've been consistent for the last 25 years what  
17 we've done, we have not changed. When the  
18 surcharge came in anything above the surcharge  
19 was supposed to be recognized in the expense  
20 base. It was something that we were able to  
21 convince some of our older members that were  
22 retiring to, hey, at least we're going to get



1 something, you know, we need these people, we  
2 can't be stuck with four people retiring in one  
3 year and we're short four people. Because that's  
4 what actually literally happened in our district.  
5 And so then it was supposed to be an expense  
6 base, it was for one year, then -- I don't know  
7 how it happened but it's like, well, we're not  
8 going to recognize that because you can buy day  
9 old -- some french fries, some other district for  
10 -- they reduced ours. And Todd and I went round  
11 and round and round with this. And it's not  
12 fair. I mean, once we made the commitment, we  
13 got the people, so how do I go up to the guy and  
14 say, hey, by the way, you just left a captains  
15 job that you were making \$300-and-some, how do I  
16 tell him now I'm going to cut his wages, we can't  
17 do that.

18 MR. FISHER: Right.

19 MR. GALLAGHER: We've treated them  
20 fairly, we've been consistent. We need  
21 consistency, because if you don't have  
22 consistency in the system we're not going to

1 attract anyone. Dan Franklin was one of the  
2 newer ones coming, seasoned guy, company highly  
3 offended when he left because they put so much  
4 money into training him and getting him set up.

5 Dan, would you have come here?

6 MR. FRANKLIN: No.

7 MR. GALLAGHER: Okay. So now what do  
8 you end up with? A bunch of third mates coming  
9 out of the academy. We can train them but we're  
10 going to train them on some of these brand new  
11 ships, and I hope the shipyards aren't busy,  
12 because that's what's going to happen. Talk  
13 about tug usage, you'll see two or three tugs on  
14 every place so -- Great Lakes will be making lots  
15 of money. I mean, it's reality, if you don't  
16 have experienced people you're going to have  
17 trouble. Dan?

18 MR. FRANKLIN: Dan Franklin, Lakes  
19 Pilots. To talk to Captain Gallagher's point  
20 too, I looked at San Francisco and Florida and  
21 Washington. You know, this is not just I'm a  
22 Great Lakes guy, I'm stuck on the lakes, we're

1 competing against all other pilot districts  
2 within the United States for qualified top notch  
3 people. We have a very small subset of people  
4 that we want, and that the industry wants,  
5 handling their ships. When we start making  
6 headlines, when we start doing things like that  
7 it's bad for everybody; everybody.

8 MR. KHANDPUR: So the topic here is  
9 compensation benchmark for apprentice pilots, so  
10 what is it around the country like? I mean,  
11 other people have apprentice pilots, how do they  
12 pay their folks?

13 MR. BOYCE: It's all over the place.  
14 And what you also have to take into account is a  
15 lot of other groups make a lot more once they're  
16 working. Some people will take less when they're  
17 training to make a lot more for the rest of your  
18 career when you're working.

19 MR. GALLAGHER: When you put -- Rajiv,  
20 when you put an application out for a San  
21 Francisco pilot, a Florida pilot, any of these  
22 pilots, for two people you may get 200

1 applicants. For the Great Lakes we've got to go  
2 dig them up because we don't get them. Number  
3 one, there's no stability. You know, the past  
4 history of the Great Lakes Pilotage people don't  
5 want to take the chance of coming here because --  
6 they've made tremendous headway, the Coast Guard  
7 has, here on the Great Lake. But people are  
8 still afraid, and then they start saying look at  
9 here the compensation for the apprentice are down  
10 now, what's going to change tomorrow. There's  
11 got to be stability, and there is -- I mean, I  
12 give the Coast Guard credit for what you've done  
13 but it's -- the history is still there. And  
14 people will -- people will -- you know, like San  
15 Francisco, they'll go there and make a little bit  
16 less in their training knowing that they're going  
17 to come in -- and it's been that way for years.  
18 And, you know, when they get done they know  
19 they're going to make "X" amount of dollars. It  
20 might fluctuate by a few percent but it's stable,  
21 it's great income. And even compared to the  
22 Great Lakes now -- in some of these groups we're

1 -- as good as our competition is we're a third of  
2 what some of the other groups are getting. And  
3 some of the other groups are, you know -- and  
4 that's what we're competing with.

5 MR. KHANDPUR: This may be a good  
6 opportunity for you to do your collaborative  
7 thing here and say, okay, we agree on "X"  
8 percent.

9 MR. FISHER: A percentage, right.

10 MR. KHANDPUR: And kind of propose  
11 that to us and we'll solve the problem right  
12 away.

13 MR. FISHER: Can I ask a question?  
14 And it's either for Danny or Todd. A long time  
15 ago -- so before the 150- assessment, was this  
16 cost simply whatever you paid it then became --  
17 whatever you chose to pay your trainees it was  
18 something you took money out of your pockets to  
19 pay the trainees, it then became an expense that  
20 you later recouped in the rate a few years later;  
21 is that accurate?

22 MR. HAVILAND: Prior to 2014-ish,

1       except for district one, I mean, the other  
2       districts really hadn't hired anyone in over a  
3       decade.

4                   MR. BOYCE:   And What we did is  
5       basically -- take the Rajiv example, we waited  
6       until the guy retired.  Now you've got that guy's  
7       compensation of the remainder of the year -- his  
8       compensation slot in there, now you bring  
9       somebody on and there is the remainder of what  
10      the guy who retired didn't get paid, so you had  
11      something there to work on.  But it left a hole  
12      in the staffing model because you, by definition,  
13      waited 'til he was gone and then started the  
14      training process.

15                   MR. FISHER:   But was that an expense  
16      though?  Was that --

17                   MR. BOYCE:   No, it was a compensation  
18      -- it was one of the pilot compensations that was  
19      still in there.

20                   MR. GALLAGHER:   So we have  
21      compensation for ten pilots, we wait until he  
22      leaves --

1 MR. FISHER: Right; I understand.

2 MR. GALLAGHER: -- and now we're using  
3 his compensation to pay him.

4 MR. FISHER: Right; right; correct.

5 MR. GALLAGHER: But with the number of  
6 retirees -- in our district right now it wouldn't  
7 be that bad because we've got one off, you can  
8 deal with one. But when you're dealing -- where  
9 we were faced with we had three or four go within  
10 a year, if we waited there would have been  
11 massive delays. So the Coast Guard, to their  
12 credit, did something about it.

13 MR. FISHER: Right.

14 MR. GALLAGHER: Now it just got all  
15 confused, so --

16 MR. HAVILAND: Todd Haviland. John,  
17 when you trained they didn't give you any money,  
18 you self-funded everything, didn't you?

19 MR. BOYCE: Oh, yeah. I was an idiot.

20 MR. HAVILAND: No, but I think that's  
21 what he was asking.

22 MR. FISHER: That was the system; that

1 was the system a way, way long time ago. Right.  
2 I remember that. Were any of you pleased with the  
3 150- system?

4 MR. BOYCE: No. I mean, like Danny  
5 was saying at least at that point it was  
6 prefunding some of it but it never really worked.  
7 You know, and it was in place for two and a half  
8 years, something like that. And that's why I go  
9 back to the, you know, the road to hell in good  
10 intentions. It's a good intention to get  
11 something on the board, let's work with it, and  
12 it kind of turned into a bowl of mush, it didn't  
13 -- it didn't really work. That wasn't really the  
14 right number. You know, a little bit to the  
15 Coast Guard, they get bogged down on, well,  
16 what's the right number. How do you prove what  
17 the right number is, you know. So then -- and  
18 the explaining side of trying to justify what the  
19 right number is it became, in the Coast Guard's  
20 eyes, you know, more hassle than it was worth to  
21 continue in that direction and you end up where  
22 we are now.



1                   MR. GALLAGHER: I mean, if you had a  
2 number like they did, the 150- was better than  
3 nothing to start with. Then it went into the  
4 expense base, that way we could justify to our  
5 guys, hey, I know three of those are going to  
6 retire, we're getting something and you'll get an  
7 expense base. I know you might be gone when it  
8 comes but that's life. As long as it's  
9 consistent, but what was happening we were  
10 jumping back and forth. You know, so, I mean, if  
11 we want to set the number at 60 percent, 70  
12 percent and then whatever excess goes in the  
13 expense base I'm fine with that. But it needs to  
14 go into the expense base, the remainder. So, I  
15 mean, if you can get -- the problem too is when  
16 do you start counting it? Do you bring the guy  
17 on April 1, or the one guy can't leave his  
18 company until June or May, he wants to give his  
19 company ample notice -- and we want that too,  
20 because we don't want him leaving a company  
21 hanging. We don't want them to do it to us and  
22 we don't expect them to do it to their past

1 employers. So when do you actually count that?  
2 Halfway through the year, do you -- and that's  
3 the probably that the Coast Guard was having,  
4 it's like, well, wait a minute, you didn't bring  
5 that guy on until April so the 150- will take  
6 care of it, but we had the guy -- I mean, you  
7 know, halfway through the year, so -- but I think  
8 the right way to do it is figure out a percentage  
9 and then the rest goes into the expense base. So  
10 if you have them for the full year you're getting  
11 -- at least we're getting the compensation. If  
12 we only have them for three months, well, then  
13 we'll -- we don't exceed it we don't get any more  
14 money.

15 MR. FISHER: Well, I don't know the  
16 magic answer but it's an interesting discussion.  
17 And definitely we'll caucus with our industry  
18 colleagues and -- I don't know -- get some  
19 feedback to you.

20 MR. HAVILAND: Great.

21 MR. GALLAGHER: Any discussion from  
22 the public?

1                   Any other comments or recommendation  
2                   that the committee wants to make?

3                   MR. BOYCE: I think so. I think we  
4                   recommend for the Coast Guard to explore a  
5                   training pilot compensation to be added into the  
6                   yearly rate with the expense portion to be  
7                   recouped through the normal expense base. And by  
8                   "expense portion," the way we do it is the  
9                   trainees are employees so there's payroll taxes  
10                  and all that stuff. You know, I think that side  
11                  of it can go through the normal three-year rate  
12                  process. But the front side compensation end of  
13                  it needs to be --

14                  MR. GALLAGHER: I agree with John in  
15                  I think any excess that you spend on the trainee,  
16                  could each group do a little bit different, that  
17                  it gets recognized in the expense base. That way  
18                  there's no over collection on us and there's cost  
19                  to the association.

20                  MR. FISHER: So, John, your motion was  
21                  for them to explore this? To evaluate it?

22                  MR. BOYCE: Do you have a better word?

1 To implement? Do? Let's change explore to  
2 implement trainee compensation.

3 MR. FISHER: Well, let me say this:  
4 I'd be willing to support your motion if it was,  
5 hey, we're tasking them with evaluating this to  
6 come back with sort of the dynamics, like the  
7 previous issue we were discussing. If we want to  
8 pass something now that tells them specifically  
9 what to do I'm not quite there yet because I  
10 don't know enough about it yet. But if it's,  
11 hey, go study it, come back with hypothetical  
12 examples of what different percentages might --  
13 how it might work and so on and so forth then --

14 MR. BOYCE: The comeback is the  
15 problem, because now it's another year or two --  
16 it's another two years.

17 MR. FISHER: Well, they can talk to us  
18 outside the meeting.

19 MR. BOYCE: Technically, no, you  
20 can't. Not the committee, you can talk to  
21 individuals but you can't talk to the committee.  
22 If it's going to be a comeback by definition

1 that's coming back to the committee and if we  
2 don't meet again 'til next September and now the  
3 next rate cross is already in we're another two  
4 years down the road.

5 MR. FISHER: Yeah.

6 MR. BOYCE: And at the current rate  
7 that's -- even at the 150- for paying the guys  
8 we're short a million bucks.

9 MR. FISHER: Yeah.

10 MR. GALLAGHER: Paul?

11 MR. LAMARRE: Paul LaMarre, Port of  
12 Monroe. I think even if you vote to implement  
13 it, obviously you've got a lot of time that's  
14 going to go into it and a lot of discussion, the  
15 discussion is still going to happen regardless.  
16 But I think that you can't wait and I think that  
17 the implementation -- no matter what -- gosh, we  
18 ask them to implement all sorts of stuff and  
19 "good luck" with half of it; right? I'm just  
20 kidding, buddy.

21 MR. BOYCE: He's just kidding, it's  
22 really two-thirds.

1 PARTICIPANT: That's a pretty big  
2 number.

3 MR. LAMARRE: I actually think your  
4 language is important because it's still going to  
5 --

6 MR. GALLAGHER: It still has to go  
7 through notice and comment.

8 MR. LAMARRE: You got it.

9 MR. GALLAGHER: George Haynes?

10 MR. HAYNES: George Haynes, Lakes  
11 Pilots. Whatever method you decide on or come up  
12 with a percentage or a fixed amount, it better be  
13 up there. The whole idea is to attract the best  
14 talent that we can get and get them plugged in as  
15 quick as possible so that they're generating  
16 money and not just an expense. But whatever  
17 number you come up with, or percentage, get it  
18 right up. You're not going to get 100 percent of  
19 course because they're not as valuable when  
20 they're new, but it's got to be right up there;  
21 80, 90 percent. To attract the best you've got  
22 to pay the best just to get them to come over.

1 The 150-, that's a killer right there. But  
2 you've got to give them a tangible percentage or  
3 a tangible number based on the competition. It's  
4 got to be right up there with Tractor Bus  
5 (phonetic) we know that.

6 MR. FISHER: Clarification question to  
7 the director. This would require rule making?

8 MR. HAVILAND: Todd Haviland, U.S.  
9 Coast Guard. Yes. So, like, an example would be  
10 we have step four where we determine target  
11 compensation. We could have a step four when we  
12 determine target compensation for an apprentice  
13 pilot.

14 MR. FISHER: Okay.

15 MR. HAVILAND: Or someone with a  
16 limited registration.

17 MR. FISHER: Can I say this? John  
18 Boyce, I think we can get there. Could we, like  
19 during lunch, hammer out the wording of a  
20 resolution? And then we can take it up after  
21 lunch, because I think we just need to kind of --  
22 and I don't think doing it live is the efficient

1 way to do it.

2 MR. BOYCE: I'll agree with that,  
3 yeah.

4 MS. ENGLEMAN CONNORS: So Captain  
5 Boyce --

6 MR. BOYCE: I'll table my motion.

7 MR. GALLAGHER: We're going to table  
8 it until after lunch to discuss it.

9 MS. CONNORS: Right. So how do you  
10 want to say it, Captain Boyce put forward a  
11 motion but it was not seconded?

12 MR. GALLAGHER: Yes.

13 MS. ENGLEMAN CONNORS: And you all  
14 went into conversation before it was even  
15 seconded it so technically you need to get --

16 MR. BOYCE: I'll table my motion.

17 MS. ENGLEMAN CONNORS: Right. Roger  
18 that. Get your language and then we'll put it  
19 through with a second and then you can go at it  
20 again, if that's all right. So during lunch  
21 would be a great time. And lunch should be here  
22 around noon, FYI.



1                   MR. GALLAGHER: All right. We'll come  
2 back to this topic then. We'll go onto number  
3 five: Annual review and report comparing  
4 previous rate setting projections with actual  
5 data. Mr. Fisher?

6                   MR. FISHER: This idea -- we don't  
7 have to vote on it, let me just say that up  
8 front. But it's an idea that came up from our  
9 industry group. Every year the Coast Guard is  
10 putting out a rate, which is a hypothetical  
11 exercise which involves a lot of predicting of  
12 the future and hoping to get close to what you  
13 need as far as money to operate the pilotage  
14 system. And we know from years and years and  
15 years of living through this, you know, sometimes  
16 it's low, sometimes it's high, sometimes it's on  
17 the dot. And it's a -- you know, it's an inexact  
18 science, it's an art I guess. And the Coast Guard  
19 and Todd keep tweaking the methodology to improve  
20 its ability to better deliver the resources  
21 necessary to operate the system. What we're  
22 recommending is instead of -- I think in Todd's

1 mind he has all this, the director's mind he has  
2 all this, he knows, boy, you know, we're doing  
3 good or we're not doing good, we need to tweak  
4 things. But it's kind of all in his head -- or  
5 maybe in this insular small group. What we would  
6 like to recommend is that the Coast Guard do an  
7 analysis of the last few rate makings and kind of  
8 always have that rolling. And so each year he  
9 kind of adds -- I realize we don't know until  
10 maybe a year or two later, but once the data is  
11 available kind of look at it all and kind of have  
12 a rolling report, if you will, that says, well,  
13 you know, two or three years ago -- or each of  
14 the last few years this is what happened, we  
15 predicted this and we generated this kind of  
16 revenue and it was 10 percent too low or it was  
17 20 percent too high or it was right on the dot.  
18 But we could kind of track progress, because  
19 everything we talk about in these meetings has a  
20 lot to do with this, which is trying to take what  
21 is an uncertain system and trying to work the  
22 magic to improve it so that it better delivers

1 the resources that are necessary and doesn't fail  
2 at that. I mean, if it fails at that that's when  
3 we have delays and that's when we have all these  
4 operation problems you guys confront.

5 But it's never written up as to how  
6 we've done each year and so there's not a record.  
7 And I realize, again, those people that are  
8 highly involved and really kind of know where to  
9 find the numbers can do that. But I think if the  
10 Coast Guard were sort of tracking its progress in  
11 a regular way of the methodology and of the  
12 methodology's success in predicting and  
13 delivering the resources necessary I think that  
14 would be a good thing to sort of -- that would be  
15 a good report that would, I think, add a lot of  
16 transparency to this program, and it would also  
17 be a way to be more public about the success of  
18 the system that the methodology delivers. So not  
19 looking for a vote, it's just a recommendation  
20 from the industry groups to the Coast Guard.  
21 We're here to share our advice and input to you  
22 as part of the advisory committee and so that's

1 one of the ideas we wanted to put forward. No  
2 one needs to necessarily respond, but you're  
3 welcome to.

4 MR. GALLAGHER: Does a committee  
5 member have any questions, comments?

6 MR. BOYCE: Well, I would just say  
7 that's more subjective than you think it is,  
8 because along with -- traffic is by far and wide  
9 the biggest impacter. It's not how accurate the  
10 rate it, that's pretty simple math; it's what  
11 traffic does. And inherently if anybody can  
12 predict traffic you're in the wrong job. Because  
13 as much as the revenue side varies so does the  
14 expense side with it. It's kind of a no-brainer  
15 to say if you get 50 percent more traffic it's  
16 not saying we get 50 percent more expenses but  
17 they go up dramatically, you know. So there's a  
18 number of moving pieces in it, it's not as simple  
19 as comparing two numbers and which numbers you  
20 choose to put in and not in that comparison is  
21 where you add a lot of subjectivity to how  
22 valuable that is.

1                   MR. FISHER: I'll tell you this: In  
2 my time I've heard pilots for years complaining  
3 that they were under realizing the revenue that  
4 they felt they needed to operate the system and  
5 suffering. I've had a number of years hearing  
6 industry people saying that they were overpaying  
7 and pilots were walking away with way more money  
8 than the rate should have provided, you know.  
9 And so you essentially got this record of both  
10 sides complaining that the thing is swinging one  
11 way or the other too much. And it would be  
12 interesting to see that documented over the  
13 years, see how it's swinging.

14                   MR. BOYCE: Well, I think data absent  
15 understanding is an extraordinarily dangerous  
16 thing. You have a lot of people who don't  
17 understand how any of it works. Giving more data  
18 to someone who doesn't know what it means does  
19 not lend transparency to anything, it lends darts  
20 to people to throw, that's all it does.

21                   MR. FISHER: I would -- I work in data  
22 world, you know, the government is all about

1 data, I disagree; I would disagree.

2 MR. BOYCE: It's the way you  
3 understand it. Understanding is the key.

4 MR. FISHER: I hear you. Any report  
5 can provide context. I think that's what it is,  
6 it's data with a lot of words describing the  
7 context of the data, and so I think that can be  
8 handled. Anyway, I didn't mean to get into a  
9 debate about this. I think it's a good idea --  
10 actually, people around here today also think  
11 it's a good idea and we just want to put it  
12 forward. It's one of our rights as voices on  
13 this committee to put forward ideas, so --

14 MR. KHANDPUR: Especially in light of  
15 the fact that we might have like the  
16 petrochemical and the cruise ships coming in,  
17 which we may not account for, and so that might  
18 show a skewed compensation but that might also  
19 show --

20 MR. BOYCE: Why there's --

21 MR. KHANDPUR: -- and not enough  
22 pilots and stuff.

1                   MR. GALLAGHER: Do we have any -- John  
2 Swartout?

3                   MR. SWARTOUT: Yeah, John Swartout,  
4 Western Great Lakes Pilots. Steve, I think the  
5 methodology that you're describing was the old  
6 methodology, the one that did have a lot of what  
7 you might call "subjective inputs," projections  
8 as to what's going to happen. The new  
9 methodology right now has none that I can see.  
10 The traffic projection is a killdeer of panic.  
11 Back in the last ten years take the average and  
12 that's what we think traffic is going to be. So  
13 let's take the subjectivity out of it. I don't  
14 see a big problem with looking back to see how it  
15 performed but the way the rate is structured now  
16 it's going to perform exactly as the Coast Guard  
17 says it's going to perform, the only variable is  
18 traffic. And not only the volume of traffic but  
19 of course the average size of the vessel.

20                   MR. BOYCE: And what I'll just say on  
21 top, I'm not opposed to reporting, that's not my  
22 intention. It's just -- I know you live in a

1 data world and I'm sure you've seen a lot of  
2 people misinterpret a lot of things. It's the  
3 cautioning of making sure it's known this is what  
4 this is, not anything else. You know what I  
5 mean?

6 MR. FISHER: Sure. Again, that exists  
7 everywhere in every report for every government  
8 agency, you know. But -- and, John, I don't  
9 disagree with what you said. I think one concept  
10 is that maybe some of the nonsubjective variables  
11 or metrics that go into the rate now, maybe  
12 they're not -- maybe that's not the right way to  
13 do that, you know.

14 MR. SWARTOUT: It's a possibility.  
15 The pilot assignment cycle, which went into  
16 designing the staffing model, hasn't been  
17 reviewed since it started, so that may be  
18 something to look at -- update.

19 MR. GALLAGHER: Any other comments  
20 from the public?

21 Any other further discussion?

22 Okay. We'll move on. Topic number



1 six, the St. Lawrence River flow/Lake Ontario  
2 flooding and Seaway closure. Steve Fisher asked  
3 for it to be on the agenda.

4 MR. FISHER: Thank you. The  
5 solicitation from Ellen to all of us to submit  
6 comments about agenda items for the meeting  
7 happened last spring when this issue was a lot  
8 hotter than it is now, so that's why it ended up  
9 on here, because it was kind of a crisis at the  
10 time. But if John Boyce would be willing, I  
11 think it'd be good to discuss what's going on in  
12 the St. Lawrence, what had gone on last spring.  
13 And, John, jump in here, you're right there. But  
14 because of flooding on Lake Ontario there was a  
15 lot of pressure coming out of New York State  
16 politicians to pressure the International Joint  
17 Commission, which controls the flow through the  
18 Moses-Saunders dam to increase the flow and in  
19 concept help lower Lake Ontario a little bit,  
20 which you can do a little bit but not much. But  
21 if you increase the flows too much it impedes  
22 navigation and that of course hurts all seaway

1 commerce which hurts all of us. And so the IJC  
2 is a funny organization, it's -- I think it's --  
3 not to come here and badmouth another government  
4 agency, but the way they're appointed and the way  
5 the decision-making works they're very insulated  
6 from the power structure, if you will. It's made  
7 up of a number of appointees by both governments,  
8 technically the Canadian members report to their  
9 -- I forget what -- their foreign service agency,  
10 I forget what it's called, but -- and our  
11 appointees report to the State Department. But  
12 in the scheme of things this is a blip in the  
13 world of those two agencies and so I just -- you  
14 know, it's really such that they're not under a  
15 lot of supervision and there's not a lot of  
16 people looking over their shoulders. Yet here  
17 they could make a decision that completely shuts  
18 down foreign commerce on the Great Lakes.

19 So it was a scary time, there was  
20 tremendous pressure coming out of New York, a lot  
21 of politicians in New York were pressuring them.  
22 And not to dismiss the woes of the waterfront

1 homeowners who were having flooding in the  
2 communities, but -- so there was a lot of  
3 understandable pressure and you really had a  
4 situation where the economic interest of commerce  
5 and the ports farther west and the businesses  
6 farther west who needed shipments were being  
7 weighed against the flooding and the people who  
8 were being harmed in upstate New York. And so it  
9 was a scary time.

10           Ultimately they did not decide to  
11 impede navigation and that was good. And then I  
12 also understand -- and correct me if I'm wrong --  
13 but the lake -- just Mother Nature, the lake has  
14 gone down a bit since the spring so that's taken  
15 some of the pressure off doing anything.

16           But this is still out there and if  
17 Mother Nature were to change her ways we could be  
18 right back in this pickle again. Yeah, John?

19           MR. BOYCE: Just to add on. And I  
20 agree with everything Steve just said. While  
21 it's not hot right now it will be again. It's  
22 going to be a problem for a number of years

1 likely. All the lakes are high, they all flow  
2 down -- with very, very little exception, it all  
3 flows down to the St. Lawrence. And it will  
4 likely be an issue for a decade of high water  
5 levels, high flows and an enormous amount of  
6 political pressure from both New York State and  
7 Quebec. Montreal flooding out, things like that,  
8 there's a lot of pressure going on that way.

9 I'm on a committee now to review the  
10 water level plan and there is no good answer.  
11 There is a lot of pressure to do what they call  
12 "patterning." We saw this spring a delayed  
13 opening of ten days in the Seaway. There's a lot  
14 of pressure to do periodic closures throughout  
15 the year to basically increase the flows to near  
16 the max what the river will hold, and there's no  
17 way you're going to navigate in that. The  
18 problem that very, very quickly arises -- going  
19 back to what we mentioned earlier with the  
20 staffing model -- if we have, you know, very  
21 small backups it takes days to alleviate any  
22 backup. There is zero reserve capacity in any of

1 the pilotage numbers. If you start having  
2 multiple days -- and by definition the closures  
3 have to be multiple days in order to ramp up  
4 flow, have a sustained flow for a period of time,  
5 reduce flow so the currents can stabilize again  
6 you have to have multiple days. Traffic will not  
7 catch up. There is no way we have enough pilots  
8 for the traffic -- to catch up with the traffic  
9 that will get backed up and it will be a very,  
10 very real problem. Does that --

11 MR. FISHER: Yeah. So no -- well, I  
12 don't think there's a recommendation. But I just  
13 wanted -- I think we're all in this together as  
14 it -- as it flares up from time to time.

15 MR. GALLAGHER: I think we're very  
16 fortunate we have John on that committee, the  
17 International Joint Commission Committee, because  
18 it's -- you know, it's very important that we  
19 have somebody -- one of the pilots from the  
20 shipping that has some common sense.

21 MR. FISHER: Right.

22 MR. BOYCE: Does that I have common

1 sense?

2 MR. KHANDPUR: So my question is the  
3 St. Lawrence Seaway Development Corporation, they  
4 have the responsibility for commerce on the  
5 Seaway. Are they not a part of the IJC?

6 MR. BOYCE: They're on a different  
7 committee.

8 MR. FISHER: They're on a sub -- the  
9 River- -- no they're not on the River Board.  
10 They're on a -- they're on your committee, aren't  
11 they?

12 MR. BOYCE: They are on -- the  
13 Canadian Seaway --

14 MR. FISHER: Is on the River Board?

15 MR. BOYCE: -- is on the International  
16 St. Lawrence River Board -- St. Lawrence-Lake  
17 Ontario River Board.

18 MR. FISHER: So the structure, Rajiv,  
19 is the IJC is the ultimate decision-maker, I  
20 think there's six or eight of them, equal numbers  
21 from each country. Under them is something  
22 called the St. Lawrence River Board that is -- I

1 would say largely the decider but technically  
2 they're making a recommendation to the IJC. And  
3 then John's on a technical committee that advises  
4 the River Board. The River Board --  
5 interestingly the American chair -- there's  
6 Canadians on it and Americans. The American  
7 chair is a guy from the Corps of Engineers out of  
8 Cincinnati. The Canadian Seaway has a person,  
9 Jean Aubry-Morin, who is on the River Board as  
10 well. And he's kind of been a veto -- they make  
11 decisions only by unanimous agreement. So he's  
12 kind of been a veto break on that group from  
13 doing anything crazy.

14 Now, I'll add no matter what they  
15 decide the IJC can -- the commissioners  
16 themselves can override them. The commissioners  
17 are the ones who get the political pressure. And  
18 so no one -- so the U.S. Seaway -- to answer your  
19 question -- has nobody sitting on anything; to  
20 their dismay, they'd like to be on these  
21 committees. And I don't know how they were  
22 chosen originally but they're not on -- they're

1 not on it. So the Canadian Seaway has kind of  
2 been looking after our interests on the River  
3 Board.

4 MR. GALLAGHER: I mean, all three --  
5 I know in our district our water levels are --  
6 it's great to have a lot of water because we're  
7 not worrying about the drafts going in and out of  
8 the ports, but with a lot of water we're you  
9 know, we're having a hard time going up and down  
10 the river. I mean, it's -- some of these docks  
11 are just inches away from being under, so we --  
12 we're reducing speed, we're doing everything we  
13 can in cooperation with the local people. I  
14 mean, all the shipping -- the Great Lakes  
15 shipping companies and everyone. I mean, if we  
16 don't we're afraid that they're going to -- the  
17 Coast Guard, and I don't blame them -- will set  
18 regulations saying this is a new speed limit, and  
19 once it goes into place it's going to be hard to  
20 get back. So we're doing what we have to do.  
21 You know, it's a little -- you've just got to be  
22 really cautious in certain areas and -- again, we



1 don't see any big change in the near future.

2 MR. FISHER: Right. Okay.

3 MR. KLEIN: This is Mike Klein. Just  
4 for my education, you know, shutdowns of the  
5 commerce, or the flow, is not good for any of us  
6 in the room here. But who is the beneficiary of  
7 that increased flow? Is it strictly private  
8 owners on the lake itself or is there some  
9 industries that are fighting or that are impacted  
10 by -- if we increase the flow?

11 MR. BOYCE: Not surprising I think  
12 there's a whole lot more that goes into this than  
13 you --

14 MR. KLEIN: Yeah.

15 MR. BOYCE: You end up with funny  
16 spots of high water and low water when you try to  
17 drain Lake Ontario because the river is not  
18 linear. You start running village and town water  
19 intakes dry. You end up with -- that being one  
20 of the bigger problems. But then down below you  
21 end up flooding out Montreal.

22 MR. KLEIN: Okay.

1           MR. BOYCE: So the entire city --  
2 well, not the entire city, it's on a hill, but  
3 the low portions of all of it, industrial and  
4 private, get flooded out. So that's where the  
5 water has got to go someplace and that's where it  
6 backs up.

7           MR. GALLAGHER: Paul?

8           MR. LAMARRE: Paul LaMarre, Port of  
9 Monroe. I think that the flow rate issue is  
10 optics quite frankly. I think that increasing  
11 the flow rated does not necessarily benefit the  
12 lake levels that much. The watershed is bursting  
13 at the seams across the Great Lakes. My house  
14 this year on Lake Erie has flooded five times  
15 alone. It's funny because somebody in our  
16 community blasted me for capitalizing on high  
17 water levels for shipping and then I sent them  
18 pictures of my house under water. And it's not  
19 an issue that's going to be solved with the flow  
20 rates and I think that the brush that this is  
21 painted with needs to change from we're going to  
22 just flow all the water out to shoreline

1 stabilization, I really do. I think that what  
2 are consistently fighting this issue and it's  
3 more than just our issue. Increasing the flow  
4 rate is not going to solve it.

5 MR. FISHER: It's not going to solve  
6 it, yeah; yeah.

7 MR. GALLAGHER: Any other -- any  
8 comments from the public?

9 No further discussion?

10 We'll move on. Todd?

11 MR. HAVILAND: It's a little after  
12 noon, is it a problem to take a little break?

13 MR. GALLAGHER: Do you want to run the  
14 meeting?

15 MR. HAVILAND: I'm just asking --

16 MR. GALLAGHER: Well, we can go one  
17 more topic and then we'll eat. Well, let's go on  
18 to the designation of the Straits. At the last  
19 GLPAC meeting in Port Huron the Pilot Advisory  
20 Committee forwarded a unanimous recommendation  
21 that the Coast Guard evaluate designating the  
22 Straits of Mackinac. The Coast Guard conducted

1 some analysis on this and both congressional  
2 staff and the National Economic Council have been  
3 briefed. I'd like to recognize Captain Olney,  
4 who initiated this issue, and off some comments.

5 MR. OLNEY: Yeah, I'll tell you what  
6 I can. We're not there yet but it's being pushed  
7 along. Do you want to interject here?

8 MR. HAVILAND: No, I was just going to  
9 ask -- not everyone in the room is familiar with  
10 this topic if you can give them some background.

11 MR. OLNEY: Oh, sure. Thank you.  
12 Straits of Mackinac is one of those geographic  
13 areas on the Great Lakes that is potentially a  
14 choke point. And by that I mean it's the  
15 convergence of Lake Huron and Lake Michigan, the  
16 northern end of both those lakes, and the problem  
17 really becomes different users in that area, and  
18 it's everything from freight ships, both foreign  
19 and domestic, Canadian, tanker traffic, pleasure  
20 boats, sailboats, and now cruise ships, fishing  
21 boats, paddle boarders now, all these different  
22 users using this same relatively small area,

1 which are also navigable channels. And the  
2 problem becomes you've got all these users coming  
3 together and the potential for disaster is quite  
4 huge. On top of that add a couple of pipelines  
5 that are spanning the Straits of Mackinac, which  
6 has been a lot of news of late with Enbridge line  
7 5 pipeline being one of those pipelines.

8 Actually there's two of them there. And an  
9 anchor strike on one of those pipelines created a  
10 real stir in the potential environmental damage  
11 because if an oil spill was in the Great Lakes --  
12 or in the Straits of Mackinac suddenly that oil  
13 spill is going to Lake Huron, Lake Michigan and  
14 once it goes to Lake Huron it's coming all the  
15 way down eventually to Lake Erie and the skies  
16 the limit as to where it can go and the damage  
17 that can be done.

18           Oddly enough the Straits of Mackinac  
19 is not considered designated waters as far as  
20 pilotage requirements. And just to take a little  
21 background here, there's two different areas on  
22 the Great Lakes that are of concern, designated

1 waters and undesignated waters. And in  
2 designated waters the pilot has to be on the ship  
3 and in direct control of the navigation of that  
4 ship. In undesignated waters the pilot is also  
5 onboard the ship but he is not required to be  
6 actively navigating the ship but he has to be  
7 available for his expertise should it be  
8 required. Now, the Straits of Mackinac is  
9 considered undesignated waters. And that struck  
10 me as very usual quite some time ago because  
11 rivers in the Great Lakes are all designated  
12 waters so the pilot has to be actively navigating  
13 the ship. But in relatively small area where  
14 channels are converging from all different  
15 directions, the pilot, although he's already on  
16 the ship, does not have to be in direct control  
17 of it and it just seems kind of ludicrous.  
18 You've already got the guy onboard, why wouldn't  
19 you want the most experienced person on that ship  
20 getting charged with the navigation.

21 So we have moved forward with an  
22 effort to try to get the Straits of Mackinac

1 named as designated waters so that the pilot,  
2 who's already onboard, already being paid by  
3 industry, is now actually tasked with navigating  
4 the ship through that area. That became a GLPAC  
5 recommendation last year that we continue to try  
6 to get this thing passed. And it has to go all  
7 the way up to the President of the United States  
8 so it's a little tougher task that it would seem.  
9 Did I leave anything out there, Todd, that you're  
10 thinking?

11 MR. HAVILAND: Do you mind if I say  
12 something?

13 MR. OLNEY: Please.

14 MR. HAVILAND: Todd Haviland, U.S.  
15 Coast Guard. After that recommendation Mr.  
16 Emerson asked me to do some outreach. And I know  
17 that Steve was a recipient of part of that  
18 outreach because we wanted to make sure people  
19 understood that this was not a regulatory  
20 process. The law says the President of the  
21 United States makes these designations through  
22 executive action, so if this is going to happen

1 it's going to be because the President signs an  
2 executive order to make that happen. And, Steve,  
3 do you mind providing the feedback from your  
4 constituency? It's been pretty positive?

5 MR. FISHER: Yeah, this was -- we all  
6 endorsed this at our last meeting so I don't see  
7 any controversy around this. I'm more curious  
8 what that process in the White House is like. Is  
9 that a black box or -- do we have any idea how  
10 that -- I mean, they're kind of busy there these  
11 days I assume. Do we have any idea if this is  
12 something that is hung up or is there a process  
13 for this --

14 MR. EMERSON: Actually we're very  
15 close. Mike Emerson, Coast Guard. Without too  
16 much conjecture, we've spoken to NEC, they took  
17 my side and Todd's side of the story and they're  
18 actually asking if they can reach out to you for  
19 another perspective just to validate that we're  
20 not snowing them. But what we suggested was in  
21 the interest of marine safety this is a  
22 no-brainer. It's an area that's ripe for



1 regulation. It's a complex waterway as aptly  
2 described, and you left out show (phonetic)  
3 water, you left out the ferries, you left out the  
4 Tribal interest. It's a very complex waterway  
5 that, you know, sincerely needs some attention.  
6 So having the pilot at the controls by domestic  
7 is a no-brainer. We called it low fruit and I  
8 think that you're probably going to get a phone  
9 call that's going to ask your permission here  
10 shortly to offer that number.

11 MR. FISHER: Sure.

12 MR. EMERSON: But we're that close.  
13 We've assisted with -- drafting assistance with  
14 an executive order, and if we can keep it out of  
15 a political realm and just make it a common sense  
16 safeguard I think it goes forward.

17 MR. FISHER: Right.

18 MR. EMERSON: So I think you'll  
19 probably get a phone call and then we may read  
20 something in the press.

21 MR. FISHER: Okay. Sure.

22 MR. GALLAGHER: Any other discussion

1 from the panel? Any discussion/comments from the  
2 public?

3 MR. FRANKLIN: I have a comment.

4 MR. GALLAGHER: Dan?

5 MR. FRANKLIN: Dan Franklin, Lakes  
6 Pilots. Same comment I made last year. I'd just  
7 like to see the designation extended to all ports  
8 on the Great Lakes. We have certain ports that  
9 automatically fall within designated waters,  
10 other ports don't. And as basically anybody that  
11 goes into a port can attest, they're not looking  
12 at waterways as critical infrastructure and I  
13 think it's just been something that's been a  
14 long-term oversight. And if we're -- the Straits  
15 is critical obviously that's not going to look  
16 good if we don't extend that to ports that are  
17 impacted. We've got that ball rolling and I  
18 think it might be wise right now to do all we  
19 can.

20 MR. OLNEY: Can I make a comment?

21 MR. GALLAGHER: Jon?

22 MR. OLNEY: Jon Olney, Great Lakes

1 Pilots. I want to backtrack. I think I said  
2 something that although what I said in  
3 interpreted it to be correct but I could see  
4 where others would misinterpret it dramatically.  
5 When I said all the rivers in the Great Lakes are  
6 designated that is absolutely not true. The St.  
7 Mary's River, the Detroit River and the St. Clair  
8 River are all designated waters. However, the  
9 Cuyahoga River is not, the Saginaw River is not,  
10 the Calumet River is not, just as examples -- Fox  
11 River is not. So when I said they're all  
12 regulated I'm talking about the big three. I  
13 certainly fumbled the ball on that and wanted to  
14 straighten that out.

15 MR. GALLAGHER: I think the reason the  
16 Straits of Mackinac were singled out is because  
17 of the pipelines right now. And I think once we  
18 get this thing through I think we can make a  
19 case, because this is not a cost to industry.  
20 There is no additional cost to industry, it's not  
21 like we're going to have more pilots. But if  
22 something happens -- basically the Calumet River,

1 you know, the Cuyahoga River, I mean, you can go  
2 up there, it takes you four hours up that river,  
3 I mean, narrow, narrow, narrow. And there's no  
4 way a pilot wouldn't be on the bridge. But the  
5 captain could say, hey, I don't want you here, go  
6 in your room, it's undesignated waters I can do  
7 it myself and, you know -- I don't see that ever  
8 happening, them doing it, but, you know, I think  
9 it's just common sense to do that, so -- Paul?

10 MR. LAMARRE: Paul LaMarre, Port of  
11 Monroe. I would say that there are some guys on  
12 the Cedarville that would still think this is a  
13 good idea.

14 MR. GALLAGHER: Yes. I think once we  
15 get the Straits done I think it's definitely to  
16 look at it in the future here of all the ports  
17 and -- again, even the Straits, there's no cost  
18 to industry, it's just a common sense thing. And  
19 really the -- you know, if the public really knew  
20 somebody to go in there, a foreign vessel with a  
21 foreign crew, you'd see some big uproar. I mean,  
22 it's been -- you know, the guys are on the bridge

1       anyways, they're there, they're doing their job,  
2       so --

3                   MR. KLEIN:   This is Mike Klein.  And  
4       from what I'm hearing, I mean, that is the issue,  
5       these masters will tell the pilot I don't want  
6       you to navigate my vessel through this area?

7                   MR. GALLAGHER:  Well, they could  
8       because it's undesignated waters, yes.

9                   MR. KLEIN:  -- it's all common sense,  
10      why not have the experienced pilot.  But that is  
11      what's happening, the master says --

12                   MR. GALLAGHER:  They could.

13                   MR. FISHER:  Well, wait.  Is that  
14      what's happening or you're saying it  
15      hypothetically?

16                   MR. GALLAGHER:  Hypothetically they  
17      could do that.

18                   MR. BOYCE:  On occasion you'll get a  
19      master into a port that thinks he knows his job  
20      better than you do and it's -- it's challenging  
21      at times to convince him otherwise versus written  
22      in law I have the authority here and we are doing

1 it this way. Because that's not the time to have  
2 a discussion of how things are going to go.

3 MR. GALLAGHER: John, did you --

4 MR. SWARTOUT: Yeah. John Swartout,  
5 Western Great Lakes Pilots. Last year the Coast  
6 Guard named the Straits a regulated navigation  
7 area, which is just one step below a vessel  
8 traffic service area. If any vessel wants to  
9 anchor in the Straits they have to get Coast  
10 Guard permission to do it first. Well, the  
11 foreign vessel captain may or may not know that,  
12 probably doesn't know that, and may or may not  
13 know how to get the permission. But we know how  
14 to get it so it's -- that was the real catalyst  
15 was the designation as regular navigation area  
16 but made it sort of like -- what are we calling  
17 this undesignated waters for if this permission  
18 has to occur if you're going to anchor there.

19 MR. KLEIN: Right.

20 MR. GALLAGHER: Okay. Why don't we  
21 break for lunch and we'll just finish that topic  
22 up when we come back.

1 (Off the record.)

2 MR. GALLAGHER: Jon, thank you very  
3 much, and the Western Pilots for the great lunch.  
4 We appreciate it.

5 MR. OLNEY: You're welcome.

6 MR. GALLAGHER: We'll go back and  
7 finish the topic of the compensations; limited  
8 pilot registration/ compensation benchmark for  
9 apprentice pilots training surcharge. John and  
10 Steve talked during the break?

11 MR. FISHER: Yes.

12 MR. BOYCE: I'll make a motion that  
13 the committee recommends that the Coast Guard  
14 incorporate a compensation benchmark for  
15 apprentice pilots into its annual rate setting  
16 rule making.

17 MR. FISHER: I second.

18 MR. GALLAGHER: We have a second by  
19 Steve. Any discussion from the committee?

20 Any discussion from the public?

21 PARTICIPANT: Could we hear it again,  
22 John, please?

1 MR. GALLAGHER: Increase of pilot  
2 registration to \$200 million each association.

3 MR. BOYCE: The committee recommends  
4 that Coast Guard incorporate a compensation  
5 benchmark for apprentice pilots into its annual  
6 rate setting rule making.

7 MR. KHANDPUR: Compensation benchmark,  
8 what does that mean?

9 MR. BOYCE: Same thing as the working  
10 pilot has a compensation benchmark.

11 MR. KHANDPUR: Oh, okay. I see.  
12 Target?

13 MR. BOYCE: Yes.

14 MR. GALLAGHER: We have a -- back to  
15 the committee for a vote or further discussion?

16 Okay. All in favor?

17 (Show of hands.)

18 MR. GALLAGHER: Okay. We've got a  
19 unanimous.

20 MR. BOYCE: Baby steps.

21 MR. GALLAGHER: We'll finish up the  
22 discussion on the designation of the Straits.



1 John gave the history on it, what's going, what's  
2 happening. We -- I don't think there's any  
3 downside whatsoever. I think industry supports  
4 it. The committee made a recommendation last  
5 time in Port Huron. We thank the Coast Guard for  
6 everything you do and just need to keep pushing  
7 it forward. Like Mike said, hopefully we'll see  
8 it in the news shortly. Is there any other  
9 discussion, any other questions?

10 Anything from the public?

11 Nothing back from the committee. All  
12 right. Topic number 8, Pilot Association project  
13 and updates. So, Jon, do you want to start?

14 MR. OLNEY: Certainly. Jon Olney,  
15 Western Great Lakes Pilots. Our operation is  
16 providing pilotage service in Lakes Huron,  
17 Michigan, Superior and the St. Mary's River. And  
18 as we discussed earlier, we have 17 fully  
19 registered pilots right now, six of which are  
20 assigned to river rolls, ten are trans lake, and  
21 then myself and I've kind of become a defacto  
22 river pilot just because of the geographic

1 location.

2 I also touched on we had three  
3 unexpected retirements at the start of this year,  
4 and all were COVID-19 related. None of them had  
5 been anticipated, even by the guys that actually  
6 retired; they weren't anticipating retiring at  
7 that time. We currently have seven apprentice  
8 pilots, two we will most likely be partnering  
9 over the wintertime this winter, probably two  
10 will come on as partners at some point in time in  
11 the middle of next year based upon when they  
12 started with us. And I would anticipate probably  
13 partner three of them in 2022.

14 And I am making the assumption right  
15 now we're going to be looking to take on at least  
16 two more this winter as apprentices, but that's  
17 my own thought process; not talking to the rest  
18 of our guys, that's just I believe we need two  
19 more. We have three dispatchers and one chief  
20 dispatcher which would provide 24 hour/seven day  
21 a week coverage. We had a controller and we have  
22 an accounting assistant. Our pilot boat

1 situation -- we have three pilot boats that we  
2 have under charters; one is in DeTour, one's in  
3 Duluth and then the operation up in Thunder Bay,  
4 Ontario. We own three pilot boats; the Soo Pilot  
5 was built in 1976, that boat is in the Sault Ste.  
6 Marie area. The Western Pilot was built in 1979,  
7 that boat serves in DeTour. And the Superior  
8 Pilot is up in Sault Ste. Marie right now, that  
9 boat was built in 1968. So our challenge with  
10 all that is keeping these boats running because  
11 of their age and availability of parts and  
12 availability of people that can work on those  
13 boats.

14 So our solution to that is a 37-foot  
15 shallow draft pilot boat, which will allow us to  
16 service ships from our office location, which is  
17 on the Whiskey River. For those that don't know  
18 I brought a chart here just to maybe simplify  
19 things. Steve, this is for you as much as any.

20 MR. FISHER: Okay.

21 MR. OLNEY: Formerly we're actually  
22 getting on the pilot boat in this area here,

1 which is actually east of the Soo Locks. And the  
2 problem becomes we had to actually transit  
3 through the Soo Locks -- this is where we're  
4 staring. Had to transit through the Soo Locks  
5 and then out to the chain point at buoy 33. Buoy  
6 33 is out here, so here is actually the change  
7 point where we switch from a river pilot to a  
8 lake pilot.

9 By moving our office -- and it was not  
10 by circumstance or happenstance that we chose the  
11 location we did, our office is now down here in  
12 the Whiskey Bay area in the Whiskey River, and  
13 this now gives us a much shorter pilot boat run.  
14 And this is already proving to be a very useful  
15 solution to our problem of saving this whole  
16 transit time, which is on a good day it would be  
17 an hour and a half before you got on the pilot  
18 boat 'til you actually could get on the ship you  
19 were serving. So now we can cut that transit  
20 time down to about 20 to 25 minutes one way,  
21 otherwise it's an hour and a half one way.

22 The problem is the water is very

1 shallow here. The water in the river where we  
2 actually have to tie the boat up is relatively  
3 deep, but the approaches, which are two and three  
4 feet deep, which necessitate us having a shallow  
5 draft vessel. And then the other part is we also  
6 have to get under a bridge, so although we have  
7 to have a shallow draft for water we also have to  
8 have a relatively shallow air draft so it can not  
9 only go over the shallow waters but go under the  
10 bridge, which is relatively low. And this boat  
11 design that we have come up with will satisfy  
12 both of those problems.

13           It's not a 12 month a year boat. We  
14 don't anticipate and don't intend that anybody  
15 thinks that it is, it simply isn't. But in order  
16 for us to serve ships we have to have two boats  
17 on this end of the river; one that we can operate  
18 in what I would suspect to be approximately seven  
19 to eight month a year and the other one for that  
20 -- the beginning of the season and the end of the  
21 season when an aluminum boat, which this is,  
22 simply can't operate because of ice conditions.

1 Brad, I'm sorry. I cut you off. Go  
2 ahead.

3 MR. SZCZOTKA: No; no, you covered  
4 what I was going to say.

5 MR. FISHER: Question, Jon?

6 MR. OLNEY: Sure.

7 MR. FISHER: So the boat we saw there  
8 last night is the one that's more ice capable, or  
9 -- what's the boat we saw last night?

10 MR. OLNEY: Are you talking about in  
11 Brimley?

12 MR. FISHER: Yeah.

13 MR. OLNEY: Okay. That's one of our  
14 41 footers, that's the Soo Pilot.

15 MR. FISHER: Okay.

16 MR. OLNEY: That boat is aluminum  
17 hull, aluminum doesn't work well in ice.

18 MR. FISHER: So you'll get rid of that  
19 or you'll keep that and -- I'm confused as to --

20 MR. OLNEY: When this boat gets built  
21 we will have, at least on paper, excess capacity.  
22 I would anticipate we would eventually get around

1 to getting rid of one of the two 41 footers. And  
2 the decision would probably be relatively easy,  
3 we'd get rid of the one that's not in as good of  
4 shape as the other.

5 MR. FISHER: Okay.

6 MR. OLNEY: Okay? But at this point  
7 it remains to be seen. Although we have four  
8 boats that we're utilizing in the river; we own  
9 three and one is the one that's under contract;  
10 at one point in time just a couple of weeks ago  
11 only two of those four boats were even  
12 functioning.

13 MR. FISHER: Oh.

14 MR. OLNEY: So it'd be easy to say,  
15 well, you've got excess capacity, well do we? I  
16 don't think we do. Had it not been for the other  
17 two boats both being operational we were in a  
18 very uncomfortable position. But because we had  
19 four boats and 50 percent of them running we  
20 could still service ships.

21 MR. FISHER: Right; right. So the new  
22 boat will be an aluminum boat?

1 MR. OLNEY: Yes.

2 MR. FISHER: Okay. It will be able to  
3 do the low air draft and low water draft?

4 MR. OLNEY: Yes.

5 MR. FISHER: And then this boat that's  
6 more suitable to shoulder season when it's cold  
7 is what?

8 MR. OLNEY: That's the Superior Pilot,  
9 that is a steel boat --

10 MR. FISHER: You'll be bringing that  
11 in?

12 MR. OLNEY: -- tug.

13 MR. FISHER: Okay.

14 MR. OLNEY: Okay? And that stays in  
15 the Soo. Okay?

16 MR. FISHER: It exists right now  
17 somewhere?

18 MR. OLNEY: It exists right now, it's  
19 operational. And that stays up here.

20 MR. FISHER: I see. Ah. So you're  
21 not trying to take that permanently over to  
22 Brimley, it will stay over here?



1 MR. OLNEY: Correct.

2 MR. FISHER: So there will be sort of  
3 that inefficiency during the ice months of moving  
4 through the Lock each time it goes to go pick --

5 MR. OLNEY: Unfortunately, yes. But  
6 we're not trying to hid that from anybody. I'm  
7 waving my hand in the air saying this is what it  
8 is.

9 MR. FISHER: Got it. Okay. I  
10 understand. Thank you.

11 MR. OLNEY: Anybody else?

12 MR. MCKENZIE: Chris McKenzie, Western  
13 Great Lakes Pilots. I would just also point out  
14 that the piece of property that we picked up in  
15 Brimley is the only piece of commercially --  
16 commercially zoned property that was available  
17 between the Soo and that location. Everything  
18 you see above the lock until you get to Brimley  
19 is either private or state --

20 MR. OLNEY: Yup. Todd?

21 MR. HAVILAND: Todd Haviland. Two  
22 questions. Could just explain some of the

1 maintenance problems or challenges that you've  
2 been having. And then I've got a follow-up  
3 question.

4 MR. OLNEY: Certainly. Just recently  
5 we had a transmission go out on one of the pilot  
6 boats, and getting spare parts for things that  
7 were built in the 70's is proving to be  
8 problematic at best. We had the foresight -- I  
9 shouldn't even say "we," Captain McKenzie was the  
10 moving force behind getting extra parts as they  
11 were available and we actually had them in a  
12 storage unit in DeTour. And when this  
13 transmission took a dump because we had some  
14 extra parts that were difficult to get ahold of  
15 we were actually able to maintain some of these  
16 things. But the transmission had to be replaced  
17 and was sent out to Seattle -- was it Seattle?

18 MR. McKenzie: Yeah, Seattle.

19 MR. OLNEY: -- the Seattle, Washington  
20 area. And they had one on a bench that wasn't  
21 repaired but they were in the process of  
22 rebuilding it so we convinced them to go ahead

1 and jumpstart getting that done. And then they  
2 had our transmission there to immediately start  
3 rebuilding that one. And these things are just  
4 major goat rodeos because you've got to get  
5 something to transport this transmission for you  
6 and that costs 1,000, \$1500 just to get it moved  
7 across the country. And then engines having to  
8 have parts replaced -- pistons are now at a  
9 premium. Chris, can you tell me what's the cost  
10 of a piston now, what were they anticipating?

11 MR. MCKENZIE: Well, we bought --  
12 three years ago we bought seven or eight pistons  
13 for 500 -- or piston kits, repair kits, for \$500  
14 a piece, this time we paid 750 for them. And  
15 there are no more left in the country as far as  
16 our mechanic knows.

17 MR. OLNEY: Yeah, so parts are getting  
18 increasingly more difficult to come by and the  
19 expense is just driving things completely out of  
20 whack. So biting the bullet we said, look, we've  
21 got to do something and here is our answer to  
22 this problem. And incidentally this boat will

1 have outboard motors, which will even create more  
2 flexibility. In case something goes wrong with  
3 an outboard motor you get another outboard motor,  
4 and it's a much easier and quicker fix because  
5 your motor and transmission are all tied up in  
6 the same package so if you need a transmission  
7 you just replace the whole thing. So we're  
8 excited about this and we think this is really a  
9 very good platform for what we need. And we  
10 don't need what Dan Gallagher needs and we don't  
11 need what John Boyce needs. We need what we need  
12 for our unique operational area.

13 The office property, for those of you  
14 that were out there yesterday, we purchased that  
15 in April of 2019 and that does include river  
16 front space. The adjacent property became  
17 available -- or we caught wind it was going to  
18 become available so we snatched that up before  
19 that got in the hands of real estate agents and  
20 things like that that would by design of course  
21 have to increase the price of those things.  
22 Todd?

1 MR. HAVILAND: I had one --

2 MR. OLNEY: Oh, I'm sorry. You said  
3 you had another question.

4 MR. HAVILAND: What's the fuel savings  
5 going to be annually?

6 MR. OLNEY: Fuel savings is going to  
7 be huge.

8 MR. HAVILAND: When you say huge --

9 MR. OLNEY: The number I'm throwing  
10 out is \$85,000 per year savings because of the  
11 relatively inefficient engines that are currently  
12 on the boats we're using, the much shorter  
13 distance we now have to cover. And on top of the  
14 short distance we have to cover that means less  
15 wear and tear on the equipment you now have. Not  
16 to mention pilots are getting on and off ships  
17 much faster, their transit time is a third, at  
18 best, of what it was and quite possibly a lot  
19 less because if the pilot boat was going to get  
20 delayed by the locking through the lock system,  
21 the hour and a half transit could take two hours,  
22 three hours. You get 2- or 3,000 footers lined

1 up in a row and they won't let one through  
2 there's nothing you can do because they can't put  
3 the pilot boat in the lock at the same time a  
4 1,000 footer is in there. So it will create  
5 efficiencies that we weren't able to deal with.

6 Is that good?

7 Okay. Challenges, on the horizon dock  
8 space in DeTour. The dock down there is in  
9 disrepair at best, but we don't own it, we lease  
10 it. It's a great location, needs work. Money  
11 obviously always being an issue, nobody has put  
12 any money into it lately. And eventually another  
13 pilot boat in DeTour because frankly one of our  
14 boats is 1979 vintage, the other one is 1976  
15 vintage so what's going on with one is going on  
16 with the other one. But we felt that our  
17 immediate need today was to get a boat up and  
18 running in the north end of the river and we've  
19 got a projected build date of spring of next year  
20 to have that one completed, so we're excited  
21 about that.

22 What is a challenge also, pilot

1 attraction. And we've already dealt with that  
2 because we're all facing the same challenges  
3 here. Our biggest challenge is recruiting  
4 people, giving up a very good job to roll the  
5 dice at something else when they really don't  
6 have to do it. If you want the people at the top  
7 of their game you're looking at captains that  
8 have already been sailing with a company for  
9 awhile, if not certainly senior first mates. But  
10 you're asking them to give up a perfectly good  
11 career to find something different. And many of  
12 these guys have wives that they want to keep so  
13 they feel like they can't throw the dice on that.  
14 You give up an income for an unknown income,  
15 unknown time off and unknown viability, like,  
16 hey, is this thing even going to work. And as  
17 far as pilot attrition, to my knowledge we have  
18 one guy who has already expressed he will be  
19 leaving sometime next year but he has not been  
20 specific more than that.

21 As far as ship traffic, traffic this  
22 year is running very close to last year in our

1 district, which is incredible because we haven't  
2 seen one single cruise ship. So for our little  
3 part of the world, you know, ships are still  
4 coming and business is still there. And John  
5 Swartout touched on this earlier when he made a  
6 comment had the cruise ships come this year we  
7 would have been swamped. We just wouldn't have  
8 had the number of pilots needed to make it work.  
9 Questions?

10 MR. KLEIN: This is Mike Klein. The  
11 three pilots that retired due to COVID related,  
12 were they actually tested positive or did they  
13 choose they did not want to deal with the whole  
14 situation?

15 MR. OLNEY: They chose not to enter  
16 the environment.

17 MR. KLEIN: Got it. Okay.

18 MR. GALLAGHER: Any questions for Jon?  
19 Thank you, Jon. John Boyce?

20 MR. BOYCE: We recently took the  
21 liberty of ordering a new pilot boat at Cape  
22 Vincent. We built one of the 53 foot



1 Gladding-Hearns, very similar to the one Dan  
2 built a couple years ago. That should do a  
3 couple things for us. The anchorages that were  
4 created just onto Lake Ontario and a little bit  
5 into the river, it will allow us to start  
6 servicing them, which will help with some of the  
7 delays and the accordion nature of working back  
8 and forth with the Canadian pilots. It will just  
9 let us stage them closer, or at another spot mid  
10 transit. It will also allow us to operate during  
11 the year more regularly. Our current boat is  
12 actually similar to what Jon's building and we  
13 found that, at least where we operate, it's too  
14 light oftentimes, that in wind events and poor  
15 weather you can't reliably operate it. But it  
16 should also help to some degree. We built it  
17 with a heavier hull and an ice belt to deal with  
18 some degree of ice. So it should help all the  
19 way around expanding the capabilities of what we  
20 can do with the boat.

21           Also, the Seaway is building two new  
22 tugs. They have got the bigger one already.

1 They're in the process of now replacing their  
2 smaller tug, the Performance. I've spoke with  
3 the Seaway and some of the shipping community and  
4 the director, I think it would be a very good  
5 asset for us to acquire that when the Seaway is  
6 done with it. Largely to increase our ability to  
7 operate in ice. Obviously you can't operate an  
8 ice breaker that can break four feet of ice, but,  
9 you know, at that time of year very incremental  
10 increase in ability to operate ice has huge  
11 benefits. So we're actively looking at pursuing  
12 that for another asset. Yup?

13 MR. HAVILAND: Todd Haviland, U.S.  
14 Coast Guard. Will you just explain to people in  
15 the room how that impacts the opening and closing  
16 of the season? It's going to be huge savings for  
17 --

18 MR. BOYCE: Yeah. It's pretty close  
19 to a no-brainer. When the season opens almost  
20 always you're in ice, and the same when it  
21 closes. It's -- and audio, so you're putting  
22 river pilots and lake pilots on carrying them

1 over on both ends both for the U.S. pilots and  
2 the Canadian pilots. So your productivity goes  
3 down dramatically because people are just on  
4 boats so much longer. They're essentially doing  
5 two runs so you're putting pilots on for both of  
6 them. Being able to get them off, recycle and  
7 rest faster makes the whole system move much,  
8 much smoother.

9 MR. HAVILAND: I just think you'll  
10 help for people to understand you put them on and  
11 -- the way you have it right now you'll be able  
12 to switch out everyone in Cape Vincent.

13 MR. BOYCE: Yeah, right at where  
14 change point is. You save a lot of money in  
15 transportation because you're not transporting as  
16 many people. You save a lot of time. And it  
17 makes traffic just flow smoother because you're  
18 not trying to plan two runs at once, you're just  
19 trying to do the two legs individually. And like  
20 I said, especially in our district we're back and  
21 forth with the Canadians. Sometimes we relieve  
22 ourselves, sometimes the Canadians will relieve

1       Canadians, sometimes it's American Canadians.  
2       And it makes it much, much easier when they can  
3       relieve at the spot they're supposed and not have  
4       to be, you know, two legs ahead on the voyage.

5               MR. HAVILAND: The over carriage or  
6       retention, please.

7               MR. BOYCE: And there will be a  
8       substantial savings to the industry because  
9       they're not paying for the pilot to be onboard  
10      for the other half of the leg.

11              MR. MCKENZIE: Chris McKenzie, Western  
12      Great Lakes Pilots. How far is your -- will your  
13      tug be stationed and your pilot jumps on?

14              MR. BOYCE: At it; we'll have it right  
15      at our office at the dock that's right out front.  
16      So you're looking at a couple mile run.

17              MR. MCKENZIE: How big is that tug?

18              MR. BOYCE: 60.

19              MR. KHANDPUR: So the dock is only  
20      going to be used during the winter navigation  
21      season?

22              MR. BOYCE: Maybe. It makes sense at

1 that level right there to say what it may or may  
2 not be able to do on top of that. I don't want  
3 to get into overselling what it might be able to  
4 do, you know, justify it at the basic level, it  
5 makes sense there. What else we can do with it  
6 becomes a bonus on top of that. I think it could  
7 be a backup boat instead of the other, but it's a  
8 very different hull shape, it may or may not  
9 stick to the side of a ship very well. Without  
10 actually doing that with it we're not going to  
11 say that's what it's going to do also because it  
12 might not be very good at that.

13 MR. FISHER: The comments you just  
14 made, you're talking about the Seaway's tug?

15 MR. BOYCE: Yeah.

16 MR. FISHER: Would you keep it at the  
17 same dock? Is there enough room there?

18 MR. BOYCE: Yup.

19 MR. FISHER: And, John, when we were  
20 at your office two years ago was that -- you took  
21 us aboard a pilot boat, was that the boat that's  
22 the one you're using now?

1                   MR. BOYCE: That's the one we're using  
2 now, that's the light boat that gets beat up  
3 pretty bad.

4                   MR. FISHER: You need to do something  
5 different in the ice. Got it.

6                   MR. BOYCE: We tried -- knowing the  
7 new boat was being built, we tried to operate it  
8 in ice a little bit last year and that was a bad  
9 idea because it's far too light. It tries to  
10 drive up on top of the ice and beach itself.  
11 Even trying to go very, very slow it still tries  
12 to climb up on it. And it's got jets so once  
13 you're on the ice you just killed your propulsion  
14 because it tries to suck the ice up and now  
15 you're grounded.

16                   MR. FISHER: Right. And how old is  
17 that?

18                   MR. BOYCE: About ten years old. It's  
19 a good boat. You know, it definitely has its  
20 pros. You know, it was the right boat to build  
21 where things were ten years ago when we had the  
22 old office, the old dock and we were fighting

1 different dynamics on the ice.

2 MR. FISHER: Right; right.

3 MR. BOYCE: You know, there where we  
4 got the big wind, was the old boat had to get  
5 pulled to Clayton, you know, an hour down the  
6 river way up in a bay and you got stuck by the  
7 ice in that bay. We crawled out from under that  
8 headache, got a lot more availability but still  
9 couldn't operate in ice, you know, but at least  
10 you didn't have to deal with the ice packing in  
11 back days. Now we're going to have a little more  
12 ability yet. The new boat will be kept year  
13 round right at the dock where we're putting ice  
14 heaters in and we'll keep it, you know, ice free  
15 right at the dock. We've talked with the  
16 Canadian Coast Guard a bit and we will some more  
17 about how close we can get them to break on the  
18 way up in towards our dock, you know, then we  
19 only have to worry about a little bit of ice and  
20 hopefully we can expand the season quite a bit of  
21 when we can operate it.

22 MR. KHANDPUR: So once you get the tug

1 all together you'll have four boats?

2 MR. BOYCE: Yeah, but I don't see us  
3 -- our old backup we used this year that's a  
4 1964, it's a very good boat because it's simple,  
5 you know, it's got chain and cable steering, it's  
6 got an old 671 Detroit in it and it runs. But  
7 it's also built in 1964 and has all sorts of old  
8 age issues. That will probably be gone very  
9 soon. So right now we have two boats; we've got  
10 the new big boat, the current tug boat and  
11 hopefully we'll be able to acquire the Seaway  
12 tug, at that point I think we'd be at three. And  
13 then I think it's a little bit of a pause and see  
14 what those boats can actually do before it's time  
15 to get rid of one.

16 MR. GALLAGHER: All set, John?

17 MR. BOYCE: Yup.

18 MR. GALLAGHER: Okay. In our district  
19 we have -- we currently have three pilot boats.  
20 The newest one the Huron Spirit, approximately  
21 three years old; the Huron Belle, which was built  
22 in '79 so we're looking at 41 years old, and the



1 Maid is '77, which is of course 43 years old. We  
2 service -- we contract with the Canadians for the  
3 pilot boat in Port-Alfred, so the Port-Alfred  
4 areas is taken care of. So we only have the  
5 three boats that are suitable for the Canadian  
6 usage between the two ports, and we're 50 --  
7 what? -- 56 miles away from Detroit with the one  
8 boat. So if we have a problem with a boat, say  
9 in Detroit, because we keep -- we've got to guard  
10 Port Huron because that is the designated  
11 checkpoint so there's no way we cannot have a  
12 pilot boat at Port Huron. If we have a problem  
13 in Detroit our only other option is to mobilize  
14 one of the boats from Port Huron to Detroit. Of  
15 course in the middle of the night it creates a  
16 problem. We've got to get our crews -- another  
17 crew together, which is -- our other crews are  
18 taxed as it is, and we move the boat down. Now,  
19 we're not going to move a boat down for something  
20 that we don't know what the problem is quite yet  
21 and maybe the mechanic can have it fixed by the  
22 time we get the boat down there and then we're

1 running back and forth with crews and boats.

2 We need a fourth boat, there's no  
3 doubt about it. These boats are getting old,  
4 we've had a -- they're in excellent shape, our  
5 guys take care of them. I mean, if you look at  
6 them you wouldn't think they're that old. We've  
7 had them rebuilt so they're in good shape but  
8 they're older boats. We've had some problems  
9 with the one in Detroit last year or so and we're  
10 scrambling. You know, we had the one in the  
11 blocks do some work in Port Huron, we had to take  
12 it out, it's expensive because then we had to get  
13 -- you know, we had to stop work on it and it  
14 just -- it was a nightmare.

15 The Canadians refuse to use the  
16 Westcott. That's what we utilize, the Americans,  
17 if they go down, but the Canadians refuse to use  
18 it. So it's -- if they would utilize that we  
19 wouldn't be in such a bad position because we  
20 could still have one of our boats down there and  
21 in emergencies they could use the other one.  
22 They won't do it, and we're not going to convince

1           them otherwise. We've tried and tried and tried.  
2           So my hope would be --

3                       MR. FISHER: What's their issue?

4                       MR. GALLAGHER: What's that?

5                       MR. FISHER: What's the issue?

6                       MR. GALLAGHER: Well, the Westcott  
7           sank a number of years ago, about -- what? -- ten  
8           years ago I guess or so. And two crew members  
9           were killed, there was two Canadian pilots  
10          aboard. I mean, there's a big story behind that  
11          of what happened but they just -- some of the  
12          pilots just don't want to use it. And some of  
13          the pilots are fine with it but the GLPA will not  
14          allow it, so -- and no matter what we do -- we  
15          said we'd do whatever it takes to bring it up to  
16          whatever standards they want. It's Coast Guard  
17          approved, I mean, we have it inspected by the  
18          Coast Guard. So the Coast Guard says it's okay  
19          but they won't utilize it and we're not going to  
20          change their minds, so --

21                       We're looking at possibly a 40 footer,  
22          maybe a little bit bigger, keeping that one

1       stationed in Port Huron. What we did this year  
2       too -- because of the COVID thing we moved the  
3       smaller boat to Detroit. We had the Belle there  
4       the last couple years but we needed to keep a  
5       second boat clean and ready to go, a big boat,  
6       because if we got one contaminated we can switch  
7       out boats. It gives us ample time to clean it,  
8       get a different crew. So, I mean, we're like  
9       everybody else in the world, we've done  
10       everything we can and we've taken every  
11       precaution. So we need another boat and our  
12       thought process is if we got a little smaller one  
13       we won't be able to operate it 100 percent in  
14       weather but we can utilize it probably 60 percent  
15       of the time. It will be a little bit faster, a  
16       little bit more fuel efficient and it would save  
17       the wear and tear on the bigger boat, which  
18       sooner or later we're going to have to -- you  
19       know, as it gets older we're going to have  
20       problems with that too.

21                   Our intention would be then probably  
22       to possibly sell the Maid, the smaller one, to

1 Westcott, and we'd have to give them a decent  
2 price on it because, you know, they don't have  
3 the funds. They're just going to jack our rates  
4 up anyways. So we would sell it to them at a  
5 fair price with the understanding that that --  
6 they would keep that boat and -- so now we would  
7 have -- they could get rid of one of their older,  
8 older boats and they would have their main boat  
9 for mail services. We would have our boat down  
10 there, the Belle, and if something happens then  
11 they would have the Maid that the Westcott -- I  
12 mean, that the Canadians and everybody is  
13 comfortable on.

14 MR. FISHER: Right.

15 MR. GALLAGHER: So if not -- if we  
16 have a problem we're -- you know, there's going  
17 to be delays, there's no question about it. And  
18 we did have that last year several times because  
19 we had some issues down there with the boats.

20 But with the Spirit we have a  
21 surcharge that we implemented in cooperation with  
22 industry. We've held up our end of the bargain,

1 they seem to be happy with it. We give them  
2 accounting on it at least twice a year. And  
3 anytime anyone has any questions we send them all  
4 back -- we're ahead of schedule on the payment on  
5 it. We're approximately -- we figure we're going  
6 to be three years ahead. so any surplus that  
7 we've generated it's all accounted for, it's all  
8 set there and we're putting down the money on the  
9 principal. We made two payments -- additional  
10 principal payments this year already. So I would  
11 hope maybe industry could look at it and say,  
12 hey, let's just continue the surcharge, it's  
13 working out good. We could get this other boat  
14 in place in another probably year, year and a  
15 half maybe at the most and it would serve our  
16 group well for many years. We got some issues  
17 we've got to address with our docks in the near  
18 future here, just some sheet pilings just getting  
19 old. We're in really good shape with things but  
20 if we don't start looking at replacing that boat  
21 and if we have a problem in Detroit there could  
22 be potential delays, so -- anyone have any

1 questions? Mike?

2 MR. EMERSON: Chairman, Mike Emerson,  
3 U.S. Coast Guard. Could each of you speak to a  
4 couple of numbers. We're monitoring cases of  
5 COVID; symptomatic folks, positive tests, and  
6 then our high risk as well as recoveries. We  
7 have 617 total cases as of this morning in the  
8 Coast Guard, that's about 50,000 people; 617. So  
9 we're tracking daily what those number of  
10 symptomatic folks, positive tests, recoveries.  
11 How are you all fairing? And if we're here  
12 standing here next to you at this time with the  
13 same sort of pandemic limitations on us do you --  
14 do you have high risk workers that you're  
15 concerned about? What percentage would you be  
16 worried about?

17 MR. GALLAGHER: I'll start. We have  
18 a lot of elderly people, some high risk. But  
19 we've done everything we can, just like I'm sure  
20 everybody else does. We're limiting the amount  
21 of people in our office. District three, for an  
22 example, they utilize -- you know, we were able

1 to get some parking from them real close, they  
2 don't even have to come in our office unless they  
3 have to use the facility. So, you know, we've  
4 got parking for them. We're sanitizing the boat  
5 between each run. We're doing everything we can.  
6 Our office personnel, the dispatchers, are, for  
7 the most part, working from home. They come in  
8 just to update some things, you know, once a day.  
9 And so we're trying to eliminate -- you know,  
10 it's -- I mean, we haven't had any cases yet in  
11 our district. And none of our -- no one  
12 associated with -- whether it's our drivers or  
13 dispatchers or the pilots themselves for  
14 families, we're not aware of -- I'm not aware of  
15 any yet. But we're taking, you know,  
16 precautions.

17 MR. HAVILAND: You take the  
18 temperature of everyone before they --

19 MR. GALLAGHER: Yes, we're taking  
20 temperatures of everybody prior to. Like I say,  
21 when you come in our office there's signs out  
22 there, you know, you've got to have the gloves,



1 you've got to have this, you know. We used to  
2 have people that would ride on the pilot boat,  
3 that has stopped. I mean, we have just limited --  
4 you know, nobody's friends are going -- family  
5 will come down, the pilots get on and sometimes  
6 rid and out, all that's stopped right now. So  
7 we're doing everything we can on our part. Knock  
8 on wood, we've been either lucky or very  
9 cautious. Even our drivers, we're trying to  
10 limit, you know, the amount of people in the car  
11 at one time. We're doing the best we can.

12 MR. OLNEY: Jon Olney, Western Great  
13 Lakes Pilots. We have had -- to date none of our  
14 pilots have come down with a COVID issues. We've  
15 had a couple that went to the point of actually  
16 having to get tested but of those that got tested  
17 their tests were negative results, so we're right  
18 back at it. As far as our people moving around  
19 we're -- we're maintaining our own.

20 MR. HAVILAND: Can you explain why  
21 those pilots were tested?

22 MR. OLNEY: Yeah. We can go right to

1 the source. Brad, you were one of them, do you  
2 want to discuss why you got involved?

3 MR. SZCZOTKA: Brad Szczotka, Western  
4 Great Lakes Pilots. I did a winter job the first  
5 week of April this year right at the height of  
6 the start of the whole pandemic. Myself and  
7 another pilot, we had to detour our pilot boat  
8 was in so we had to take two pilots on a ship  
9 from Port Huron up to Sault Ste. Marie. We got  
10 up there, ship was practicing social distancing,  
11 masks all that. Docked the vessel at the  
12 government dock in the Soo and a few hours later  
13 the captain informed us that one of their crew  
14 members was symptomatic. At that time it was  
15 decided that me and the other pilot would be  
16 pulled off the ship. We were transported back to  
17 our homes and at that point started quarantining.  
18 And then under the guidance of my doctor I had a  
19 choice of either get a COVID test or 14 days in  
20 quarantine no work. I got prescribed a COVID  
21 test, went and took that, took about seven days  
22 to get my results, which were negative. Went

1 back to work after that. And the crew member who  
2 initially started all this was fine two days  
3 after the fact, just ended up having the  
4 sniffles. But it was decided to be safe rather  
5 than sorry. And for anyone who hasn't had the  
6 test, I don't recommend it. So that was my  
7 experience.

8 MR. OLNEY: Want to take time for the  
9 other one? I gladly will.

10 MR. HAVILAND: Sure.

11 MR. OLNEY: The other one -- again,  
12 one of the crew members was reportedly  
13 symptomatic. But our pilot that was onboard was  
14 getting conflicting reports as to what exactly  
15 those symptoms were and what was being done. And  
16 then the vessel got to port our guy got off and  
17 went to get tested. He was actually tested the  
18 morning after he got off the boat so it was a  
19 pretty quick turnaround time. His test also came  
20 back negative. But what had caused so much  
21 concern -- and this even got to the attention of  
22 the Unified Command Center, because I had had

1       conversations that same day with Vince Berg and  
2       he ran it up the chain. The crew member that was  
3       supposedly sick, the symptoms weren't consistent  
4       with what he was being told by different -- what  
5       our guy was being told by different guys on the  
6       boat. So he got antsy, especially when he found  
7       out that this crew member was not only going to  
8       be getting off the boat right away, he was going  
9       to be almost immediately leaving the country.  
10      That just didn't smell right to us so that's why  
11      I got Vince involved in it. Our guy's test came  
12      back negative as well, so no -- no foul I guess.  
13      But, you know, we had two guys that we thought  
14      very problematically were going to be involved in  
15      some kind of a COVID issue. Fortunately both  
16      tests came back negative.

17                   MR. GALLAGHER: Vince?

18                   MR. BERG: Yeah, Vince Berg with the  
19      U.S. Coast Guard. I'm part of the five  
20      (phonetic) command, which is several different  
21      agencies between Canada and the U.S. And we have  
22      a list of -- they have a list that comes out from

1 the Secretary of Baltimore, it's called the  
2 vessel of medical interest. It's any vessel  
3 that's given 24 hour notice that's coming over to  
4 the United States, and they run a cheat  
5 sheet/questionnaire on them to see if any of  
6 their crew members are sick, if they've -- you  
7 know, where they're coming from, if they're  
8 coming from a level three country. It all goes in  
9 there. So that is logged in there and then they  
10 go on this list and if they -- they is sent up to  
11 the Presidents of the NATO so that they can make  
12 it aware to the pilots before they get on you  
13 need to wash and wear your mask on this and be  
14 aware on there.

15 So far we've had eight crew members on  
16 eight different vessels reported that they were  
17 sick, none of them have been positive for COVID  
18 so they would have shown up on this list. And  
19 we've even had some -- a couple of those were  
20 internal so we're watching those also. Any time  
21 they're reported the community of higher command  
22 gets together and discusses we we're going to do

1 with this vessel. We have not had to have any  
2 put to anchor yet. Most of the crew members have  
3 been removed or sent home or, you know, to  
4 different places. So the presidents call me when  
5 they hear something and we pass it along through  
6 the chain so that everybody is aware of any sick,  
7 whether they're sniffles, whatever it may be, any  
8 signs or symptoms of anything on the boat.

9 MR. GALLAGHER: We had -- just with  
10 the VOMY report (phonetic) and everything, this  
11 is being watched every day; not only by all three  
12 presidents, Vince, the Coast Guard. We're  
13 watching it. I've seen a chain of emails going  
14 back amongst pilots. I know pilots like to talk  
15 but this is serious to keep it confidential. We  
16 don't want -- somebody said, oh, this one was  
17 texting that -- we were well aware of it before  
18 these emails started flying around between groups  
19 and we're paying attention to it. So it's -- the  
20 last thing we want is the media to get something  
21 that's false. We can handle it within ourselves.  
22 Like I say, it's being watched, believe me. So

1 the pilots -- rest assured -- we have to get s to  
2 all the pilots. Rest assured the pilot  
3 presidents, the Coast Guard is paying attention.  
4 If we see it we'll let you know. The concern was  
5 false but it started going rampant between groups  
6 and people were cc'ing everyone. I'm telling  
7 you, it's dangerous because if the media gets  
8 ahold of that it could be a nightmare for us and  
9 a bad image for us. So Vince is on top of it;  
10 all three presidents get this report. Every day  
11 that we're watching. Actually we're getting it  
12 from Vince, we're getting it from Jean Aubry, and  
13 we're getting it from --

14 MR. BERG: Sector Buffalo.

15 MR. GALLAGHER: -- Sector Buffalo,  
16 yes. So we get these every day and everybody is  
17 watching it. So again, the media can be our  
18 enemy at times because if they get ahold of it  
19 and say, oh, look at here these foreign ships,  
20 and it was all false. I mean, there was no --  
21 there was no need for alarm. And actually it  
22 started from the GLPA, the GLPA sent it to -- one

1 of their pilots got ahold of it and it went  
2 through. I know it went to district three and  
3 from district three it went to our district. So  
4 it just -- and John's district also. So watch  
5 what you cc.

6 MR. BERG: Also, the unified commander  
7 knows now that you guys are essential and need to  
8 be aware. When they first started the unified  
9 command they knew nothing about what pilots did.  
10 They thought as soon as a boat passed through  
11 Montreal, oh, it's okay to go wherever, that's  
12 not the case. We let them know that you guys are  
13 going to be on there and multiple people are  
14 going to be on there for your safety. We want to  
15 make them aware of that.

16 MR. GALLAGHER: John?

17 MR. BOYCE: Well, we've been taking a  
18 number of precautions; social distancing,  
19 sanitizing, you know, who's been to our office.  
20 We keep the three different buildings completely  
21 segregated, you know, nobody goes between them.  
22 The office stays at the office, boat crew at the



1 old Coast Guard station. That being said, we had  
2 one COVID case. One of our pilots came down with  
3 COVID on his days off or recuperative rest and  
4 got it around home. It was fortunate that it was  
5 at the beginning of his time off so he didn't  
6 have any contact with anybody after that. But  
7 still it's a bit of a nerve-racking thing and  
8 scares everybody when it actually happens to  
9 somebody. That being said, any time anybody  
10 comes in from out of state they go get a COVID  
11 test, or when we get called to go down to  
12 Washington and Washington shows up on New York  
13 State's list you get the Q-tip stuck up your nose  
14 too. So I've done that, yeah, it sucks. But it  
15 seems to be working well. Like I said, the one  
16 case we did have really had nothing to do with  
17 our operation or the office, so --

18 MR. BERG: How long was he down for?

19 I know it was past the two weeks.

20 MR. BOYCE: No.

21 MR. BERG: No?

22 MR. BOYCE: No.

1 MR. BERG: It wasn't the two weeks?

2 MR. BOYCE: I think it's ten days  
3 since the onset of symptoms and he was -- and a  
4 negative test, and I think he was right on that  
5 ten days and a negative test.

6 MR. GALLAGHER: I know our group if  
7 somebody gets sick or potentially gets sick we're  
8 going to take care of them, cover them. We're  
9 not going to penalize them. We don't want them  
10 hiding being sick because they're going to suffer  
11 financially. To me that's part of good business.  
12 As long as it's not ripe with abuse, I hope no  
13 pilot ever does that, abuses the system just for  
14 that. But I know, you know, we don't want anyone  
15 coming to the office sick. We don't want to  
16 infect an international ship, because it's not  
17 going to be good for any of us. So we're doing  
18 -- I think all three groups are doing everything  
19 they can.

20 John Boyce -- at the beginning we were  
21 having a hard time getting some of the PPE  
22 equipment and he was gracious enough to send a

1 bunch to both districts. John, we appreciate  
2 that. And, you know, anything we need to share  
3 amongst us we do. You know, it's not like you  
4 owe me 15 cents for this. You know, money  
5 shouldn't be an object here, it's we've got to do  
6 what we've got to do. So I appreciate that,  
7 John, to share.

8 MR. BOYCE: No, I got them for 15  
9 cents, I'm marking them up for you guys.

10 MR. GALLAGHER: The check's in the  
11 mail. So are there any questions with any of the  
12 infrastructure projects or --

13 Okay. All right. I will move to  
14 topic number nine. Mr. Fisher, you seem to be a  
15 problem child here.

16 MR. FISHER: I though compared to last  
17 meeting I've been really quiet this time.

18 MR. GALLAGHER: Yeah; yeah, I guess I  
19 can give you a little credit. Individual pilot  
20 compensation reporting, Steve has asked this be  
21 on the agenda. I'd like to recognize Steve.

22 MR. FISHER: Thank you, Danny. I

1 spoke on this topic at the Port Huron meeting. I  
2 spoke on this topic at the Cape Vincent meeting.  
3 And I don't think I spoke on this topic prior to  
4 that, but -- in 2016, you know, the Coast Guard  
5 embarked on a significant increase in pilot  
6 compensation over the next few years. And in its  
7 policy discussion included in the various rate  
8 settings each year the Coast Guard attributed the  
9 need for these increases to enhancing both  
10 recruitment and retention capabilities for the  
11 pilot associations. So be it, and in fact target  
12 compensation has gone up quite a bit over those  
13 years.

14 What doesn't follow is that target  
15 compensation is a concept driving revenue in the  
16 rate setting process. It is not a requirement in  
17 the real world; it may occur, it may not. But it  
18 is not -- there is no mandate from the U.S. Coast  
19 Guard on the pilot associations to compensate  
20 pilots at any specific amount. And so because  
21 the policy goal of the Coast Guard was to improve  
22 recruitment and retention, the salary experience

1 of each pilot matters. I don't know how it  
2 wouldn't if, in fact, that was the policy goal.  
3 Yet there is no record of the salary experience  
4 of each pilot. And what I've recommended at the  
5 previous two GLPAC meetings is that the salary  
6 experience of each pilot be included in n each  
7 association's annual financial report. And, in  
8 fact, district one used to do this voluntarily up  
9 until a few years ago. And in doing so -- now  
10 while they were very informative, because they  
11 literally listed people's names -- I'm not even  
12 suggesting that, it can be anonymous. But that  
13 pilot one, pilot two, pilot three, pilot four  
14 essentially if the salary experience were listed  
15 we could see if in fact individually -- because I  
16 think recruitment and retention happens at the  
17 individual person level, we could if in fact the  
18 policy goal of the Coast Guard has been reached.  
19 That in fact that certain level compensation has  
20 been achieved to in fact result in an attractive  
21 job experience/compensation experience for the  
22 individual. But right now we don't know, it's

1 not known, it's a black box. And so that's the  
2 argument. And really what district one was doing  
3 before would be fine, where in their annual  
4 financial report they had a section that broke  
5 out the compensation by individual pilot. And  
6 again, it would make as much sense for it to be  
7 anonymous, we don't need people's names, but we  
8 could see what the experience is.

9 I know in mentioning this before John  
10 Boyce was concerned about sort of numbers out of  
11 context. And I think you made a comment about  
12 that problem earlier today. I agree, you know,  
13 someone's compensation could be low but there  
14 might be a reason it's low. So -- but fine,  
15 provide context. The document could also provide  
16 notes and context as to why compensation was here  
17 or there. So that's the idea. I think it's  
18 consistent. And, you know, this is counsel to  
19 the Coast Guard, because that's what we're all  
20 here for. But, you know, the Coast Guard was  
21 trying to achieve a policy goal, it was a  
22 worthwhile policy goal. I don't think you're

1 quite there, you're four-fifths of the way there,  
2 you're not quite there. The last step is to see  
3 if in fact the individual pilot is achieving that  
4 compensation experience that will ensure that  
5 they'll stay around, that they're comfortable and  
6 so on. And I think that's where you were headed,  
7 you didn't quite go all the way there, so --

8 MR. GALLAGHER: John?

9 MR. BOYCE: Two things on that. One,  
10 the Coast Guard can already see it to the degree  
11 they desire so there is no shortfall there. Todd  
12 can see whatever numbers he wants already, and  
13 does look at them.

14 Secondly, it's not a case of providing  
15 context would alleviate the misconstruing of  
16 data. I sat for hours with numerous people  
17 explaining what the differences were in the  
18 rationale and it made no difference at all. They  
19 continued to misconstrue the numbers  
20 intentionally. There's no innocent player in  
21 this, it was deliberately misconstrued with  
22 individual numbers explained in detail what that

1 was, whether it be the pilot only started in  
2 November, of course me made, you know, ten  
3 percent of what everybody else did, or he retired  
4 in June so he made half of what -- they was all  
5 explained in detail to anybody that wanted to  
6 know and to a number of the people that continue  
7 to make comments after being educated to what  
8 they are. So to say there's an innocent well it  
9 could be explained, it was explained and it was  
10 misconstrued intentionally.

11 MR. FISHER: I would just say that to  
12 prevent third parties from misconstruing data as  
13 the reason to, in fact, keep the data secret is  
14 not the Coast Guard's goal. That, in fact, your  
15 goal is recruitment and retention. We have no  
16 evidence publically that you achieve that goal.  
17 Perhaps antidotal evidence but no data.

18 And, John, I would just say that, you  
19 know, it's great if Todd knows that but there's  
20 more people involved in this process than just  
21 the director. And I would say that you're  
22 arguing that you don't want to put the data out



1 in the public marketplace because people are  
2 going to misconstrue it, I don't know that that's  
3 a policy reason for them not to have the data out  
4 there.

5 MR. BOYCE: I still disagree.

6 MR. HAVILAND: Good afternoon, Todd  
7 Haviland. I think there's some mixing of terms  
8 and it's a big deal. So target pilot  
9 compensation hasn't really exploded like some  
10 people believe. In 2014 we lost a lawsuit where  
11 the court said that we had set the target  
12 compensation in an arbitrary and capricious  
13 manner. 2016 we were challenged again, the judge  
14 said, again, we set the target compensation that  
15 was within an arbitrary and capricious manner --  
16 or in an arbitrary and capricious manner. But  
17 what happened in 2016 was actual compensation  
18 started to reach the levels of the target  
19 compensation, which it had never done prior to  
20 2016. So prior to 2016 there were all kinds of  
21 issues that we don't need to relive with the old  
22 methodology and the billing scheme. So in 2016

1 when we revamped all that and made some  
2 significant changes, that 20 to 40 percent  
3 discount that the shippers were getting from the  
4 U.S. Pilot Associations, went away. So now they  
5 were actually able to realize their target goals,  
6 because -- I hope it's not lost on anyone, but,  
7 you know, district one, district two and district  
8 three, their only revenue source for providing  
9 piloted service are the rates that we allow them  
10 to charge. So when all that money comes in, they  
11 pay their expenses, whatever is left over they  
12 get to divide up for compensation and, you know,  
13 put money away for investment in future projects.

14 So we have actual numbers, you know.

15 In a ten-year period this group had lost 31  
16 mariners who decided that becoming a registered  
17 pilot in the Great Lakes wasn't worth it and they  
18 walked away. From 2016 to today that number has  
19 been one, and that person decided, well, I just  
20 don't like this group of guys in this district  
21 and I want to work in another district. So we've  
22 gone from 31 to essentially zero. So from our

1 policy perspective the issue has been dealt with.

2 MR. GALLAGHER: Steve, as far as  
3 figuring out what the compensation -- a third  
4 grade accountant can figure out how much our  
5 pilots made. All you have to do is look at our  
6 working rules, our working rules spell out  
7 exactly -- and you guys get copies of them  
8 because we've given them to you. It spells  
9 exactly what one of our pilots get, it spells  
10 exactly what our trainees get, all you've got to  
11 do is take the expenses -- separate the expenses  
12 out and then divide that number by those pilots.  
13 There's no difference from Dan Franklin's income,  
14 George Hayne's. It might be by about 20 bucks,  
15 100 bucks, it depends, you know, on that last  
16 trip he had. Our people are all equally treated  
17 the same. We have not changed the method in the  
18 last 20-some years, since I've been here. So, I  
19 mean, it's -- we're not hiding anything.

20 MR. FISHER: Okay.

21 MR. GALLAGHER: People want things  
22 because they want to misrepresent them, that's

1 it. They've got everything.

2 MR. FISHER: I agree with you. I can  
3 go into your financial statements, I can take the  
4 aggregate compensation -- you've told me today  
5 and at every meeting we've had how many people  
6 you employ and I can just do the math, it's that  
7 simple. But that's an assumption that, in fact,  
8 everyone is being compensated the same. Now  
9 you're telling me that's the truth, that's the  
10 case in your district.

11 MR. GALLAGHER: Yes.

12 MR. FISHER: I think you know that in  
13 some of the districts historically in the past  
14 that was not the case. I appreciate assurances  
15 people might give. Todd, I appreciate your  
16 comment that there's anecdotal evidence that we  
17 don't have a recruitment and retention problem  
18 anymore because instead of 31 people leaving  
19 we've only had one leave. But it's antidotal,  
20 it's not the actual data. And so -- John, you  
21 used to publish the data until --

22 MR. BOYCE: Until it got misconstrued

1 and thrown in our face, that's why I stopped.

2 MR. FISHER: So -- yeah, so --

3 MR. GALLAGHER: Ours was out there for  
4 years too, Steve. As a matter of fact, we quit  
5 doing it when Frank Fience (phonetic) put it on  
6 the Internet.

7 MR. FISHER: Okay.

8 MR. GALLAGHER: And we refuse to do  
9 it.

10 MR. FISHER: Yeah.

11 MR. GALLAGHER: Our income, our W-2's,  
12 everything does not belong on the Internet, and  
13 that's what will happen and it's not going to  
14 happen on my watch.

15 MR. FISHER: Yeah. Well, like I said,  
16 it can be anonymous -- it should be anonymous,  
17 quite frankly.

18 MR. HAVILAND: Todd Haviland again,  
19 U.S. Coast Guard. Another thing that changed  
20 around the 2016 time is the compensation  
21 practices were updated. And if you guys want to,  
22 you know, explain how you guys got the daily rate

1 and all that, but -- that's how I know -- not  
2 only do I look at the numbers when I go to the  
3 offices but their compensation practices are such  
4 that as long as a guy makes himself available  
5 he's going to be right there. But, you know,  
6 when a guy takes two or three days off to go to  
7 his daughter's wedding, well, then he's not going  
8 to get three days worth of that daily rate. I  
9 mean, can you explain that?

10 MR. BOYCE: Yeah. Like I said, other  
11 than the random outlier everybody makes the same.  
12 I mean, within a rounding error of everybody  
13 else; from myself to, you know, the newest guy  
14 that goes out on the training side. It's  
15 completely -- every ten days there's cash on hand  
16 after expenses dividing by the days available,  
17 which generally everybody has the same days  
18 available so everybody gets the same amount.

19 MR. FISHER: Was that the case in your  
20 most recent -- last time you published this?

21 MR. HAVILAND: No. That's when you  
22 had the guys on the river --

1                   MR. BOYCE: Was there still the river  
2 and lake rate?

3                   MR. HAVILAND: Yes.

4                   MR. BOYCE: Yeah, and that was -- that  
5 was, yes, based on our compensation practice, but  
6 that was based on the Coast Guard's compensation  
7 at that time. The Coast Guard actually put in  
8 different compensations for designated and  
9 undesignated waters.

10                  MR. FISHER: Right.

11                  MR. BOYCE: And we followed them as  
12 such. The designated waters had the designated  
13 waters compensation. But they still worked off  
14 the same -- well, a similar method of you pay the  
15 expenses and divide by the guys working in that  
16 area with the compensation in that area and the  
17 guys working in this area for the compensation in  
18 that area. But since the Coast Guard changed to  
19 it's one compensation all the way through, we've  
20 made it as one all the way through; it's the same  
21 for everybody, barring somebody was not on the  
22 tour or retired or something like that. But it's

1 all exactly the same.

2 MR. FISHER: Right. And that's one  
3 reason we can't do the math the way Danny  
4 suggested, because --

5 MR. GALLAGHER: You can --

6 MR. BOYCE: Yeah, you can.

7 MR. FISHER: If a guy was working part  
8 of the year or -- you know, you can't just take  
9 the headcount and divide it into the compensation  
10 and come up with a per guy because you don't know  
11 the circumstances for each.

12 MR. GALLAGHER: Well, we have -- -- we  
13 have -- and we submit it every month to the Coast  
14 Guard -- of days available. So it could  
15 fluctuate amongst our guys if a guy doesn't show  
16 up to work. That's all reported. That we don't  
17 mind sharing, so you'll know how many days  
18 everybody worked. Clay, you had something?

19 MR. DIAMOND: Clay Diamond with the  
20 American Pilots Association. Again, just because  
21 you call it a common practice, kind of slang for  
22 this, it's a highly regulated -- a highly



1 regulated profession, piloting is. Whether it's  
2 at the state level or the other state or at the  
3 Coast Guard level here, but even though they're  
4 subject to a highly complex and highly regulated  
5 system. So the regulator is tracking this, and  
6 that's fair. But just like anywhere else in the  
7 country, just because they belong to a profession  
8 that's highly regulated doesn't mean that their  
9 private information should be put out there. And  
10 I hear what you're saying about it's going to be  
11 anonymous but we've all done this where it's not  
12 going to end up being anonymous. So the fact  
13 that -- even though the subject has got a highly  
14 complex and highly involved regulation, the  
15 regulator is setting the compensation to make  
16 sure that it's being done properly and there's  
17 nothing that's going to be impacting recruitment  
18 and retention. But that doesn't mean that that  
19 information should leave the regulator and go out  
20 into a public forum, and that's not the case  
21 really anywhere. There's lots of places around  
22 the country where a charging compensation, or

1        what some places call an estimated, are put out  
2        there; that's fairly common. But what's not  
3        common is to list names and numbers or -- some  
4        people in some other places have tried to say,  
5        oh, you don't need to list their names, just list  
6        their pilot number. Well, everybody on the river  
7        knows who pilot 32 is, you know.

8                    MR. FISHER: Yeah.

9                    MR. DIAMOND: So this isn't a -- this  
10        is a common attempt around the country and it's  
11        not successful anywhere that I'm aware of.

12                   MR. FISHER: It's a common what?

13                   MR. DIAMOND: Attempt.

14                   MR. FISHER: Attempt?

15                   MR. DIAMOND: Yes.

16                   MR. FISHER: Attempt at what?

17                   MR. DIAMOND: To get the information  
18        out there for potential misuse, which always  
19        comes back for use -- always.

20                   MR. FISHER: So again -- so again, the  
21        policy choice here is to not put data out because  
22        it might be used as part of -- it might be used

1 as part of lobbying?

2 MR. DIAMOND: Correct. No, the point  
3 here is that the regulator should track this  
4 closely, that's their obligation under the law.  
5 Their obligation isn't to release people's  
6 personal income, you know, to the public.

7 MR. FISHER: Nor am I suggesting that.

8 MR. HAVILAND: Todd Haviland, U.S.  
9 Coast Guard. This isn't just simply a policy  
10 choice. We are restricted by the U.S.  
11 Government, you know, with statutory law of  
12 providing too much personal information. And you  
13 can shake your head all you want, but if I --

14 MR. FISHER: I'm not --

15 MR. HAVILAND: No; no; no. Stop.

16 MR. FISHER: You're responding to  
17 something I haven't asked for. I haven't asked  
18 for personal information.

19 MR. HAVILAND: But we disagree with  
20 you. So if I -- there's 17 guys in John Boyce's  
21 group, if you number those one to 17, that's a  
22 pretty small group of people that now I can say I

1 know how much money John Boyce is making. It  
2 would be like us saying, well, okay, Steve, we  
3 want every director compensation from the group  
4 that you represent, including your salary, posted  
5 on the Internet.

6 MR. FISHER: It is; it is on the  
7 Internet.

8 MR. HAVILAND: How much you make?

9 MR. FISHER: Absolutely. I have to  
10 file lobbying reports, they list my compensation.

11 MR. HAVILAND: But you're not  
12 regulated by us, we don't have that -- if you  
13 were regulated by that we wouldn't allow that  
14 number to get out there. It's against the law  
15 for the Coast Guard to provide that information.

16 MR. FISHER: I want you to know that  
17 of the 17 guys, to use your example, while you're  
18 so intimately close to them because you're their  
19 regulator, you may know without names who's who  
20 in the salary compensation, I assure you in the  
21 rest of the world it's very foreign. And it's  
22 foreign enough that no one would look at a list

1 of 17 -- you know, pilot one, pilot two, pilot  
2 three, pilot four and in any way be able to  
3 figure out who's who.

4 MR. BOYCE: Yes, you could because all  
5 --

6 MR. FISHER: I don't doubt that you  
7 could, but --

8 MR. BOYCE: Yes, you could because all  
9 17 are the same.

10 MR. FISHER: Okay. Well, good.  
11 That's what I -- that's what I wanted to see.

12 MR. BOYCE: So you'd be really obtuse  
13 if you couldn't figure out what everybody was.

14 MR. FISHER: To me it sounds like  
15 there's no issue though. If they're all the same  
16 what's the issue?

17 MR. HAVILAND: If John Boyce wants to  
18 voluntarily provide that information he can. I  
19 have no authority to order him to provide that  
20 information and it's against the law for me to do  
21 that. If you look at our FOIA requests and what  
22 we black out, we black out stuff to make sure

1 that when you request information from us --

2 MR. GALLAGHER: You can't figure it  
3 out.

4 MR. HAVILAND: -- you can't figure out  
5 who it's come from. And one of the most recent  
6 ones -- and, you know, Vince can speak to this --  
7 we received a request on we want to know --  
8 someone asked us to provide the applications for  
9 the last ten years of people who wanted to become  
10 a U.S. registered pilot. We went through -- we  
11 not only blacked out their name, we blacked out,  
12 you know, every assignment they had, where they  
13 were, because we didn't want someone to be able  
14 to take the time to figure out, okay, now if I  
15 start taking this nugget, this nugget, this  
16 nugget I can put together, okay, now I know it's  
17 one of, you know, ten people. And, you know, in  
18 Danny's group where they've got 15, John's got  
19 17, you've got about 20, that's not a whole lot  
20 of people and it's not going to take very long to  
21 figure out, okay, this is what this guy's making.

22 MR. GALLAGHER: Again, Steve, ours

1 went out there and they were on the Internet with  
2 people's names and everything, the whole nine  
3 yards.

4 MR. FISHER: Yeah. I'm not saying --

5 MR. GALLAGHER: You guys could see our  
6 Social Security number.

7 MR. FISHER: I'm not saying to do  
8 that. I don't think that's the right thing to  
9 do.

10 MR. HAVILAND: I want to make sure you  
11 understand it's much more than just a policy  
12 decision. We believe it's a legal obligation for  
13 us too that would prohibit it.

14 MR. FISHER: I understand that you've  
15 found that explanation.

16 MR. GALLAGHER: And the same people on  
17 the Canadian side that's looking for this  
18 information, I can't even get a name and date of  
19 birth from the Canadian pilots to give to the  
20 customs who inspects our pilot boats, they won't  
21 release that stuff. The individual pilots do or  
22 they can't ride on our boat. I mean, that's one

1 of -- and the only reason we're doing that is  
2 we're mandated by customs and everything. But I  
3 call and they say we can't -- we won't give it to  
4 you.

5 MR. FISHER: Right.

6 MR. GALLAGHER: So, I mean, they won't  
7 even give us the name and the date of birth,  
8 nothing else.

9 MR. FISHER: We can move on.

10 MR. GALLAGHER: Okay.

11 PARTICIPANT: You're lucky you made it  
12 off the gun range yesterday, dude. No, it's --

13 MR. FISHER: I keep coming back.

14 MR. GALLAGHER: Okay. Next topic, the  
15 host pilot association presentation. Jon?

16 MR. OLNEY: I think that was the last  
17 segment, wasn't it?

18 MR. GALLAGHER: I'm thinking close.  
19 We've got a little bit more but not much, yeah.

20 MR. OLNEY: I'd just like to invite  
21 everybody who is inclined to come out and see our  
22 office, because I know people have not been able



1 to yet. Unfortunately the room is substantially  
2 smaller than it might have been had it not been  
3 for the COVID-19 issues. And I will gladly take  
4 you out to our office, take you to see our pilot  
5 boat operation right here in town. I'd love to  
6 take you down to DeTour, but, you know,  
7 understand that's an hour and a half drive but I  
8 will gladly do it if anybody wants to do it. But  
9 I can't -- I can't do all three things at the  
10 same time but if anybody wants to do any of those  
11 things I certainly will be available to do that.

12 But since this is our backyard, I  
13 guess I'll thank you all for coming. I  
14 appreciate the fact of those who did make the  
15 effort to get here made the effort, especially to  
16 all levels of the hierarchy at the Coast Guard.  
17 I appreciate you, Mike and Rajiv, being here.  
18 And, Rajiv, thank you for your service.

19 MR. KHANDPUR: Thank you.

20 MR. FISHER: Mr. Chair, if I can say  
21 -- I want to thank, Jon. Last night's event was  
22 really something I think I'll remember my whole

1 life. I've never shot a gun in my life until  
2 last night and it was not only fun, I appreciated  
3 your patience and, John Boyce, your patience  
4 showing us newbies really what is a very  
5 interesting sport. And don't be shocked if I  
6 tell you next year I've taken it up. But really,  
7 it was a great evening and it really added a lot  
8 to this meeting and I really appreciate your  
9 efforts to do that.

10 MR. OLNEY: Thank you.

11 MR. GALLAGHER: Any questions for Jon?

12 Okay. Now we'll it open it up --

13 MR. HAVILAND: Will he provide an  
14 address?

15 MR. OLNEY: For our office?

16 MR. HAVILAND: If you want people to  
17 --

18 MR. OLNEY: Yes. I'll gladly do it  
19 right now if anybody wants to write it down or  
20 I'll text it to you, or however you want to do  
21 it, or come see me. But if anybody -- just stick  
22 your hand in the air if you want it and we'll do

1 it. 6559 South --

2 MR. EMERSON: I've got that one, yes,  
3 sir. 122?

4 MR. OLNEY: 221.

5 MR. EMERSON: 221. Got it.

6 MR. GALLAGHER: Anyone that is  
7 interested just get ahold of Jon right after the  
8 meeting here and -- okay. Now, we'll open it up  
9 to public comments. We'll now hear from the  
10 public. Please keep your comments to no more  
11 than five minutes. Please identify yourself and  
12 your affiliation. So if there's anybody in the  
13 public that wants to speak that hasn't spoke now  
14 is your time. John?

15 MR. SWARTOUT: Yeah, I'd like to just  
16 mention something that I've -- John Swartout,  
17 Western Great Lakes Pilots. In the last two rate  
18 makings, in the 2018 -- I believe it was the 2017  
19 or 2018 the Coast Guard said that it was going to  
20 prefer the employment cost index as the annual  
21 pilot target compensation escalator when the  
22 information is available and when it isn't

1 available that they'll use the Fed's PCE inflator.  
2 But the Coast Guard hasn't been even trying to  
3 use the ECI claiming that they don't have future  
4 information. Well, what we're doing is  
5 escalating a target income amount from the  
6 previous year to this year, not from this year to  
7 next year. So the Coast Guard is compounding the  
8 error every year by using a Fed projection  
9 instead of actual experience. And the problem  
10 with that is that the Fed's PCE is always about 2  
11 percent, the ECI usually runs about 100 basis  
12 point more than that. So we're continually  
13 falling behind year by year on target  
14 compensation from what the goal was. And it  
15 might seem like a small incremental loss each  
16 year but cumulatively over time -- from 2008 to  
17 2017 the change in the CPI was 13.9 percent, the  
18 change in the ECI was 26.3 percent. So this is  
19 the degree to which we're slipping behind each  
20 year. And all I propose is that the Coast Guard  
21 use the most recent ECI available for the past 12  
22 months each time it updates a rate. It doesn't

1 have to be -- as long as they're being consistent  
2 with method it doesn't have to be, you know,  
3 exactly aligned with the month. And the reason  
4 that I think this is important is because  
5 theoretically with the current benchmark we're  
6 supposed to be keeping up with AMO officers. But  
7 over the period from 2006 to 2012 the average  
8 annual change in AMO compensation was 7.7  
9 percent. So if we're not at least getting the  
10 ECI we should be trying to get it instead of the  
11 PCE every year.

12 MR. GALLAGHER: Mr. Haviland, any  
13 comment? Now is your time to speak. I'm giving  
14 you an opportunity.

15 MR. HAVILAND: This is public comment  
16 time.

17 MR. GALLAGHER: Oh. You're not the  
18 public, are you?

19 MR. DIAMOND: Thank you. Clay  
20 Diamond, American Pilots. I just wanted to add  
21 the American Pilots Association's appreciation  
22 and kind of applauding Rajiv's government service

1 and his service to all of us. In addition to  
2 working with him on Great Lakes Pilotage issues  
3 the APA has worked with him on a host of other  
4 issues, you know, kind of relating to the  
5 maritime industry and we certainly thank him for  
6 that. And we wish you well in your retirement,  
7 Rajiv. Thank you.

8 MR. KHANDPUR: Thank you; thank you  
9 very much.

10 MR. GALLAGHER: Are there any other  
11 comments from the public?

12 Okay. Does the committee have any  
13 additional comments? Rajiv, I'd like to thank  
14 you for your service. 15 years putting up with  
15 us just in this meeting is --

16 MR. KHANDPUR: I should get an award.

17 MR. GALLAGHER: A bullet proof vest?

18 MR. HAVILAND: Is that why you took  
19 him out to teach him how to shoot?

20 MR. GALLAGHER: That's right. All  
21 right.

22 Closing remarks? Rajiv?

1                   MR. KHANDPUR: Thank you so much, this  
2 is really -- this has really been a nice -- a  
3 great opportunity for me to really learn from you  
4 guys about all the pilotage and everything that  
5 goes on here. On the face of it it's very  
6 simple, you pay the money you collect the money  
7 and it should just be an equation and it should  
8 come out straight. But as you know a lot goes  
9 into it. So -- and you can never learn enough  
10 about this stuff because there's always nuances  
11 that can come on and a little twist -- and a  
12 little twist there. And what John Swartout  
13 brought out here, excellent comments. I mean,  
14 those are the kind of comments we like, 7.7  
15 percent, 7.9 percent, hey there's a difference  
16 here. And that's -- you know, that's perfect and  
17 we'll certainly be looking into that, and I think  
18 we have looked into it. So that's an excellent  
19 comment.

20                   But not diverting to that, I'd just  
21 like to thank every one of you. It's been -- all  
22 the pilot presidents, the committee members,

1 Todd, Mr. Emerson, everybody here. Ellen, she's  
2 just been a fantastic addition. And the APA, you  
3 know, we've worked together for -- oh, gosh, god  
4 knows how many years. So thank you everybody.  
5 And I don't know what else to say but thanks.  
6 And hopefully I'll see you again, come around,  
7 especially if you meet in DC. I don't know, it  
8 seems like you'll never meet in DC again -- but  
9 I'm sure I'll see you. Thanks.

10 (Applause.)

11 MR. GALLAGHER: Do we have a motion to  
12 adjourn?

13 MR. BOYCE: Make a motion to adjourn.

14 MR. OLNEY: I second it.

15 MR. GALLAGHER: Seconded by Jon. All  
16 in favor?

17 (Chorus of aye.)

18 MR. GALLAGHER: Okay. Thank you.

19 (Whereupon, the above-entitled matter  
20 went off the record at 2:49 p.m.)

21

22



<b>A</b>	
<b>a.m</b> 1:9 4:2	52:13
<b>abilities</b> 65:9	<b>acknowledges</b> 48:2
<b>ability</b> 50:18 51:2,7	<b>acquire</b> 234:5 240:11
63:7 69:10 90:2	<b>act</b> 5:9,21 6:5 15:15
106:10 122:5 133:4	16:22 17:15,16 59:14
143:15 185:20 234:6	89:6
234:10 239:12	<b>acting</b> 32:10
<b>able</b> 7:3 20:14 21:11	<b>action</b> 30:19 207:22
31:18 35:17 51:19	<b>actively</b> 206:6,12
56:22 58:15 60:1 67:1	234:11
75:4 76:14,18,21,21	<b>activity</b> 117:1
84:4 86:7,9 91:16	<b>actual</b> 3:9 7:22 36:18
104:14,16 112:5	136:9 185:4 265:17
113:19 116:13 129:12	266:14 268:20 284:9
131:13 135:14,15	<b>acute</b> 67:7
145:1 146:14 154:11	<b>adapter</b> 82:15
160:19 168:20 224:2	<b>add</b> 18:22 31:18 50:4
226:15 230:5 235:6	99:9 133:8 154:11
235:11 237:2,3	159:18 164:10 168:4
240:11 244:13 247:22	187:15 188:21 195:19
266:5 277:2 278:13	199:14 205:4 285:20
280:22	<b>added</b> 31:17 179:5
<b>aboard</b> 78:4 105:1	282:7
129:8 237:21 243:10	<b>addendum</b> 133:8
<b>above-entitled</b> 288:19	<b>addition</b> 8:22 130:9
<b>absence</b> 40:18 49:4	157:6 286:1 288:2
<b>absent</b> 189:14	<b>additional</b> 8:19 15:4
<b>absolutely</b> 47:20 50:17	28:1 98:20 102:10
73:18 211:6 276:9	112:12 211:20 246:9
<b>abuse</b> 258:12	286:13
<b>abuses</b> 258:13	<b>address</b> 5:18 246:17
<b>academy</b> 170:9	282:14
<b>accelerate</b> 156:22	<b>addressing</b> 9:20
<b>accelerated</b> 157:1	<b>adds</b> 186:9
<b>access</b> 60:1 64:6 75:8	<b>adequate</b> 7:6
76:7 79:22 81:8 82:5	<b>adjacent</b> 228:16
82:10,14 83:22 84:5	<b>adjourn</b> 288:12,13
84:19 85:12,13,15,20	<b>Adjourned</b> 3:18
134:10,19 136:5,13	<b>admin</b> 21:16
136:17 142:21	<b>administrative</b> 116:2
<b>accessed</b> 86:7	<b>Admiral</b> 39:7
<b>accessible</b> 139:5	<b>advance</b> 54:11,20 57:1
<b>accommodate</b> 106:12	58:2 90:5 132:6
<b>accordion</b> 118:6 233:7	<b>advancements</b> 80:19
<b>account</b> 146:17 171:14	<b>advantage</b> 58:7 72:5
190:17	<b>advice</b> 6:12 187:21
<b>accountant</b> 267:4	<b>advise</b> 92:12
<b>accounted</b> 246:7	<b>advises</b> 199:3
<b>accounting</b> 26:13,21	<b>Advisor</b> 28:9
218:22 246:2	<b>advisory</b> 1:4 5:3,9,19
<b>accurate</b> 50:15,17	6:11,15 11:10 15:17
173:21 188:9	21:17 36:1 52:2 59:9
<b>achieve</b> 28:6 262:21	59:10,14,17,22 60:12
264:16	67:4,5,9 68:15 69:5
<b>achieved</b> 261:20	74:18 79:17 88:22
<b>achieving</b> 263:3	138:5 140:15 187:22
<b>acknowledge</b> 20:6,8	203:19
	<b>affect</b> 121:11
	<b>affiliation</b> 9:6 10:21
	283:12
	<b>afford</b> 53:20,20
	<b>afraid</b> 172:8 200:16
	<b>Africa</b> 50:22
	<b>afternoon</b> 11:2 265:6
	<b>age</b> 126:4 150:4 219:11
	240:8
	<b>agencies</b> 61:19 194:13
	252:21
	<b>agency</b> 5:11 20:4 62:9
	62:18 192:8 194:4,9
	<b>agenda</b> 7:1,2,5,9,12
	8:18 10:11,15 143:19
	143:19 144:8,20
	193:3,6 259:21
	<b>agent</b> 70:17
	<b>agents</b> 228:19
	<b>aggregate</b> 268:4
	<b>ago</b> 37:8 39:17,18
	44:20 48:9 80:12
	88:16 89:9 109:5
	123:12 124:15 167:4
	173:15 176:1 186:13
	206:10 223:10 227:12
	233:2 237:20 238:21
	243:7,8 261:9
	<b>agree</b> 23:3 41:10 47:20
	90:18 91:16 139:18
	140:7,11 173:7
	179:14 184:2 195:20
	262:12 268:2
	<b>agreed</b> 58:14 138:21
	<b>agreement</b> 26:19
	199:11
	<b>agreements</b> 117:19
	119:2
	<b>agrees</b> 140:3
	<b>Ah</b> 224:20
	<b>ahead</b> 46:1 72:6 95:6
	132:16 138:2 222:2
	226:22 236:4 246:4,6
	<b>ahold</b> 226:14 255:8,18
	256:1 283:7
	<b>aids</b> 114:5
	<b>air</b> 221:8 224:3 225:7
	282:22
	<b>airport</b> 69:21
	<b>alarm</b> 255:21
	<b>Alaska</b> 100:12,13,17
	110:11
	<b>aligned</b> 285:3
	<b>alleviate</b> 118:14 120:12
	196:21 263:15
	<b>allow</b> 28:1 37:14 86:6
	141:9 148:14 150:5
	158:7 162:1,4 219:15
	233:5,10 243:14
	266:9 276:13
	<b>allowable</b> 64:7 128:3
	<b>allowed</b> 83:6
	<b>allowing</b> 144:17
	<b>Alpena</b> 53:11
	<b>alternative</b> 75:18
	<b>aluminum</b> 221:21
	222:16,17 223:22
	<b>amended</b> 6:4
	<b>American</b> 12:17 13:12
	13:16 18:20 43:16
	99:9 117:15 143:14
	199:5,6 236:1 272:20
	285:20,21
	<b>Americans</b> 199:6
	242:16
	<b>AMO</b> 285:6,8
	<b>amount</b> 54:16 63:14
	64:2 67:17 103:4
	113:14 148:19 149:2
	154:13 157:14 164:7
	167:20 172:19 182:12
	196:5 247:20 249:10
	260:20 270:18 284:5
	<b>ample</b> 177:19 244:7
	<b>analysis</b> 186:7 204:1
	<b>anchor</b> 205:9 214:9,18
	254:2
	<b>anchorage</b> 118:9
	<b>anchorages</b> 233:3
	<b>and/or</b> 142:7
	<b>anecdotal</b> 268:16
	<b>announce</b> 79:16 84:17
	<b>announced</b> 6:20 80:4
	<b>announcement</b> 63:21
	136:15
	<b>announces</b> 143:17
	<b>announcing</b> 20:19 80:8
	<b>annual</b> 3:9 7:20 185:3
	215:15 216:5 261:7
	262:3 283:20 285:8
	<b>annually</b> 229:5
	<b>anonymous</b> 261:12
	262:7 269:16,16
	273:11,12
	<b>answer</b> 38:12,21 44:1
	45:18 64:10 65:22
	66:8,9 95:16 105:12
	108:1 136:22 137:1
	178:16 196:10 199:18
	227:21
	<b>answered</b> 77:21 79:5
	<b>answering</b> 78:15
	<b>anticipate</b> 142:12
	218:12 221:14 222:22
	<b>anticipated</b> 125:13
	148:20 218:5
	<b>anticipating</b> 218:6

227:10  
**antidotal** 264:17 268:19  
**antiquated** 64:16  
**antsy** 252:6  
**anybody** 19:8 45:16  
60:2 69:6 71:21 74:7  
74:8,10 79:7 97:16  
125:11 143:18 188:11  
210:10 221:14 225:6  
225:11 257:6,9 264:5  
281:8,10 282:19,21  
283:12  
**anymore** 56:5 112:8  
155:7 268:18  
**anyplace** 100:3  
**anytime** 246:3  
**Anyway** 5:1 190:8  
**anyways** 167:18 213:1  
245:4  
**APA** 286:3 288:2  
**apex** 128:19  
**apologize** 51:14 52:8  
86:11  
**apparently** 31:22  
**appear** 9:1 106:22  
**applauding** 285:22  
**Applause** 288:10  
**applicant** 117:16 126:9  
127:18 147:16,19  
161:7  
**applicants** 128:21  
172:1  
**application** 128:22  
171:20  
**applications** 278:8  
**applied** 150:12  
**applies** 90:15  
**apply** 31:15  
**applying** 23:16 24:6  
**appoint** 18:10 19:17  
99:21  
**appointed** 18:6,8 194:4  
**appointees** 194:7,11  
**appointments** 7:15  
14:15 18:2,12  
**appreciate** 10:1 55:6  
61:17 70:13,20 90:9  
215:4 259:1,6 268:14  
268:15 281:14,17  
282:8  
**appreciated** 282:2  
**appreciation** 79:8  
285:21  
**apprehension** 167:21  
**apprentice** 3:7 7:20  
124:12 147:13 148:12  
150:13 158:16 162:2  
171:9,11 172:9

183:12 215:9,15  
216:5 218:7  
**apprentices** 161:9  
162:2 218:16  
**approach** 46:15 99:21  
**approaches** 221:3  
**appropriate** 5:12  
**appropriately** 21:1  
**approve** 11:8,14,15  
**approved** 11:17 15:21  
16:4 243:17  
**approximate** 7:3  
**approximately** 221:18  
240:20 246:5  
**April** 78:22 177:17  
178:5 228:15 250:5  
**aptly** 209:1  
**arbitrary** 265:12,15,16  
**Arctic** 28:9  
**area** 53:14 129:7  
204:17,22 206:13  
207:4 208:22 213:6  
214:7,8,15 219:6,22  
220:12 226:20 228:12  
271:16,16,17,18  
**areas** 100:8 200:22  
204:13 205:21 241:4  
**arguing** 264:22  
**argument** 144:1 262:2  
**arises** 196:18  
**arithmetic** 102:18  
**arm** 48:5  
**arms** 34:6  
**arrive** 132:12  
**art** 185:18  
**aside** 78:14 103:1  
**asked** 58:18,22 108:13  
157:10 193:2 207:16  
259:20 275:17,17  
278:8  
**asking** 42:9 57:2 159:5  
159:22 164:6 165:6  
167:7 175:21 203:15  
208:18 231:10  
**aspects** 74:1  
**assessment** 173:15  
**asset** 234:5,12  
**assets** 98:15  
**assigned** 217:20  
**assignment** 76:20  
192:15 278:12  
**assignments** 94:9  
**assist** 10:11  
**assistance** 209:13  
**assistant** 218:22  
**assisted** 209:13  
**associated** 28:20 93:16  
248:12

**association** 3:13,15 8:2  
8:4 12:18,20 13:12,16  
18:20 43:17 72:11  
97:12 98:20 99:9,12  
149:4 179:19 216:2  
217:12 272:20 280:15  
**association's** 261:7  
285:21  
**associations** 72:8  
90:21 91:6 148:14  
151:6 158:13 260:11  
260:19 266:4  
**assume** 20:10 21:6  
56:13 106:17 141:19  
168:5 208:11  
**assumed** 20:1  
**assumption** 218:14  
268:7  
**assurances** 268:14  
**assure** 276:20  
**assured** 255:1,2  
**Atlantic** 110:10  
**attached** 17:5 27:15  
**attempt** 274:10,13,14  
274:16  
**attend** 61:13 84:18  
85:19 135:8,13  
136:11,12,16  
**attendance** 8:13 52:15  
70:14 73:7,11,19  
**attended** 52:18  
**attending** 10:13  
**attention** 57:4,7 69:2  
88:18 209:5 251:21  
254:19 255:3  
**attest** 210:11  
**attract** 57:4 152:3 170:1  
182:13,21  
**attracting** 155:15,16  
**attraction** 231:1  
**attractive** 261:20  
**attributed** 260:8  
**attrition** 231:17  
**Aubry** 255:12  
**Aubry-Morin** 199:9  
**audience** 10:20 23:20  
75:21 77:2  
**audio** 234:21  
**audits** 40:15  
**August** 6:21 11:9 37:8  
**authorities** 82:10 108:5  
108:17  
**authority** 6:3 156:14  
157:17 213:22 277:19  
**authorization** 5:21 6:5  
15:15 16:4,21,22 17:3  
31:9  
**authorized** 113:15

120:5,18 124:2  
**Authorizing** 16:9  
**automatically** 210:9  
**availability** 60:8 102:20  
219:11,12 239:8  
**available** 8:9,18,20  
29:11 80:18 98:1  
103:4,9 117:17  
133:17 136:1 139:8  
141:19 186:11 206:7  
225:16 226:11 228:17  
228:18 270:4,16,18  
272:14 281:11 283:22  
284:1,21  
**avenue** 1:6 86:8  
**average** 93:11 119:7  
191:11,19 285:7  
**award** 286:16  
**aware** 4:9 99:12 100:2  
248:14,14 253:12,14  
254:6,17 256:8,15  
274:11  
**awhile** 46:2 118:5  
121:10 124:21 231:9  
**aye** 11:22 12:1 87:12  
288:17

---

**B**


---

**Baby** 216:20  
**back** 12:8 15:8 26:15  
27:4 31:3 33:19 34:10  
35:8,17 36:7 43:6  
44:2 52:11 60:22 63:1  
66:15 67:13 70:1,1  
78:22 86:13,17 88:20  
94:17 97:8,16 98:21  
111:4 116:4 119:3,18  
121:19 122:13 133:5  
134:17 144:13 146:12  
147:5 154:9 160:6  
161:14 168:10,13  
176:9 177:10 180:6  
180:11 181:1 185:2  
191:11,14 195:18  
196:19 200:20 214:22  
215:6 216:14 217:11  
233:7 235:20 239:11  
242:1 246:4 249:18  
250:16 251:1,20  
252:12,16 254:14  
274:19 280:13  
**backed** 197:9  
**background** 26:12,21  
204:10 205:21  
**backing** 119:10,14,17  
**backs** 202:6  
**backtrack** 211:1  
**backup** 16:18,19

196:22 237:7 240:3  
**backups** 196:21  
**backyard** 281:12  
**bad** 51:11 101:4 111:16  
 114:6 171:7 175:7  
 238:3,8 242:19 255:9  
**badger** 61:21  
**badgers** 62:4  
**badmouth** 194:3  
**bailed** 89:19  
**Baker** 1:14 11:19,20  
 14:9,9  
**balance** 101:12  
**ball** 81:17 91:17 210:17  
 211:13  
**Baltimore** 253:1  
**bandwidth** 62:2 142:21  
**bare** 29:12  
**bargain** 245:22  
**barring** 271:21  
**bars** 138:19  
**base** 65:5 97:14 149:19  
 155:7,11 156:15  
 157:20 160:5 168:15  
 168:20 169:6 177:4,7  
 177:13,14 178:9  
 179:7,17  
**based** 23:17 97:4 98:2  
 98:3 99:18,22 102:6  
 102:13 108:11 110:18  
 136:6 183:3 218:11  
 271:5,6  
**basic** 237:4  
**basically** 135:15 174:5  
 196:15 210:10 211:22  
**basis** 131:13 154:14  
 155:1 284:11  
**bay** 219:3 220:12 239:6  
 239:7  
**beach** 238:10  
**bear** 163:19  
**bearing** 163:20  
**beat** 238:2  
**beautiful** 70:5 112:14  
**becoming** 111:18  
 266:16  
**begging** 123:12  
**beginning** 6:1 28:18  
 38:17 75:20 91:18  
 114:13 116:17 124:7  
 221:20 257:5 258:20  
**beginning/end** 146:21  
**begun** 39:1  
**believe** 26:7 59:6 78:22  
 91:14 94:8 107:4  
 136:19 157:5 218:18  
 254:22 265:10 279:12  
 283:18

**Belle** 240:21 244:3  
 245:10  
**belong** 269:12 273:7  
**belt** 233:17  
**bench** 47:5 226:20  
**benchmark** 3:7 7:19  
 147:12 171:9 215:8  
 215:14 216:5,7,10  
 285:5  
**bend** 68:2  
**bending** 68:8  
**beneficial** 153:11  
**beneficiary** 98:12 201:6  
**benefit** 145:11 202:11  
**benefits** 166:6 234:11  
**Berg** 12:10,10 86:3,3  
 252:1,18,18 255:14  
 256:6 257:18,21  
 258:1  
**best** 11:4 23:8 41:14  
 51:13,18 56:6 59:4  
 65:8 66:10,10 75:3  
 82:20,22 86:22 87:3  
 152:3,15,15,16  
 182:13,21,22 226:8  
 229:18 230:9 249:11  
**better** 29:5,8 46:10 66:2  
 70:4 75:14 107:5  
 108:21 177:2 179:22  
 182:12 185:20 186:22  
 213:20  
**beyond** 77:3 80:6 81:11  
**bickering** 44:14  
**big** 6:19 28:4 30:2  
 43:21 44:6,7 58:8,12  
 60:17 61:7 71:5  
 100:21 106:17 112:15  
 117:3 120:12 135:7  
 135:22 159:9 165:6  
 182:1 191:14 201:1  
 211:12 212:21 236:17  
 239:4 240:10 243:10  
 244:5 265:8  
**bigger** 106:16 201:20  
 233:22 243:22 244:17  
**biggest** 46:20 119:6  
 188:9 231:3  
**bill** 16:5,9,19,21 20:5  
 101:5  
**billing** 265:22  
**billions** 60:19  
**bills** 17:3  
**birth** 279:19 280:7  
**bit** 36:21 38:1 43:1,2  
 44:2 52:4 61:21 62:10  
 64:16 65:5 68:17  
 73:21 81:16 89:10  
 92:21 93:10 104:6

106:14 116:3 121:4  
 151:20 153:5,15  
 154:8 161:21 163:3,5  
 166:3 172:15 176:14  
 179:16 193:19,20  
 195:14 233:4 238:8  
 239:16,19,20 240:13  
 243:22 244:15,16  
 257:7 260:12 280:19  
**bitching** 78:13  
**biting** 227:20  
**black** 208:9 262:1  
 277:22,22  
**blacked** 278:11,11  
**blame** 200:17  
**blank** 57:14  
**blasted** 202:16  
**blind** 124:8  
**blip** 194:12  
**blocks** 242:11  
**board** 176:11 198:9,14  
 198:16,17,22 199:4,4  
 199:9 200:3  
**boarders** 204:21  
**boat** 104:13,17 105:8  
 106:2 109:12,13  
 116:1 118:8 123:5  
 218:22 219:5,7,9,15  
 219:22 220:13,18  
 221:2,10,13,21 222:7  
 222:9,16,20 223:22  
 223:22 224:5,9  
 227:22 229:19 230:3  
 230:13,17 232:21  
 233:11,20 237:7,21  
 237:21 238:2,7,19,20  
 239:4,12 240:4,10,10  
 241:3,8,8,12,18,19,22  
 242:2 244:3,5,5,11,17  
 245:6,8,9 246:13,20  
 248:4 249:2 250:7  
 251:18 252:6,8 254:8  
 256:10,22 279:22  
 281:5  
**boats** 33:2 72:15 112:5  
 112:8,16 118:11  
 204:20,21 219:1,4,10  
 219:13 221:16 223:8  
 223:11,17,19 226:6  
 229:12 230:14 235:4  
 240:1,9,14,19 241:5  
 241:14 242:1,3,8,20  
 244:7 245:8,19  
 279:20  
**bodies** 120:8  
**bogged** 176:15  
**bonus** 237:6  
**book** 130:22

**border** 48:22 49:12,18  
 70:9 74:15  
**boss** 9:18  
**boss's** 35:19  
**bottom** 61:7 78:10  
**bought** 101:6 118:12  
 227:11,12  
**bound** 138:5  
**bowl** 176:12  
**box** 144:14 208:9 262:1  
**boy** 166:1 186:2  
**Boyce's** 29:7,8 275:20  
**Brad** 12:19 222:1 250:1  
 250:3  
**bragging** 47:1  
**Bramble** 101:5  
**brand** 170:10  
**break** 11:1,1,2,3 87:22  
 134:3 199:12 203:12  
 214:21 215:10 234:8  
 239:17  
**breaker** 234:8  
**breaking** 98:15 100:5  
**breaks** 10:22  
**bridge** 32:5 98:2 113:9  
 113:16 212:4,22  
 221:6,10  
**briefed** 204:3  
**bright** 15:6  
**Brimley** 222:11 224:22  
 225:15,18  
**bring** 30:4 43:21 59:1  
 61:5 63:1 152:6 156:6  
 174:8 177:16 178:4  
 243:15  
**bringing** 224:10  
**broad** 46:3,4 77:2  
 146:19  
**broke** 262:4  
**brought** 30:16 46:6  
 53:12 155:2 219:18  
 287:13  
**brush** 202:20  
**bucks** 181:8 267:14,15  
**buddy** 181:20  
**budget** 83:8 155:4,13  
**Buffalo** 255:14,15  
**build** 230:19 238:20  
**building** 4:7,8 233:12  
 233:21  
**buildings** 256:20  
**builds** 118:1,1,2  
**built** 90:10 97:22 114:2  
 219:5,6,9 222:20  
 226:7 232:22 233:2  
 233:16 238:7 240:7  
 240:21  
**bulk** 43:22 89:7

**bullet** 227:20 286:17  
**Bullshit** 45:4  
**bump** 30:14  
**bunch** 88:19 114:20  
 119:16 121:8 130:5  
 170:8 259:1  
**buoy** 220:5,5  
**Burnett** 43:1 53:5,9  
**bursting** 202:12  
**Bus** 183:4  
**business** 11:8 55:6  
 60:18 64:21 66:8  
 77:17 89:13,15,17  
 106:21 112:10 130:19  
 232:4 258:11  
**businesses** 195:5  
**bust** 37:18  
**busy** 16:15 71:11,15  
 122:22 170:11 208:10  
**buy** 169:8  
**bylaws** 6:2

---

**C**

---

**cable** 240:5  
**cajoling** 48:6  
**calculate** 162:16  
**calculation** 117:9  
**calculus** 46:13  
**call** 3:2 10:3 51:2 52:7  
 67:19 77:21 78:15  
 79:5 103:21 105:17  
 106:6 119:11 120:10  
 121:8 123:2 166:17  
 191:7 196:11 209:9  
 209:19 254:4 272:21  
 274:1 280:3  
**called** 76:13 148:3  
 194:10 198:22 209:7  
 253:1 257:11  
**calling** 91:19 121:19  
 214:16  
**calls** 37:20 45:9 51:15  
**Calumet** 211:10,22  
**Canada** 32:9 43:8 69:9  
 69:11 90:8 135:7  
 252:21  
**Canadian** 47:9 88:5  
 94:7 107:6,12 108:6  
 108:17,18 109:11  
 117:18 124:13 128:12  
 194:8 198:13 199:8  
 200:1 204:19 233:8  
 235:2 239:16 241:5  
 243:9 279:17,19  
**Canadians** 38:6 49:1,3  
 52:19 75:8 76:5 101:1  
 101:10 104:14,19  
 105:5 108:10 119:1

124:18 199:6 235:21  
 235:22 236:1,1 241:2  
 242:15,17 245:12  
**canal** 121:7 132:2  
**canals** 114:16  
**cancel** 133:4,4,16  
**canceled** 38:9  
**candid** 6:17 43:11  
**candidate** 20:14 21:3,7  
 21:11 22:9 23:9,10  
**candidates** 18:12 20:20  
 20:21 22:17 24:21  
**Canfornav** 54:12 71:6  
**capabilities** 83:14  
 142:19 145:16,18,19  
 233:19 260:10  
**capable** 127:6 222:8  
**capacity** 13:17 110:18  
 111:2 196:22 222:21  
 223:15  
**Cape** 55:14 118:9,16  
 232:21 235:12 260:2  
**capitalizing** 202:16  
**capricious** 265:12,15  
 265:16  
**captain** 1:13,15,18 3:17  
 3:18 10:4,7 15:9 29:7  
 53:4 76:2 94:17 116:5  
 117:14 129:10 139:13  
 148:3 152:4 157:5  
 170:19 184:4,10  
 204:3 212:5 214:11  
 226:9 250:13  
**captains** 78:12 155:22  
 169:14 231:7  
**car** 69:20 249:10  
**care** 9:8 24:17 31:20  
 60:17 105:10 140:9  
 178:6 241:4 242:5  
 258:8  
**career** 32:22 129:5  
 154:1 164:18 171:18  
 231:11  
**cargo** 33:3 46:9 70:16  
 92:3  
**Carleton** 118:10  
**carriage** 236:5  
**carried** 12:3  
**carriers** 101:19 109:12  
 109:13  
**carrying** 33:3 109:15  
 234:22  
**cars** 4:22 69:14 112:20  
**case** 64:4 98:9 107:19  
 132:19 158:19 211:19  
 228:2 256:12 257:2  
 257:16 263:14 268:10  
 268:14 270:19 273:20

**cases** 247:4,7 248:10  
**cash** 158:5 270:15  
**catalyst** 214:14  
**catch** 64:13 69:22  
 122:16 197:7,8  
**caucus** 25:10 178:17  
**caught** 228:17  
**cause** 15:2  
**caused** 251:20  
**causing** 47:5 158:10,10  
**cautioning** 192:3  
**cautious** 200:22 249:9  
**cc** 256:5  
**cc'ing** 255:6  
**CDC** 32:3  
**Cedarville** 212:12  
**Center** 251:22  
**cents** 78:17 105:16  
 259:4,9  
**ceremony** 52:1  
**certain** 82:2 84:3,11  
 131:11 156:22 157:1  
 200:22 210:8 261:19  
**certainly** 15:6 52:8 68:9  
 99:21 100:5,10  
 111:11 120:12 211:13  
 217:14 226:4 231:9  
 281:11 286:5 287:17  
**certification** 131:11  
**cetera** 98:21  
**CFR** 113:5  
**CG-WWM2-website** 9:2  
**chaff** 87:2  
**chain** 32:21 33:4 35:21  
 220:5 240:5 252:2  
 254:6,13  
**chains** 80:7  
**chair** 1:13 199:5,7  
 281:20  
**chairman** 45:20 68:16  
 74:4 151:2 247:2  
**challenge** 219:9 230:22  
 231:3  
**challenged** 73:7,11  
 265:13  
**challenges** 77:3,18  
 100:2 142:18 143:9  
 148:18 226:1 230:7  
 231:2  
**challenging** 213:20  
**chance** 172:5  
**change** 18:1 19:16  
 28:15 54:15 57:5 65:2  
 89:9 90:5 112:12  
 114:10 128:4 129:6  
 133:13 134:12 137:9  
 156:9 172:10 180:1  
 195:17 201:1 202:21

220:6 235:14 243:20  
 284:17,18 285:8  
**changed** 33:9 44:20  
 88:3 154:6 160:9  
 167:14 168:17 267:17  
 269:19 271:18  
**changes** 15:16 16:3,11  
 17:19 18:14 33:10  
 35:9 46:11 58:13,17  
 102:21 266:2  
**changing** 57:3 104:3  
**channel** 43:16  
**channels** 205:1 206:14  
**characterization**  
 138:16  
**characterize** 49:1  
**charge** 96:1 266:10  
**charged** 206:20  
**charging** 273:22  
**chart** 219:18  
**charter** 5:22 15:3 98:10  
 98:13  
**chartering** 112:9  
**charters** 219:2  
**cheapest** 153:6  
**cheat** 253:4  
**check's** 259:10  
**checkpoint** 241:11  
**chief** 218:19  
**child** 259:15  
**choice** 250:19 274:21  
 275:10  
**choices** 76:6  
**choke** 204:14  
**chomping** 42:22 43:2  
**choose** 188:20 232:13  
**Chorus** 12:1 87:12  
 288:17  
**chose** 75:19,20 126:8  
 173:17 220:10 232:15  
**chosen** 25:5 26:19  
 199:22  
**Chris** 13:5 225:12 227:9  
 236:11  
**CHS** 13:13 63:19 83:20  
 85:22 134:17 139:3  
**Cincinnati** 199:8  
**circumstance** 220:10  
**circumstances** 49:10  
 272:11  
**circus** 85:16  
**CISA** 29:13  
**citizens** 6:12  
**city** 51:1 202:1,2  
**claiming** 284:3  
**Clair** 211:7  
**clarification** 136:22  
 140:3 142:1 183:6

- clarified** 146:4  
**clarify** 140:6 156:21  
**class** 98:11  
**clause** 27:17  
**Clay** 13:11 18:19,20,22  
 19:1 23:1 27:10 42:12  
 43:17 79:9 85:4 99:7  
 99:8 139:10,19  
 143:11,13 272:18,19  
 285:19  
**Clayton** 239:5  
**clean** 244:5,7  
**clear** 23:13 33:12 85:10  
 115:8 117:15  
**clearing** 89:1  
**clears** 140:1  
**Cleveland** 110:2  
**climate** 28:17  
**climb** 238:12  
**climbing** 79:2  
**close** 16:7 94:5 113:15  
 126:4 144:4 163:7  
 168:11 185:12 208:15  
 209:12 231:22 234:18  
 239:17 248:1 276:18  
 280:18  
**closed** 48:22 93:1  
 94:13,16  
**closely** 275:4  
**closer** 69:13 233:9  
**closes** 234:21  
**closing** 3:17 114:4,16  
 119:7 234:15 286:22  
**closure** 3:11 7:17 193:2  
**closures** 196:14 197:2  
**clout** 132:6  
**clubs** 135:10  
**coffee** 31:21 75:11  
**cold** 224:6  
**collaborating/working**  
 34:13  
**collaboration** 38:18  
 42:17  
**collaborative** 173:6  
**colleagues** 73:21  
 178:18  
**collect** 148:15 287:6  
**collected** 149:2  
**collection** 21:8,10  
 179:18  
**collective** 117:19 119:2  
**collegial** 75:15  
**colluding** 59:16  
**come** 19:9 36:7 40:11  
 42:11 43:6 44:16  
 48:13 50:3,7 54:16  
 55:8 58:15 60:21  
 62:16 67:20 68:5,5  
 70:19 73:1 85:3 89:22  
 90:6 92:10,11 93:14  
 94:5 95:22 98:21  
 114:19 120:1 122:13  
 125:16 129:8,11  
 130:19 132:7 140:8  
 140:10 141:9,13  
 143:22 146:12 148:6  
 152:7,10 164:11,22  
 167:7 170:5 172:17  
 180:6,11 182:11,17  
 182:22 185:1 194:3  
 214:22 218:10 221:11  
 227:18 232:6 248:2,7  
 248:21 249:5,14  
 272:10 278:5 280:21  
 282:21 287:8,11  
 288:6  
**come/first** 54:10,22  
**comeback** 180:14,22  
**comes** 19:22 56:20  
 91:14 130:6 131:11  
 134:17 162:1 164:20  
 177:8 252:22 257:10  
 266:10 274:19  
**comfortable** 92:15  
 129:14 130:12 245:13  
 263:5  
**coming** 10:1 28:21 29:1  
 29:9 37:13 38:14  
 41:21 57:4 59:21 86:4  
 92:4 96:19 99:3 105:1  
 105:2 107:8 109:14  
 111:6 114:20 115:7  
 125:14 126:13,13  
 128:15 144:1 165:15  
 170:2,8 172:5 181:1  
 190:16 193:15 194:20  
 205:2,14 232:4 253:3  
 253:7,8 258:15  
 280:13 281:13  
**command** 32:8 129:13  
 251:22 252:20 253:21  
 256:9  
**commandant** 31:20  
 90:12  
**commander** 256:6  
**comment** 19:7 21:19  
 22:17 23:3 41:17  
 47:16 50:8 57:14  
 61:18 62:22 81:5,20  
 133:20 143:18 144:8  
 144:12 165:1 182:7  
 210:3,6,20 232:6  
 262:11 268:16 285:13  
 285:15 287:19  
**commented** 166:1  
**comments** 3:16 7:8 8:3  
 8:5 9:6 11:7 23:20  
 28:2,10 34:16 38:18  
 39:14 74:6 77:7,11,14  
 88:13 143:22 144:3  
 145:9 150:20 179:1  
 188:5 192:19 193:6  
 203:8 204:4 237:13  
 264:7 283:9,10  
 286:11,13 287:13,14  
**comments/stakehold...**  
 3:4  
**commerce** 29:20 32:20  
 33:18 34:12 90:13,14  
 118:19 194:1,18  
 195:4 198:4 201:5  
**commercial** 141:19  
**commercially** 225:15  
 225:16  
**Commission** 193:17  
 197:17  
**commissioners** 199:15  
 199:16  
**commit** 112:10  
**commitment** 54:7  
 153:4 169:12  
**committed** 30:17 38:15  
 98:15 153:7  
**committee** 1:4,12 5:3,9  
 5:10,20 6:14,15,16  
 7:1 8:17 9:14,19  
 10:14 11:10 15:14,17  
 16:1,12 17:8,17,21  
 18:2,3,16 19:4,6,14  
 19:16 21:17 22:10  
 23:21 26:10 35:3,5  
 36:1 48:16 52:2 59:10  
 59:10,14,18 60:1,13  
 63:2,3,4 66:21 67:5  
 68:15 73:16 74:19  
 79:11,17 85:6 88:16  
 88:22 95:8 133:21  
 134:1 135:20 136:5  
 138:5 146:8,13 147:6  
 150:15 179:2 180:20  
 180:21 181:1 187:22  
 188:4 190:13 196:9  
 197:16,17 198:7,10  
 199:3 203:20 215:13  
 215:19 216:3,15  
 217:4,11 286:12  
 287:22  
**Committee's** 7:7  
**committees** 6:11 67:4  
 67:10 69:5 130:21  
 140:15 199:21  
**common** 62:19 197:20  
 197:22 209:15 212:9  
 212:18 213:9 272:21  
 274:2,3,10,12  
**communication** 64:22  
**communities** 195:2  
**community** 22:9 56:19  
 202:16 234:3 253:21  
**commuting** 165:9  
**companies** 43:21 58:8  
 69:8 71:2 129:4  
 152:11,13 200:15  
**company** 54:3 80:20  
 98:9,13 108:7 129:5  
 164:6,19 170:2  
 177:18,19,20 231:8  
**compare** 120:6  
**compared** 152:2 172:21  
 259:16  
**comparing** 3:9 7:21  
 185:3 188:19  
**comparison** 164:4,4  
 188:20  
**compensate** 158:16  
 260:19  
**compensated** 268:8  
**compensating** 158:14  
**compensation** 3:14  
 7:18,19 41:5 44:11  
 91:3 98:2,5,6 99:19  
 147:18 149:21 150:7  
 150:11 154:10 157:9  
 161:18 162:8 163:12  
 165:13 166:4,4 167:6  
 171:9 172:9 174:7,8  
 174:17,21 175:3  
 178:11 179:5,12  
 180:2 183:11,12  
 190:18 215:8,14  
 216:4,7,10 259:20  
 260:6,12,15 261:19  
 262:5,13,16 263:4  
 265:9,12,14,17,19  
 266:12 267:3 268:4  
 269:20 270:3 271:5,6  
 271:13,16,17,19  
 272:9 273:15,22  
 276:3,10,20 283:21  
 284:14 285:8  
**compensations** 162:3  
 162:5 174:18 215:7  
 271:8  
**competing** 171:1 173:4  
**competition** 173:1  
 183:3  
**complain** 44:19 45:3,18  
 71:16  
**complained** 45:15  
**complaining** 74:7,8,10  
 164:1 189:2,10  
**completed** 230:20

- completely** 23:3 66:6  
 102:12 124:8 129:5  
 154:7 194:17 227:19  
 256:20 270:15  
**complex** 209:1,4 273:4  
 273:14  
**complicated** 149:1  
**comply** 75:7  
**component** 164:11  
**compounding** 284:7  
**compromise** 41:9  
 117:18  
**concept** 150:18 192:9  
 193:19 260:15  
**concern** 24:1 110:16  
 205:22 251:21 255:4  
**concerned** 100:6  
 140:15 247:15 262:10  
**conclude** 20:12  
**concluded** 19:6  
**conditions** 96:11  
 221:22  
**conducted** 203:22  
**Conference** 1:6  
**conferenced** 16:10,20  
**confidence** 37:11  
**confident** 18:15  
**confidential** 254:15  
**conflict** 8:7 158:10  
**conflicting** 251:14  
**confront** 187:4  
**confused** 157:15  
 175:15 222:19  
**confusion** 158:9  
**congestion** 132:1  
**Congress** 15:13,22 16:7  
 16:14 17:2 27:11 89:6  
**Congressional** 23:4  
 204:1  
**conjecture** 208:16  
**conjunction** 63:14  
 90:12  
**Connors** 2:10 9:11  
 14:10,11,17 31:17  
 50:16 51:22 64:8,9  
 75:4 76:10 82:13  
 84:13,16 86:11  
 136:10 137:14,20  
 141:17 184:4,9,13,17  
**consent** 147:10  
**consider** 20:16 21:4  
 29:16 87:3 130:3  
 139:14  
**consideration** 115:14  
**considered** 205:19  
 206:9  
**consistency** 169:21,22  
**consistent** 168:16  
 169:20 177:9 252:3  
 262:18 285:1  
**consistently** 203:2  
**constantly** 76:16  
**constipated** 16:17  
**constituency** 208:4  
**constructs** 32:19  
**consult** 66:15  
**contact** 257:6  
**contaminated** 244:6  
**content** 67:10 86:13  
**CONTENTS** 3:1  
**context** 139:17 190:5,7  
 262:11,15,16 263:15  
**continually** 83:1 284:12  
**continue** 4:11 5:6 29:8  
 29:11,19 33:6 37:20  
 40:15,16,17 51:8  
 61:11,11,12 75:17  
 77:22 78:9 82:20  
 87:22 88:1 108:19  
 176:21 207:5 246:12  
 264:6  
**continued** 17:17 263:19  
**continues** 9:13 17:4  
**contract** 122:6 155:1  
 223:9 241:2  
**contractor** 120:21,22  
 123:11  
**contributions** 166:12  
**control** 135:18 206:3,16  
**controller** 218:21  
**controls** 193:17 209:6  
**controversy** 208:7  
**convenience** 78:3  
**convenient** 68:3,6 78:4  
 78:16  
**convergence** 204:15  
**converging** 206:14  
**conversation** 68:18  
 74:17 145:2,3,8,21  
 184:14  
**conversations** 42:4  
 252:1  
**convince** 168:21  
 213:21 242:22  
**convinced** 37:9 226:22  
**cooperation** 200:13  
 245:21  
**cooperative** 48:6  
**cooperatively** 27:9  
**coordinate** 44:4 65:15  
 65:19  
**copies** 267:7  
**core** 86:13  
**Cornwall** 119:8 121:5  
**Corporation** 198:3  
**Corps** 62:7 199:7  
**correct** 48:4,18,20  
 109:3 127:22 136:22  
 137:1 143:16 155:21  
 157:11,22 158:1  
 175:4 195:12 211:3  
 225:1 275:2  
**cost** 96:4 102:10 103:1  
 106:18 112:11 147:15  
 173:16 179:18 211:19  
 211:20 212:17 227:9  
 283:20  
**costly** 96:7 105:22  
**costs** 98:20 148:16  
 157:20 227:6  
**Council** 204:2  
**counsel** 262:18  
**count** 120:4 178:1  
**counting** 177:16  
**countless** 130:22  
**country** 65:11 69:12  
 99:13 110:9 145:5  
 171:10 198:21 227:7  
 227:15 252:9 253:8  
 273:7,22 274:10  
**couple** 4:4 71:14 93:4,7  
 99:22 100:18 105:4,5  
 105:7 106:8 109:4,18  
 112:4 122:12 124:16  
 151:13 152:12 165:22  
 205:4 223:10 233:2,3  
 236:16 244:4 247:4  
 249:15 253:19  
**course** 69:1 123:5  
 182:19 191:19 193:22  
 228:20 241:1,15  
 264:2  
**court** 14:11 142:4  
 265:11  
**courteous** 4:10  
**cover** 106:5 148:15  
 229:13,14 258:8  
**coverage** 218:21  
**covered** 222:3  
**COVID** 9:21 38:22  
 65:12 124:6 232:11  
 244:2 247:5 249:14  
 250:19,20 252:15  
 253:17 257:2,3,10  
**COVID-19** 91:19 218:4  
 281:3  
**Covington** 73:4 140:16  
**CPI** 284:17  
**crawled** 239:7  
**crazy** 102:18 199:13  
**cream** 129:2  
**create** 94:21 228:1  
 230:4  
**created** 26:16 93:6  
 130:15 141:2 205:9  
 233:4  
**creates** 17:20 26:1  
 241:15  
**credit** 88:21 172:12  
 175:12 259:19  
**crew** 29:8 129:10  
 212:21 241:17 243:8  
 244:8 250:13 251:1  
 251:12 252:2,7 253:6  
 253:15 254:2 256:22  
**crews** 78:2 106:2  
 241:16,17 242:1  
**Criminal** 8:7  
**crisis** 193:9  
**critical** 29:14 32:13  
 33:6 210:12,15  
**criticize** 58:20  
**crop** 129:3  
**cross** 49:12,18 71:20  
 181:3  
**crossed** 74:15  
**cruise** 43:3 53:6 54:6  
 54:18 56:21 58:2,6  
 88:5 89:11,18 90:1  
 92:4 100:14 110:8,12  
 110:15,17 111:3,6  
 113:17,20 115:3,15  
 121:15 132:4 146:20  
 190:16 204:20 232:2  
 232:6  
**cruising** 110:22 111:7  
**crystal** 91:17  
**cue** 142:9,11  
**cued** 152:17  
**cuff** 95:17  
**cuing** 142:12  
**cumbersome** 63:21  
**cumulatively** 284:16  
**curious** 208:7  
**current** 6:3 15:3,12  
 28:17 77:18 89:22  
 113:5 114:2 115:12  
 146:18 181:6 233:11  
 240:10 285:5  
**currently** 113:13 218:7  
 229:11 240:19  
**currents** 197:5  
**customers** 55:8 70:15  
 102:5 115:3  
**customs** 42:3 279:20  
 280:2  
**cut** 31:15 159:21 167:8  
 169:16 220:19 222:1  
**Cuyahoga** 211:9 212:1  
**CV-WWM-2** 8:11  
**cyber** 75:3,6  
**cycle** 108:15 192:15

## D

- D** 29:21  
**daily** 49:19 247:9  
 269:22 270:8  
**dam** 193:18  
**damage** 205:10,16  
**Dan** 1:13 13:9,21 78:18  
 78:19 114:11 119:5  
 121:6 128:9,10 131:4  
 131:16 170:1,5,17,18  
 210:4,5 228:10 233:1  
 267:13  
**dangerous** 189:15  
 255:7  
**Danny** 15:20 45:8 47:16  
 48:4 61:16 73:1,8  
 111:17 140:7 153:16  
 162:20 173:14 176:4  
 259:22 272:3  
**Danny's** 72:18 164:2,4  
 278:18  
**darkest** 77:19  
**darts** 189:19  
**data** 3:9 7:22 185:5  
 186:10 189:14,17,21  
 190:1,6,7 192:1  
 263:16 264:12,13,17  
 264:22 265:3 268:20  
 268:21 274:21  
**date** 230:19 249:13  
 279:18 280:7  
**daughter's** 270:7  
**day** 43:15 45:13 46:21  
 64:17,20 70:8,8,10  
 72:13 99:11 103:12  
 103:19 104:10 106:3  
 115:1,1 116:8,10,13  
 116:14 145:4 148:4  
 169:8 218:20 220:16  
 248:8 252:1 254:11  
 255:10,16  
**day-by-day** 154:14  
**days** 9:2 36:9 60:12  
 70:6 77:19 81:11 98:1  
 106:3 122:4 151:21  
 152:19 196:13,21  
 197:2,3,6 208:11  
 239:11 250:19,21  
 251:2 257:3 258:2,5  
 270:6,8,15,16,17  
 272:14,17  
**days'** 144:20  
**DC** 12:11 37:16 69:14  
 288:7,8  
**deal** 55:2 93:7 94:22  
 148:13,16 175:8  
 230:5 232:13 233:17  
 239:10 265:8
- dealing** 32:17 60:19  
 175:8  
**deals** 115:1  
**dealt** 231:1 267:1  
**debate** 190:9  
**debt** 78:9  
**decade** 18:17 174:3  
 196:4  
**December** 6:2 17:12  
 71:8 112:7 117:4  
**decent** 153:12 245:1  
**decide** 22:3 31:7 151:8  
 182:11 195:10 199:15  
**decided** 68:18 103:11  
 115:14 154:20 250:15  
 251:4 266:16,19  
**decider** 199:1  
**decides** 98:10,13  
**deciding** 151:7  
**decision** 40:3 50:5  
 106:17 130:2 194:17  
 223:2 279:12  
**decision-maker** 198:19  
**decision-making** 194:5  
**decisions** 199:11  
**deck** 102:15  
**decrease** 41:11  
**decrease/increase**  
 41:13  
**dedication** 15:2  
**deep** 33:2 100:11 221:3  
 221:4  
**defacto** 217:21  
**Defense** 16:22  
**define** 32:2 79:18  
**defined** 84:17 136:12  
 136:16  
**defining** 29:15  
**definitely** 125:16  
 178:17 212:15 238:19  
**definition** 165:8 168:7  
 174:12 180:22 197:2  
**degree** 30:20 150:10  
 233:16,18 263:10  
 284:19  
**delay** 44:22 54:5 58:1  
 71:18 116:3 121:8  
**delayed** 56:21 119:5  
 196:12 229:20  
**delays** 47:4,5 53:20,21  
 54:3,4 57:6,18 74:8  
 91:9 115:4 117:7,13  
 118:6,7,7,21 120:13  
 121:17,18 132:15  
 144:20 145:2 175:11  
 187:3 233:7 245:17  
 246:22  
**deliberately** 263:21
- deliver** 185:20  
**delivered** 118:8  
**delivering** 187:13  
**delivers** 186:22 187:18  
**demand** 92:1 107:20  
 111:11  
**demands** 75:6  
**demonstrated** 30:15  
**Department** 194:11  
**depending** 104:15,16  
**depends** 99:14 105:1  
 163:1 267:15  
**depressed** 93:9  
**depressing** 154:17  
**described** 209:2  
**describing** 190:6 191:5  
**design** 221:11 228:20  
**designate** 79:20  
**designated** 4:14 5:2  
 30:22 118:9 205:19  
 205:22 206:2,11  
 207:1 210:9 211:6,8  
 241:10 271:8,12,12  
**designating** 203:21  
**designation** 3:12 7:22  
 64:3 203:18 210:7  
 214:15 216:22  
**designations** 207:21  
**designing** 192:16  
**designs** 131:1  
**desire** 134:10 263:11  
**desk** 67:18  
**despite** 90:11  
**destination** 78:6 133:11  
**detail** 36:22 263:22  
 264:5  
**determine** 20:22 136:3  
 183:10,12  
**detour** 219:2,7 226:12  
 230:8,13 250:7 281:6  
**Detroit** 69:18,21 118:12  
 132:11,12 211:7  
 240:6 241:7,9,13,14  
 242:9 244:3 246:21  
**development** 42:14  
 198:3  
**deviate** 57:3  
**DFO** 1:20 3:17 5:7,11  
 35:3  
**DHS** 32:10 42:2 65:20  
 76:12  
**dialog** 33:7 37:21  
 145:10  
**diamond** 13:11,11  
 18:19 19:2 23:2 31:18  
 42:13 85:5,8 86:16  
 99:8,8 100:9,14 110:6  
 139:11 143:13,13
- 272:19,19 274:9,13  
 274:15,17 275:2  
 285:19,20  
**diary** 119:4  
**dice** 164:20 231:5,13  
**die** 116:22  
**diem** 148:8 166:12  
**difference** 136:20  
 263:18 267:13 287:15  
**differences** 263:17  
**different** 37:15 39:5  
 47:3 69:4 74:1 81:5  
 85:14 95:21 104:1  
 105:21 108:12 121:5  
 129:7 144:22 149:8  
 151:20 155:17 166:3  
 179:16 180:12 198:6  
 204:17,21 205:21  
 206:14 231:11 237:8  
 238:5 239:1 244:8  
 252:4,5,20 253:16  
 254:4 256:20 271:8  
**differently** 153:15  
**differing** 16:8 136:7  
**difficult** 81:16 117:13  
 131:7 165:15 226:14  
 227:18  
**dig** 91:7 172:2  
**dips** 100:10  
**direct** 206:3,16  
**direction** 176:21  
**directions** 206:15  
**director** 28:7 33:13  
 37:19 38:7 39:17  
 52:14 183:7 234:4  
 264:21 276:3  
**director's** 186:1  
**disagree** 190:1,1 192:9  
 265:5 275:19  
**disallowed** 168:13,14  
**disappointed** 50:18  
 69:7  
**disaster** 205:3  
**discount** 266:3  
**discouraged** 39:21  
 96:8  
**discuss** 19:4 80:1  
 130:1 184:8 193:11  
 250:2  
**discussed** 10:18 11:6  
 32:19 111:18 138:19  
 138:22 217:18  
**discusses** 253:22  
**discussing** 147:18  
 180:7  
**discussion** 10:17 23:4  
 23:22 25:12 27:10  
 63:2 85:2,6 87:8 90:7

- 94:1 110:21 113:1  
125:17 133:19 141:22  
142:10 147:4 151:5  
166:17 178:16,21  
181:14,15 192:21  
203:9 209:22 214:2  
215:19,20 216:15,22  
217:9 260:7
- discussion/comments** 210:1
- discussions** 11:4 41:20  
43:11 48:15 110:15  
131:22 136:2
- disembodied** 142:14,15
- dismay** 199:20
- dismiss** 194:22
- dispatch** 105:9,9,12
- dispatched** 115:21
- dispatcher** 218:20
- dispatchers** 112:20  
218:19 248:6,13
- dispersions** 76:4
- dispute** 33:11
- disrepair** 230:9
- distance** 4:11 229:13  
229:14
- distanced** 4:21,22
- distances** 4:18 66:20
- distancing** 250:10  
256:18
- distinguished** 30:7
- district** 13:7,22 69:19  
78:21 88:7 89:16,18  
104:13,18,18,22  
113:9 115:6 120:3  
124:14 125:6 148:6  
151:10,11,19 152:3  
153:4 156:6,12 162:2  
165:7 168:14,15,15  
169:4,9 174:1 175:6  
200:5 232:1 235:20  
240:18 247:21 248:11  
256:2,3,3,4 261:8  
262:2 266:7,7,7,20,21  
268:10
- districts** 33:18 93:5,17  
96:4 113:8 121:4  
171:1 174:2 259:1  
268:13
- disturbing** 36:19
- diverting** 287:20
- divide** 266:12 267:12  
271:15 272:9
- dividing** 270:16
- dock** 230:7,8 236:15,19  
237:17 238:22 239:13  
239:15,18 250:12
- Docked** 250:11
- docks** 200:10 246:17
- doctor** 93:3 250:18
- document** 262:15
- documented** 189:12
- DOD** 75:7
- doing** 24:12 30:9 32:14  
33:17 35:13 46:18  
51:15 52:14 56:2  
58:21 60:15 66:9  
67:11,19 71:12 73:22  
75:13 81:18 103:15  
104:1 110:1 122:1  
154:16,17 157:18  
161:3 168:6 171:6  
183:22 186:2,3  
195:15 199:13 200:12  
200:20 212:8 213:1  
213:22 235:4 237:10  
248:5 249:7,11  
258:17,18 261:9  
262:2 269:5 280:1  
284:4
- dollars** 60:19,20 172:19
- domestic** 88:5 107:6,12  
108:18 128:14,15  
204:19 209:6
- domino** 117:22
- Don** 150:1
- donuts** 31:21,22 75:10
- door** 8:14 129:2
- doors** 43:15 123:16
- doppler** 118:1
- dot** 32:11 185:17  
186:17
- double** 114:7,14
- doubt** 242:3 277:6
- Dover** 132:21
- dovetail** 90:16 131:3
- downbound** 121:11,12  
121:13
- downs** 28:19 35:6
- downside** 217:3
- downtime** 106:1,8,9,11
- downturn** 152:10
- draft** 33:2 219:15 221:5  
221:7,8 224:3,3
- drafters** 27:3
- drafting** 209:13
- drafts** 200:7
- drag** 123:4 142:22
- drain** 201:17
- dramatically** 188:17  
211:4 235:3
- draw** 128:18 155:20
- drawing** 128:14,20  
129:16 155:20
- drinking** 75:11
- drive** 4:20 69:22 238:10  
281:7
- driven** 35:10
- drivers** 105:18 248:12  
249:9
- driving** 9:17 70:10  
227:19 260:15
- dropped** 27:8
- drove** 4:18 14:20
- dry** 43:21 89:7 201:19
- dude** 280:12
- due** 125:10 150:4  
232:11
- Duluth** 219:3
- duly** 146:7
- dumb** 72:3
- dumbest** 58:21
- dump** 226:13
- dynamic** 102:21
- dynamics** 146:18,22  
180:6 239:1
- 
- E**
- 
- earlier** 15:15,22 73:3  
89:21 133:12 138:4  
140:17 144:13 148:21  
164:22 196:19 217:18  
232:5 262:12
- early** 37:7 148:5
- earth** 58:21
- easier** 162:1 228:4  
236:2
- easiest** 111:4
- easily** 45:14
- east** 220:1
- easy** 48:3 128:22  
129:18 223:2,14
- eat** 203:17
- eating** 75:10
- ECI** 284:3,11,18,21  
285:10
- economic** 29:10 46:11  
195:4 204:2
- educate** 74:1 151:6
- educated** 264:7
- education** 132:1 201:4
- effect** 6:3 60:6 117:20  
118:1
- efficiencies** 230:5
- efficiency** 34:12 46:8
- efficient** 183:22 244:16
- efficiently** 115:8 157:2
- effort** 37:19 48:7,11  
62:12 67:22 72:22  
135:4 140:8 206:22  
281:15,15
- efforts** 46:20 61:17,20  
282:9
- eight** 198:20 221:19  
227:12 253:15,16
- eighth** 17:21 26:2,9,10
- either** 87:21 101:2  
125:8 165:11 173:14  
225:19 249:8 250:19
- elderly** 247:18
- eliminate** 83:22 248:9
- Ellen** 2:10 9:10 14:10  
14:16,16 25:3 31:16  
32:1 59:12 64:9 76:9  
82:12 136:8 193:5  
288:1
- email** 46:4 80:7
- emails** 45:10 46:3 51:16  
254:13,18
- embarked** 260:5
- emergencies** 242:21
- emergency** 76:22 82:17
- Emerson** 2:12 9:16  
12:21,21 28:7,11,12  
30:11 35:7 36:5 37:2  
38:11 39:7 40:3,22  
41:11 43:7 45:20,22  
45:22 65:5 74:4,5  
77:2 83:8 88:14 90:16  
108:13 207:16 208:14  
208:15 209:12,18  
247:2,2 283:2,5 288:1
- Emerson's** 77:13
- emphasis** 136:17
- employ** 94:6 107:7  
108:19 268:6
- employed** 47:6 77:18
- employee/employer**  
130:13
- employees** 179:9
- employers** 178:1
- employment** 283:20
- empty** 29:4
- enacted** 17:7,11 18:15
- Enbridge** 205:6
- encourage** 59:7 80:5
- encouraged** 31:8
- encouraging** 81:12
- ended** 154:17 193:8  
251:3
- endorsed** 208:6
- endorsement** 33:13  
35:19,20
- ends** 4:7 15:12 62:20  
154:16 235:1
- enemy** 255:18
- engage** 43:11 61:22  
108:13 145:10
- engaged** 61:6 62:14,14
- engagement** 28:14  
30:20 33:21 36:22  
42:7 43:20 56:18



61:20 62:11  
**engagements** 39:2,18  
 39:19  
**Engineers** 62:7 199:7  
**engines** 227:7 229:11  
**England** 100:11  
**Engleman** 2:10 9:10  
 14:10,10,17 31:16  
 50:16 64:9 76:10  
 82:13 84:13,16 86:11  
 136:10 137:14,20  
 141:17 184:4,13,17  
**enhancing** 260:9  
**enjoyable** 4:19  
**enormous** 196:5  
**enriches** 73:16  
**ensure** 5:12 7:6 17:6  
 22:20 82:16,21 90:14  
 136:14 263:4  
**ensuring** 5:8  
**enter** 232:15  
**entire** 16:20 103:9  
 115:20 202:1,2  
**environment** 34:11  
 75:8 76:1 131:7 167:8  
 232:16  
**environmental** 205:10  
**envision** 19:18  
**ePIC** 5:12  
**equal** 99:20 198:20  
**equally** 267:16  
**equation** 46:17 287:7  
**equipment** 166:13  
 229:15 258:22  
**Erie** 202:14 205:15  
**error** 270:12 284:8  
**escalating** 284:5  
**escalator** 283:21  
**especially** 76:5 143:6  
 165:7 190:14 235:20  
 252:6 281:15 288:7  
**essential** 29:6,7,15,16  
 32:2,14 49:20,22  
 256:7  
**essentially** 18:10 90:10  
 96:2,15 150:2 189:9  
 235:4 261:14 266:22  
**establish** 40:19  
**established** 5:20 99:11  
 99:18 121:3 129:4  
 149:21 150:12 153:17  
**establishes** 6:10  
**estate** 228:19  
**estimated** 274:1  
**et** 98:20  
**evaluate** 157:3 179:21  
 203:21  
**evaluating** 180:5

**evaporate** 107:20,21  
**evaporated** 156:14  
**evening** 132:12 282:7  
**event** 281:21  
**events** 233:14  
**eventually** 205:15  
 222:22 230:12  
**everybody** 4:16,21  
 24:21 35:13,14 44:4  
 59:9 60:2,5 62:2,3  
 69:17 82:2,3,6,7,10  
 110:13 115:1 119:17  
 126:3 129:7,14 140:3  
 144:6,22 171:7,7  
 244:9 245:12 247:20  
 248:20 254:6 255:16  
 257:8 264:3 270:11  
 270:12,17,18 271:21  
 272:18 274:6 277:13  
 280:21 288:1,4  
**everybody's** 69:6  
**everyone's** 4:10 62:1  
 88:18 90:11  
**evidence** 264:16,17  
 268:16  
**exact** 7:4  
**exactly** 23:6 58:21  
 92:16 128:7 191:16  
 251:14 267:7,9,10  
 272:1 285:3  
**example** 22:7 23:8,10  
 24:2 42:17 56:16,19  
 66:6 99:2,13 100:11  
 100:17 101:22 104:12  
 116:7 131:1 144:19  
 157:16 174:5 183:9  
 247:22 276:17  
**examples** 180:12  
 211:10  
**exceed** 178:13  
**exceeded** 113:10  
**excellent** 36:2,3 66:14  
 67:12 242:4 287:13  
 287:18  
**exception** 196:2  
**excess** 177:12 179:15  
 222:21 223:15  
**excited** 15:7 31:8 228:8  
 230:20  
**excluded** 157:11  
**excuse** 16:17 68:6 69:9  
 137:15  
**executive** 31:2 207:22  
 208:2 209:14  
**executives** 111:6  
**exercise** 185:11  
**existed** 17:17  
**exists** 192:6 224:16,18

**exit** 4:7  
**exits** 4:4,6  
**expand** 41:19 92:21  
 165:21 239:20  
**expanding** 139:1  
 233:19  
**expect** 6:16 37:13  
 105:15 148:9 162:11  
 177:22  
**expected** 38:8,13  
**expects** 103:21 122:1  
**expend** 159:5  
**expense** 93:21 97:9,17  
 143:21 149:19 155:7  
 155:11 156:15 157:3  
 157:20 160:4 165:10  
 168:15,19 169:5  
 173:19 174:15 177:4  
 177:7,13,14 178:9  
 179:6,7,8,17 182:16  
 188:14 227:19  
**expenses** 93:15,16  
 99:19 118:19 156:22  
 157:1,10 161:13  
 188:16 266:11 267:11  
 267:11 270:16 271:15  
**expensive** 106:15  
 242:12  
**experience** 30:16 72:14  
 73:17 156:6 251:7  
 260:22 261:3,6,14,21  
 262:8 263:4 284:9  
**experience/compens...**  
 261:21  
**experienced** 58:17  
 152:4 163:4 167:7  
 170:16 206:19 213:10  
**expertise** 9:14 27:8  
 206:7  
**explain** 14:16 52:7  
 104:6 149:9,13  
 225:22 234:14 249:20  
 269:22 270:9  
**explained** 263:22 264:5  
 264:9,9  
**explaining** 176:18  
 263:17  
**explanation** 279:15  
**exploded** 265:9  
**explore** 179:4,21 180:1  
**exporters** 32:12  
**expressed** 231:18  
**expression** 23:5  
**extend** 16:1 210:16  
**extended** 15:13 210:7  
**extension** 15:17 16:12  
**extra** 72:22 90:22 100:1  
 149:15 152:19 226:10

226:14  
**extraneous** 27:12  
**extraordinarily** 189:15  
**extremely** 42:22  
**eyes** 81:18 176:20

---

**F**


---

**FACA** 65:16,17,20  
 82:10  
**FACA's** 65:18  
**face** 67:3,5,8 77:18  
 269:1 287:5  
**faced** 175:9  
**facilitate** 91:11  
**facilitating** 118:18  
**facilitation** 90:14  
**facility** 73:14 141:12  
 248:3  
**facing** 15:5 231:2  
**fact** 16:13 20:22 37:5  
 38:7 65:3 90:9 121:6  
 127:11 132:5 190:15  
 251:3 260:11 261:2,8  
 261:15,17,19,20  
 263:3 264:13,14  
 268:7 269:4 273:12  
 281:14  
**factor** 116:2  
**factors** 61:2  
**facts** 68:8  
**fail** 187:1  
**fails** 187:2  
**fair** 94:2 95:13 138:16  
 150:21 169:12 245:5  
 273:6  
**fairing** 247:11  
**fairly** 169:20 274:2  
**fairness** 95:2  
**fall** 210:9  
**falling** 284:13  
**false** 254:21 255:5,20  
**familiar** 204:9  
**families** 248:14  
**family** 130:16 164:18  
 249:4  
**fantastic** 288:2  
**FAPAs** 31:6  
**far** 19:19 37:1 42:10  
 64:13 100:6 121:2  
 131:4 185:13 188:8  
 205:19 231:17,21  
 236:12 238:9 249:18  
 253:15 267:2  
**farther** 195:5,6  
**fast** 65:2  
**faster** 152:17,17,18  
 229:17 235:7 244:15  
**favor** 11:22 85:3 87:11

147:7 216:16 288:16  
**Fed** 284:8  
**Fed's** 284:10  
**federal** 4:14 5:2,8 6:21  
6:22 20:19 30:7 50:20  
52:1 56:16 59:10  
61:19 62:9,18 64:16  
64:17,20 76:15 80:4  
81:10 143:16 144:6  
145:9  
**federation** 43:5  
**Fednav** 54:12 71:6  
**Feds** 284:1  
**feedback** 6:17 145:7  
178:19 208:3  
**feel** 50:12 68:7 92:15  
135:19 136:4 143:21  
158:15 231:13  
**feeling** 79:1  
**feelings** 76:4  
**feet** 135:6 221:4 234:8  
**fellow** 78:12  
**felt** 189:4 230:16  
**FEMA** 32:7  
**ferries** 209:3  
**fewer** 25:9  
**fighting** 201:9 203:2  
238:22  
**figure** 44:10,11 54:2  
102:19 103:6 110:20  
152:1 178:8 246:5  
267:4 277:3,13 278:2  
278:4,14,21  
**figured** 39:4 72:4 80:21  
**figuring** 267:3  
**file** 6:2 276:10  
**fill** 74:13 120:21  
**filled** 15:4  
**filling** 25:15 27:13  
**filter** 66:4 142:6  
**filtered** 66:5,7  
**final** 16:10,13,20 78:6  
**finance** 26:12,21 27:1  
**financial** 261:7 262:4  
268:3  
**financially** 258:11  
**find** 37:13 46:17 51:3  
76:18 84:2 101:12  
103:19,22 122:5,8  
124:22 135:14,16  
141:13 142:6 145:17  
155:3 187:9 231:11  
**fine** 54:4 160:20 177:13  
243:13 251:2 262:3  
262:14  
**finish** 214:21 215:7  
216:21  
**finished** 15:15

**fire** 130:14  
**first** 11:8 28:18 34:11  
36:15 37:8 39:2 48:10  
54:10,22 62:6 64:11  
64:19 72:16 78:21,22  
85:21 89:9,22,22 90:6  
90:6 102:2 121:14  
132:7,8 137:11  
138:20 153:18 154:10  
160:5 165:11 167:9  
214:10 231:9 250:4  
256:8  
**firsthand** 81:14  
**Fisher's** 74:6  
**fishing** 123:5 204:20  
**fit** 32:5 165:1  
**five** 40:14 43:21 60:7  
69:11,12 70:10,10  
80:12,15 87:19 89:13  
114:18 116:7,10  
126:20,21 151:14  
153:10 160:17,18  
185:3 202:14 252:19  
283:11  
**fix** 228:4  
**fixed** 182:12 241:21  
**flack** 163:16  
**flags** 78:2  
**flares** 197:14  
**fleet** 88:5 107:7,12  
108:18 128:14  
**Flerce** 269:5  
**flew** 69:18  
**flexibility** 27:13 122:7  
228:2  
**floated** 161:19  
**flooded** 202:4,14  
**flooding** 3:11 7:17  
193:2,14 195:1,7  
196:7 201:21  
**floor** 10:19 11:7  
**Florida** 94:18 97:8  
170:20 171:21  
**flow** 193:17,18 196:1  
197:4,4,5 201:5,7,10  
202:9,11,19,22 203:3  
235:17  
**flow/Lake** 3:10 7:16  
193:1  
**flowing** 32:20 119:9  
**flown** 74:14  
**flows** 193:21 196:3,5,15  
**fluctuate** 162:12 172:20  
272:15  
**fluctuates** 162:9  
**flush** 121:9  
**Fluvio** 108:3  
**fly** 141:10

**flyer** 14:22  
**flying** 254:18  
**focus** 46:6 88:22  
**focused** 116:16  
**FOIA** 277:21  
**folk** 51:17  
**folks** 29:14 30:4 38:3  
39:18 46:16 55:4 61:5  
90:8 94:3 171:12  
247:5,10  
**follow** 5:14 52:3 59:11  
74:6 260:14  
**follow-up** 21:13 58:11  
88:13 128:11 226:2  
**followed** 271:11  
**following** 7:10 56:17  
72:17 77:13  
**follows** 94:1  
**foot** 232:22  
**footer** 230:4 243:21  
**footers** 222:14 223:1  
229:22  
**force** 44:16 55:22 56:1  
226:10  
**forced** 80:17  
**foreign** 78:1,3 194:9,18  
204:18 212:20,21  
214:11 255:19 276:21  
276:22  
**foresight** 226:8  
**forget** 167:10 194:9,10  
**forgo** 14:20  
**forgot** 26:15  
**formal** 39:10 52:1  
**formalities** 5:17  
**Formerly** 219:21  
**forth** 20:20 21:10 67:21  
68:1 88:20 97:8,16  
119:3 161:15 177:10  
180:13 233:8 235:21  
242:1  
**fortunate** 197:16 257:4  
**Fortunately** 252:15  
**forty** 94:8  
**forum** 273:20  
**forward** 5:7 18:12 20:14  
21:3,7,11 22:9,12  
24:21 30:22 31:3  
38:14 44:13,21 51:5  
59:5 64:10 70:19  
76:17 79:13 80:19  
95:5 110:21 119:18  
119:18 134:18,20  
137:3,5 184:10 188:1  
190:12,13 206:21  
209:16 217:7  
**forwarded** 203:20  
**foul** 252:12

**found** 233:13 252:6  
279:15  
**four** 18:3,9,13 20:7 22:5  
39:5 40:14 41:8 43:9  
43:12,18,21 60:7 70:9  
89:8 123:11 124:13  
124:19 137:10 138:12  
139:16 147:11 159:20  
162:1,2 169:2,3 175:9  
183:10,11 212:2  
223:7,11,19 227:15  
234:8 240:1 261:13  
277:2  
**four-fifths** 263:1  
**fourth** 242:2  
**Fox** 211:10  
**frame** 137:8  
**Francisco** 170:20  
171:21 172:15  
**Frank** 269:5  
**Franklin** 13:9,9 78:18  
78:19,19 114:11,12  
121:7 128:10,10  
131:4 170:1,6,18,18  
210:3,5,5  
**Franklin's** 131:17  
267:13  
**frankly** 202:10 230:13  
269:17  
**free** 239:14  
**freight** 204:18  
**french** 169:9  
**frequent** 14:21,22  
**fresh** 41:20  
**fricking** 78:16  
**friends** 249:4  
**fries** 169:9  
**front** 77:22 79:15 132:7  
140:22 179:12 185:8  
228:16 236:15  
**fruit** 209:7  
**fruition** 48:14  
**frustrated** 49:8,11  
**frustration** 56:12 57:9  
**fuel** 229:4,6 244:16  
**fulfilled** 82:6  
**full** 7:1 10:10 14:18  
23:11 35:19 96:3 98:4  
98:16 120:8 123:9  
126:18,21 144:20  
151:16 153:21 167:18  
178:10  
**full-time** 150:3  
**fully** 9:3 47:6 124:3  
126:18 127:4 128:2  
153:21 164:13 217:18  
**fumbled** 211:13  
**fun** 282:2

**function** 69:9  
**functioning** 223:12  
**functions** 32:14  
**fund** 148:6,7 150:12  
**fundamental** 136:20  
**funding** 168:9  
**funds** 245:3  
**funny** 194:2 201:15  
 202:15  
**further** 23:22,22 25:12  
 63:2 146:1 192:21  
 203:9 216:15  
**future** 15:6,10 35:22  
 37:22 52:22 76:16  
 150:20 159:6 185:12  
 201:1 212:16 246:18  
 266:13 284:3  
**FYI** 184:22

---

**G**

---

**Gallagher's** 170:19  
**game** 231:7  
**GAO** 33:14 46:6  
**gap** 17:13,14,16 43:19  
**Gardou** 72:2  
**Gary** 39:16 48:8  
**gassed** 70:4  
**gate** 47:8  
**general** 8:8,16 131:9  
 146:22  
**generally** 99:10 270:17  
**generated** 186:15 246:7  
**generating** 148:19  
 152:18 154:4 182:15  
**gentle** 141:18  
**geographic** 204:12  
 217:22  
**George** 13:7 182:9,10  
 267:14  
**getting** 17:5 29:8,18  
 31:9 47:18 66:2 77:20  
 103:18 113:14 117:10  
 117:11 119:15 121:5  
 122:2 126:22 127:2  
 127:16,17,20 128:13  
 130:20 151:15,21  
 152:15,21 153:21  
 157:1 159:13 164:2  
 166:7 170:4 173:2  
 177:6 178:10,11  
 206:20 219:22 223:1  
 226:6,10 227:1,17  
 229:16 242:3 246:18  
 251:14 252:8 255:11  
 255:12,13 258:21  
 266:3 285:9  
**give** 9:9 14:22 20:4  
 30:13 34:5 36:21 59:2

65:4 70:5 121:14,16  
 122:6 139:16 147:21  
 150:16,17 151:11  
 160:4 166:8 172:12  
 175:17 177:18 183:2  
 204:10 231:10,14  
 245:1 246:1 259:19  
 268:15 279:19 280:3  
 280:7  
**given** 85:20 89:18  
 111:8 253:3 267:8  
**gives** 143:17 220:13  
 244:7  
**giving** 9:20 152:21  
 189:17 231:4 285:13  
**Gladding-Hearns** 233:1  
**gladly** 251:9 281:3,8  
 282:18  
**global** 32:21 33:4  
**gloves** 248:22  
**GLPA** 243:13 255:22,22  
**GLPAC** 3:3 7:14 8:9 9:7  
 10:16 11:12 14:14  
 15:3,8,12,18 27:21  
 28:15,16 30:5,5 31:4  
 33:19 36:1 39:10  
 42:15 47:21 63:22  
 65:17 76:8 84:17  
 136:11,15 203:19  
 207:4 261:5  
**GLPAC's** 5:22 15:10  
**goal** 22:3,18,19 28:5  
 59:1 92:20 161:10  
 260:21 261:2,18  
 262:21,22 264:14,15  
 264:16 284:14  
**goals** 91:3 266:5  
**goat** 227:4  
**god** 79:6 288:3  
**golf** 69:1 123:5 135:9  
 135:13  
**goodness** 54:5  
**goods** 29:11 74:11 78:6  
 79:6  
**gosh** 181:17 288:3  
**gotten** 74:16  
**governed** 117:19  
**government** 6:10 64:13  
 64:22 65:1 66:1 143:3  
 149:10 189:22 192:7  
 194:3 250:12 275:11  
 285:22  
**governmental** 59:22  
 140:13  
**governments** 194:7  
**gracious** 258:22  
**grade** 267:4  
**grain** 47:2 92:1

**granting** 85:13,15  
**gratitude** 78:9  
**greatly** 89:3  
**Grimes** 43:2 53:9,10  
**grin** 163:18  
**grinning** 163:20  
**grocery** 24:5  
**ground** 100:5  
**grounded** 238:15  
**grounding** 47:8  
**group** 20:2,8,11 21:8,9  
 22:13 32:1 33:6 39:4  
 40:12 41:17 59:13  
 64:7 65:6 69:4 75:16  
 84:11 97:17 126:2,3  
 149:4,6,7 179:16  
 185:9 186:5 199:12  
 246:16 258:6 266:15  
 266:20 275:21,22  
 276:3 278:18  
**groups** 25:9 39:6 40:1  
 158:11 171:15 172:22  
 173:2,3 187:20  
 254:18 255:5 258:18  
**growth** 111:16  
**guarantee** 51:18 164:11  
**Guard's** 21:14 34:6  
 176:19 264:14 271:6  
**guess** 14:22 20:12,17  
 39:18 63:6 85:5 95:15  
 96:1,5,6 134:10,17  
 135:18 137:6 145:15  
 146:3 154:14,22  
 160:13 185:18 243:8  
 252:12 259:18 281:13  
**guidance** 32:4 81:15  
 250:18  
**guidelines** 29:18 59:11  
 81:10  
**gun** 280:12 282:1  
**guy's** 174:6 252:11  
 278:21

## H

**half** 70:17 92:22 154:7  
 176:7 181:19 220:17  
 220:21 229:21 236:10  
 246:15 264:4 281:7  
**halfway** 178:2,7  
**hallway** 4:6  
**hammer** 183:19  
**hand** 30:13 225:7  
 270:15 282:22  
**handful** 45:11 94:4 96:2  
 106:18  
**handing** 119:3  
**handle** 76:22 113:13  
 254:21

**handled** 190:8  
**handles** 129:11  
**handling** 171:5  
**hands** 52:4 87:16 147:8  
 216:17 228:19  
**handy** 141:9  
**hanging** 177:21  
**happen** 37:9,11,17  
 95:19 115:4 117:21  
 120:13 130:15 145:1  
 170:12 181:15 191:8  
 207:22 208:2 269:13  
 269:14  
**happened** 48:11 90:12  
 114:17 167:4 169:4,7  
 186:14 193:7 243:11  
 265:17  
**happening** 177:9 212:8  
 213:11,14 217:2  
**happens** 116:16 119:19  
 132:1 139:15,16  
 159:15 211:22 245:10  
 257:8 261:16  
**happenstance** 220:10  
**happy** 35:16 52:7 54:18  
 99:3,4 246:1  
**hard** 5:6 35:11 54:2  
 101:14 200:9,19  
 258:21  
**harder** 149:9  
**harmed** 195:8  
**hassle** 176:20  
**hate** 58:2  
**Hawaii** 110:11  
**Hayne's** 267:14  
**Haynes** 13:7,7 182:9,10  
 182:10  
**he'll** 9:19  
**head** 45:9 83:20 120:4  
 157:7 186:4 275:13  
**headache** 239:8  
**headcount** 272:9  
**headed** 263:6  
**headlines** 46:19,22  
 75:14 171:6  
**headquartered** 72:11  
**headquarters** 14:6  
 28:10 39:2  
**headway** 172:6  
**health** 32:14 166:8  
**healthcare** 28:21 29:15  
**hear** 43:14 56:12 57:9  
 57:20 93:8 95:3 140:7  
 141:2 163:22 190:4  
 215:21 254:5 273:10  
 283:9  
**heard** 9:3 47:15 60:5,6  
 74:7,8,10 80:15

107:18 114:15 148:20  
189:2  
**hearing** 50:20 189:5  
213:4  
**hearings** 91:13  
**heart** 78:11  
**heartfelt** 83:10  
**heaters** 239:14  
**heavier** 233:17  
**heck** 148:4  
**height** 250:5  
**held** 27:6 49:8,9 68:14  
245:22  
**hell** 69:13 158:19 176:9  
**help** 6:18 17:6 29:17  
37:1 42:19 43:4 57:10  
57:12 70:22 71:1  
73:22 118:10,13  
147:15 150:6 151:4  
165:22 168:5 193:19  
233:6,16,18 235:10  
**helped** 33:14  
**helping** 27:11 88:21  
**hesitate** 49:1  
**hey** 23:13 34:4 40:11  
62:16 117:10 129:1  
148:4 168:22 169:14  
177:5 180:5,11 212:5  
231:16 246:12 287:15  
**hid** 225:6  
**hiding** 258:10 267:19  
**hierarchy** 281:16  
**high** 33:15 185:16  
186:17 196:1,4,5  
201:16 202:16 247:6  
247:14,18  
**higher** 168:5 253:21  
**highly** 152:4 170:2  
187:8 272:22,22  
273:4,4,8,13,14  
**hill** 202:2  
**hire** 129:1 130:2,5  
**hired** 108:17 174:2  
**hiring** 107:17 130:4  
**historically** 62:13 90:11  
115:19 116:20 268:13  
**history** 22:18 53:14  
172:4,13 217:1  
**hit** 39:1 45:8 69:2 83:20  
93:18 121:10 165:13  
**hits** 47:8 118:4 119:12  
**hoard** 29:3  
**hold** 21:16 37:11 39:11  
91:12 196:16  
**holding** 48:20  
**holds** 92:10  
**hole** 155:4,13 158:3  
174:11

**home** 49:13 67:18  
69:11 131:13 248:7  
254:3 257:4  
**homeowners** 195:1  
**homes** 250:17  
**homework** 76:19  
**honestly** 59:6  
**hope** 15:6 34:14 130:5  
170:11 243:2 246:11  
258:12 266:6  
**hopefully** 57:9 217:7  
239:20 240:11 288:6  
**hoping** 66:11 150:15  
185:12  
**horizon** 126:13 230:7  
**host** 3:15 8:3 280:15  
286:3  
**hosting** 10:7  
**hot** 195:21  
**Hotel** 1:6  
**hotter** 193:8  
**hour** 106:6 114:3  
220:17,21 229:21  
239:5 253:3 281:7  
**hour/seven** 218:20  
**hours** 33:14 70:10  
88:18 93:10,12 98:3  
106:3 113:10,17  
116:9 121:18 122:16  
130:22 212:2 229:21  
229:22 250:12 263:16  
**house** 14:19 15:14 16:5  
16:8 69:13 89:1  
118:16,16,16 202:13  
202:18 208:8  
**huge** 116:21 205:4  
229:7,8 234:10,16  
**hull** 222:17 233:17  
237:8  
**hundred** 94:8 105:11  
**hung** 208:12  
**hurdles** 75:6  
**Huron** 11:13 27:22 44:2  
45:2 52:17 53:11,13  
55:12 69:20 70:1 71:4  
94:7 118:12 203:19  
204:15 205:13,14  
217:5,16 240:20,21  
241:10,12,14 242:11  
244:1 250:9 260:1  
**hurricane** 82:17  
**hurts** 193:22 194:1  
**hypothetical** 180:11  
185:10  
**hypothetically** 20:18  
213:15,16

## I

**ice** 96:10 98:10,15,16  
112:1,13,16 114:7  
221:22 222:8,17  
225:3 233:17,18  
234:7,8,8,10,20 238:5  
238:8,10,13,14 239:1  
239:7,9,10,13,14,19  
**idea** 19:18 42:6,8 47:18  
64:11 72:12,17 73:2,5  
73:13 74:21 129:11  
144:17 182:13 185:6  
185:8 190:9,11 208:9  
208:11 212:13 238:9  
262:17  
**ideal** 130:3  
**ideas** 41:21 42:11 46:5  
73:15 89:1 140:18  
188:1 190:13  
**identified** 39:5 64:5  
**identify** 9:5 62:12 142:2  
283:11  
**idiot** 175:19  
**ignore** 17:15  
**IJC** 194:1 198:5,19  
199:2,15  
**ILA** 14:9  
**ill** 76:4  
**illegally** 74:15  
**image** 255:9  
**imagine** 110:16  
**imbalanced** 99:5  
**immediate** 230:17  
**immediately** 108:8  
227:2 252:9  
**impact** 31:7 145:21  
**impacted** 201:9 210:17  
**impacter** 188:9  
**impacting** 273:17  
**impacts** 46:7 234:15  
**impede** 195:11  
**impedes** 193:21  
**impediments** 111:18  
**implement** 74:22 75:1  
138:8 180:1,2 181:12  
181:18  
**implementation** 181:17  
**implemented** 32:19  
89:6 245:21  
**implying** 100:4  
**importance** 30:3,4 31:4  
32:11 33:2 144:21  
**important** 9:10,14,19  
14:3 36:16 85:9,10  
91:8 126:17 127:15  
135:3,11 144:5 145:1  
182:4 197:18 285:4  
**importantly** 145:15  
**importer** 41:22 42:2

**importers** 32:12 42:5  
**impression** 7:12 22:19  
56:14 108:10  
**improve** 52:12 185:19  
186:22 260:21  
**in-person** 37:6  
**inches** 200:11  
**incident** 114:16  
**incidentally** 227:22  
**incidents** 114:15  
**inclined** 280:21  
**include** 136:1 146:20  
157:10 228:15  
**included** 16:13 93:10  
147:14 260:7 261:6  
**includes** 9:7 93:11  
116:1 166:5,5  
**including** 6:7 51:17  
110:11 276:4  
**income** 172:21 231:14  
231:14 267:13 269:11  
275:6 284:5  
**inconvenient** 71:3  
**inconveniently** 72:19  
**incorporate** 215:14  
216:4  
**increase** 41:7 98:6  
111:12 116:15 153:18  
154:3 193:18,21  
196:15 201:10 216:1  
228:21 234:6,10  
260:5  
**increased** 154:18 201:7  
**increases** 260:9  
**increasing** 202:10  
203:3  
**increasingly** 227:18  
**incredible** 232:1  
**incremental** 234:9  
284:15  
**incurred** 157:3  
**indented** 148:11  
**index** 283:20  
**indicate** 127:3  
**indicated** 125:7  
**indication** 23:17 111:11  
**indifferent** 93:20  
**individual** 3:14 7:17  
22:21 26:18 28:3  
30:14 53:16 83:1  
85:11,12,18,20 122:9  
145:13 259:19 261:17  
261:22 262:5 263:3  
263:22 279:21  
**individualize** 86:9  
**individually** 235:19  
261:15  
**individuals** 18:7 23:15

84:12 146:5 151:13  
180:21  
**industrial** 202:3  
**industries** 46:14 201:9  
**industry** 46:10 49:7  
75:15 78:7,8 95:9  
110:15,17 126:22  
127:15 128:12,20  
129:15 139:5,8 160:3  
171:4 178:17 185:9  
187:20 189:6 207:3  
211:19,20 212:18  
217:3 236:8 245:22  
246:11 286:5  
**inefficiency** 225:3  
**inefficient** 229:11  
**inexact** 185:17  
**infect** 258:16  
**inflator** 284:1  
**influx** 116:21  
**inform** 51:12  
**information** 8:8,19 42:4  
92:9 273:9,19 274:17  
275:12,18 276:15  
277:18,20 278:1  
279:18 283:22 284:4  
**informative** 261:10  
**informed** 250:13  
**infrastructure** 29:14  
210:12 259:12  
**inherently** 188:11  
**initial** 52:11  
**initially** 251:2  
**initiated** 204:4  
**initiative** 28:5 48:13  
**innocent** 263:20 264:8  
**input** 6:13 36:3 39:15  
40:20 59:7 63:15 95:3  
107:4 143:15 187:21  
**inputs** 28:3 191:7  
**inside** 131:18  
**insight** 147:21  
**inspected** 243:17  
**inspects** 279:20  
**inspiring** 29:22  
**instance** 6:13 48:12  
**instructions** 143:17  
**insular** 41:17 186:5  
**insulated** 194:5  
**insurance** 166:8  
**intakes** 201:19  
**integrate** 66:10  
**integrating** 65:4,13  
**intelligent** 53:16  
**intend** 221:14  
**intended** 137:7 139:1  
146:4  
**intent** 85:9 86:22

156:21  
**intention** 134:18 139:4  
176:10 191:22 244:21  
**intentionally** 263:20  
264:10  
**intentions** 158:20  
176:10  
**interact** 61:19  
**interaction** 141:22  
**interactive** 141:21  
**interest** 8:8 49:2,3,6  
55:20 67:7,16 68:1  
71:16 74:12 84:1  
141:13 145:6 195:4  
208:21 209:4 253:2  
**interested** 42:22 60:21  
64:1 70:12 73:9 79:19  
144:19 145:12 283:7  
**interesting** 67:3 95:18  
96:6 178:16 189:12  
282:5  
**interestingly** 199:5  
**interests** 39:5 200:2  
**interject** 204:7  
**internal** 149:15 253:20  
**international** 193:16  
197:17 198:15 258:16  
**Internet** 269:6,12 276:5  
276:7 279:1  
**interpreted** 134:13  
211:3  
**interrupt** 142:10  
**interval** 113:7  
**interview** 163:15  
**interviews** 33:14  
**intimately** 276:18  
**introduction** 12:8  
**introductions** 12:5  
**introductions/** 3:2  
**invest** 67:17  
**investigate** 146:16  
**investment** 111:5  
118:14 266:13  
**invite** 39:6 88:8 144:16  
280:20  
**invited** 38:7 45:3 53:12  
86:10  
**involve** 46:9  
**involved** 187:8 250:2  
252:11,14 264:20  
273:14  
**involvement** 33:21  
63:15  
**involves** 185:11  
**iPads** 64:19  
**iPhone** 77:3  
**iron** 109:16  
**irregular** 109:10

**Island** 118:10  
**issue** 18:22 45:19 67:4  
90:17 91:15 100:21  
140:10 143:15,20  
145:6 148:17 180:7  
193:7 196:4 202:9,19  
203:2,3 204:4 213:4  
230:11 243:3,5  
252:15 267:1 277:15  
277:16  
**issues** 6:13,19 7:11 8:6  
33:11 46:5 128:13,16  
129:17 144:21 145:14  
240:8 245:19 246:16  
249:14 265:21 281:3  
286:2,4  
**it'd** 193:11 223:14  
**item** 27:6  
**items** 7:12 10:15  
143:19 144:8 145:13  
193:6

---

## J

---

**jack** 245:3  
**jam** 57:12  
**January** 86:4 102:5  
**Jean** 199:9 255:12  
**jets** 238:12  
**job** 31:14 35:14 81:1  
90:13 103:17,19,20  
115:20 130:10,17  
159:17 169:15 188:12  
213:1,19 231:4 250:4  
261:21  
**jobs** 30:3 32:11 123:16  
**jogging** 30:1  
**John** 1:14,15 11:17,20  
13:3 14:7,9 25:13,14  
26:17 29:21 44:5 45:7  
55:10 63:3 67:14  
68:20 80:3 87:13  
101:22 102:1 104:2  
111:17 113:2,3  
121:12 123:8 125:7  
134:7 139:21 141:2  
146:1 153:13 155:15  
155:16 162:15 163:7  
164:9,10,16 175:16  
179:14,20 183:17  
191:1,3 192:8 193:10  
193:13 195:18 197:16  
214:3,4 215:9,22  
217:1 228:11 232:4  
232:19 237:19 240:16  
256:16 258:20 259:1  
259:7 262:9 263:8  
264:18 268:20 275:20  
276:1 277:17 282:3

283:14,16 287:12  
**John's** 121:4 199:3  
256:4 278:18  
**Johns** 163:22  
**join** 60:2 80:16 81:3  
**joining** 60:7 79:19  
**joint** 3:4 8:3 28:2  
193:16 197:17  
**joking** 83:8  
**Jon** 1:18 10:7,8 13:19  
63:3 97:13 108:22  
109:6 111:17 118:13  
124:1 126:16 127:1  
127:15 129:16 130:7  
151:13 153:13,14  
163:2 210:21,22  
215:2 217:13,14  
222:5 232:18,19  
249:12 280:15 281:21  
282:11 283:7 288:15  
**Jon's** 233:12  
**journey** 14:20  
**JR** 1:14  
**judge** 40:2 136:3  
265:13  
**jump** 145:2 193:13  
**jumping** 177:10  
**jumps** 236:13  
**jumpstart** 227:1  
**June** 116:22 119:7  
177:18 264:4  
**justify** 176:18 177:4  
237:4

---

## K

---

**keep** 4:11 7:3 11:4  
28:21,22 29:19 43:15  
47:6 48:17 86:15,21  
104:16 112:5,19,20  
112:21 118:13 123:12  
123:12 185:19 209:14  
217:6 222:19 231:12  
237:16 239:14 241:9  
244:4 245:6 254:15  
256:20 264:13 280:13  
283:10  
**keeping** 93:16 99:2  
101:14 104:7,8  
112:16 219:10 243:22  
285:6  
**kept** 55:15 88:7 239:12  
**key** 190:3  
**Khandpur** 1:20 3:17  
4:14,16 5:1 12:4 14:1  
14:5,5 23:1 27:16  
30:10 34:21 35:2 43:7  
45:6 59:8 66:14 68:9  
75:9 81:19 88:15

108:14 171:8 173:5  
 173:10 190:14,21  
 198:2 216:7,11  
 236:19 239:22 281:19  
 286:8,16 287:1  
**kicked** 148:2  
**kidding** 181:20,21  
**kids** 68:22  
**kill** 66:12  
**killdeer** 191:10  
**killed** 238:13 243:9  
**killer** 183:1  
**Kimble** 12:12,13 36:12  
 36:12 41:16 56:8  
 144:11,11  
**kinds** 52:19 140:16  
 141:3 166:13 265:20  
**kits** 227:13,13  
**Klein** 1:17 13:13,13  
 63:19,19 64:8 76:20  
 79:14 80:11 81:6  
 83:19,19 84:8,20  
 85:22,22 86:14 87:7  
 87:11 131:21,21  
 132:18 133:2,7  
 134:16,16 135:2,17  
 135:17 138:18,18  
 139:3,3 201:3,3,14,22  
 213:3,3,9 214:19  
 232:10,10,17  
**knew** 32:16 80:13 92:2  
 132:20 153:8 212:19  
 256:9  
**Knock** 249:7  
**knocking** 123:16  
**knowing** 79:2 172:16  
 238:6  
**knowledge** 30:16  
 231:17  
**known** 138:10 192:3  
 262:1  
**knows** 31:21 88:2  
 110:13 115:1 186:2  
 213:19 227:16 256:7  
 264:19 274:7 288:4  
**knuckle** 30:14  
**kudos** 65:4

---

**L**

**labor** 17:22 18:5 24:2  
 24:11,15,16 25:6  
 33:11  
**lack** 49:5  
**ladder** 32:6 79:2  
**lag** 93:15 115:15  
**lake** 10:14 25:15 172:7  
 193:14,19 195:13,13  
 201:8,17 202:12,14

204:15,15 205:13,13  
 205:14,15 217:20  
 220:8 233:4 234:22  
 271:2  
**laker** 108:6 155:22  
 156:4  
**lakers** 13:9 77:20  
**lakes** 1:4 5:3,19 6:7,8  
 6:15 8:10 11:10 12:16  
 12:18,20 13:4,6,16,20  
 15:16 19:22 24:11,14  
 24:16 25:6 29:9 39:9  
 42:1,2 46:22 53:7  
 74:18 78:19 79:17  
 88:2 89:6 103:11  
 108:4 109:6 111:8  
 113:4 128:10 130:8  
 152:5 153:15 164:10  
 170:14,18,22,22  
 172:1,4,22 182:10  
 191:4 194:18 196:1  
 200:14 202:13 204:13  
 204:16 205:11,22  
 206:11 210:5,8,22  
 211:5 214:5 217:15  
 217:16 225:13 236:12  
 249:13 250:4 266:17  
 283:17 286:2  
**LaMarre** 12:17,17 77:5  
 77:6,10,10 78:20 98:6  
 98:7,7 181:11,11  
 182:3,8 202:8,8  
 212:10,10  
**Lammers** 12:15,15  
**language** 16:18 17:13  
 18:7 24:10 25:1,4  
 84:14 86:15,21 113:5  
 182:4 184:18  
**large** 41:22 42:1 65:16  
 66:1 110:18,18  
**largely** 118:22 199:1  
 234:6  
**largest** 29:10  
**late** 148:5 205:6  
**lately** 96:21 100:22  
 230:12  
**Laurentian** 108:4  
**law** 25:20 26:20 40:18  
 103:14 207:20 213:22  
 275:4,11 276:14  
 277:20  
**Lawrence** 3:10 7:16  
 14:7 116:8,11,14  
 193:1,12 196:3 198:3  
 198:16,22  
**Lawrence-Lake** 198:16  
**lawsuit** 40:1 265:10  
**lawsuits** 39:20 44:13

**lawyers** 20:12 65:20  
 66:16  
**lay** 60:9,10  
**lays** 21:19  
**lead** 66:4  
**leadership** 9:12 35:20  
**leads** 92:18  
**lean** 89:20  
**learn** 287:3,9  
**learning** 72:13 83:12  
**lease** 230:9  
**leave** 38:15 164:7  
 165:18 177:17 207:9  
 268:19 273:19  
**leaves** 25:20 26:2 30:18  
 174:22  
**leaving** 17:1 177:20  
 231:19 252:9 268:18  
**led** 65:6  
**left** 23:7 156:9 158:2  
 164:18 169:14 170:3  
 174:11 209:2,3,3  
 227:15 266:11  
**leg** 236:10  
**legal** 63:20 75:6 279:12  
**legally** 49:12 76:18  
**legislation** 15:7,18,21  
 16:6,18 17:10,16,20  
 18:11,14 20:3,6 21:5  
 22:4,20 24:11 25:4  
 26:8  
**legislative** 16:16 22:18  
**legitimate** 20:13,15  
 22:15  
**legs** 154:12 235:19  
 236:4  
**Leitch** 29:21  
**lend** 189:19  
**lends** 189:19  
**length** 34:7  
**lest** 29:11  
**let's** 11:7 12:4,7 44:8,10  
 44:11,12 45:1 55:17  
 55:18,22 67:5 71:20  
 132:11 160:13 176:11  
 180:1 191:13 203:17  
 246:12  
**letter** 41:2  
**level** 51:2 67:16,22  
 74:19 129:14 196:10  
 237:1,4 253:8 261:17  
 261:19 273:2,3  
**levels** 47:2 115:13  
 130:3 196:5 200:5  
 202:12,17 265:18  
 281:16  
**liberty** 232:21  
**license** 101:3

**lieu** 146:10  
**life** 16:1,12 177:8 282:1  
 282:1  
**light** 19:15 190:14  
 233:14 238:2,9  
**limit** 85:21 200:18  
 205:16 249:10  
**limitations** 76:7 143:6  
 247:13  
**limited** 3:7 7:18 75:21  
 147:11,19 150:8  
 183:16 215:7 249:3  
**limiting** 247:20  
**line** 61:8 90:6 110:15  
 132:3,4,7,17 133:6,9  
 140:22 164:13 205:6  
**linear** 201:18  
**lined** 229:22  
**lines** 5:15 42:13 77:22  
**linkage** 86:20  
**list** 7:11 19:21 21:15  
 252:22,22 253:10,18  
 257:13 274:3,5,5  
 276:10,22  
**listed** 261:11,14  
**listen** 45:14 67:18  
**listening** 44:21 64:1  
**literally** 65:11 119:10  
 169:4 261:11  
**litigate** 44:18  
**litigation** 56:5  
**little** 4:20 19:15 36:19  
 36:21 38:1,22 43:20  
 44:2 61:21 62:10  
 63:21 65:5 73:21 75:2  
 81:16 89:10 92:21  
 93:9 104:6,20 106:14  
 108:21 116:3 121:4  
 149:8 151:20 152:1  
 153:15 161:21 163:3  
 163:4 166:3 172:15  
 176:14 179:16 193:19  
 193:20 196:2 200:21  
 203:11,12 205:20  
 207:8 232:2 233:4  
 238:8 239:11,19  
 240:13 243:22 244:12  
 244:15,16 259:19  
 280:19 287:11,12  
**live** 97:14 104:10  
 119:22 130:17 183:22  
 191:22  
**lives** 56:3 129:6  
**living** 68:21 185:15  
**load** 117:5,5 123:9  
**lobbying** 275:1 276:10  
**local** 200:13  
**located** 72:19

**location** 72:10,21 73:15  
218:1 219:16 220:11  
225:17 230:10  
**lock** 28:19 29:22 30:1  
133:10 225:4,18  
229:20 230:3  
**locking** 229:20  
**locks** 89:5 94:4,5 132:2  
220:1,3,4  
**lodging** 148:8 161:20  
**log** 57:12  
**logged** 253:9  
**long** 4:17 30:8 41:8  
42:16 58:6 66:8 72:2  
80:8 86:12 98:19  
105:8 115:19 116:4  
117:17 122:1 132:22  
133:16 146:3 163:21  
173:14 176:1 177:8  
257:18 258:12 270:4  
278:20 285:1  
**long-term** 210:14  
**longer** 156:2 235:4  
**look** 19:18,21 20:21  
35:17,18 46:7,19 47:7  
55:14 64:19 67:13  
71:18 76:17 95:1,18  
115:18 126:1 130:22  
146:9 172:8 186:11  
192:18 210:15 212:16  
227:20 242:5 246:11  
255:19 263:13 267:5  
270:2 276:22 277:21  
**looked** 32:9 39:3  
170:20 287:18  
**looking** 14:1 29:2 33:20  
47:4 86:1 111:1 112:9  
126:8 130:9,10,17  
131:2 162:7 187:19  
191:14 194:16 200:2  
210:11 218:15 231:7  
234:11 236:16 240:22  
243:21 246:20 279:17  
287:17  
**looks** 39:13  
**looming** 126:8,11  
**loose** 24:22 25:1  
**lose** 159:14  
**losing** 152:1  
**loss** 117:15 284:15  
**lost** 79:7 265:10 266:6  
266:15  
**lot** 5:5 32:7,9,18 37:4  
37:15,16 39:20 40:6,9  
44:8,13,14 46:21 49:2  
51:15 55:3 56:12,12  
57:9 61:2,19 66:17,20  
67:7 69:7,13 70:16

75:10 88:21 91:19  
100:20 101:9 105:22  
107:13 108:2 110:14  
110:16 114:7 115:3  
117:1 118:15 121:2  
145:7 152:16,17,18  
159:6 162:1 163:16  
163:19 165:9,10  
167:19,20 168:1  
171:15,15,17 181:13  
181:14 185:11 186:20  
187:15 188:21 189:16  
190:6 191:6 192:1,2  
193:7,15 194:15,15  
194:20 195:2 196:8  
196:11,13 200:6,8  
201:12 205:6 229:18  
235:14,16 239:8  
247:18 278:19 282:7  
287:8  
**lots** 4:17 35:6 117:20  
170:14 273:21  
**loudly** 9:5  
**Louisiana** 73:4,10  
141:4,11,14  
**love** 38:6 40:10 75:9,10  
281:5  
**lovely** 145:5  
**low** 185:16 186:16  
201:16 202:3 209:7  
221:10 224:3,3  
262:13,14  
**lower** 41:6 167:20  
193:19  
**luck** 181:19  
**lucky** 112:5 113:18  
249:8 280:11  
**ludicrous** 206:17  
**lull** 116:19  
**lunch** 10:22 14:2 37:20  
39:6 43:12 183:19,21  
184:8,20,21 214:21  
215:3  
**lurch** 156:9

---

**M**


---

**Mackinac** 3:12 8:1  
203:22 204:12 205:5  
205:12,18 206:8,22  
211:16  
**magic** 178:16 186:22  
**Maid** 241:1 244:22  
245:11  
**mail** 245:9 259:11  
**main** 245:8  
**maintain** 106:10,11  
150:5 226:15  
**maintaining** 249:19

**maintenance** 226:1  
**major** 227:4  
**majority** 135:22  
**making** 14:19 21:19  
28:3,4 32:15 33:8,22  
34:2,2 39:20 61:18  
65:9 131:7 135:20  
138:9 149:1,10  
150:13 152:20 153:20  
154:16 162:9 164:6  
166:15 167:17,22  
169:15 170:14 171:5  
183:7 192:3 199:2  
215:16 216:6 218:14  
276:1 278:21  
**makings** 186:7 283:18  
**mandate** 103:20 260:18  
**mandated** 280:2  
**manner** 265:13,15,16  
**March** 6:1 110:14  
**Marie** 1:7 10:6 219:6,8  
250:9  
**marine** 28:8,22 29:6,16  
34:11 89:7 208:21  
**mariner** 131:8,9,11,15  
150:21,22  
**mariners** 32:2 108:15  
167:7 266:16  
**maritime** 9:14 17:22  
24:11,15,16 25:6  
90:13,14 128:20  
129:15 286:5  
**Mark** 12:14 18:21 27:10  
**marketplace** 265:1  
**marking** 259:9  
**marks** 33:15  
**Mary's** 211:7 217:17  
**mashing** 163:19  
**mask** 4:12 38:1 253:13  
**masks** 37:14 250:11  
**Massena** 118:17  
**massive** 128:18 129:17  
175:11  
**master** 164:5 213:11,19  
**masters** 213:5  
**match** 87:6  
**mates** 170:8 231:9  
**math** 188:10 268:6  
272:3  
**Matt** 43:2 53:9,10  
**matter** 8:7 181:17  
199:14 243:14 269:4  
288:19  
**matters** 6:6 261:1  
**max** 196:16  
**maximum** 61:4 63:14  
114:3  
**McKenzie** 13:5,5

225:12,12 226:9,18  
227:11 236:11,11,17  
**means** 189:18 229:14  
**meant** 23:12  
**measure** 35:15 117:10  
**measures** 46:7,10  
47:11 75:15  
**mechanic** 227:16  
241:21  
**mechanism** 167:16  
**media** 254:20 255:7,17  
**medical** 166:6 253:2  
**meet** 39:7 72:10 80:20  
80:22 181:2 288:7,8  
**meeting** 1:3 3:2,18 4:11  
5:18 6:20 7:10 8:17  
8:21 9:2 10:3,14  
11:10,11,11,13,22  
27:22 37:6 39:10,11  
39:22 44:3 48:20 49:8  
51:7,10,13 52:2,15,16  
52:16,17,21 55:11,18  
63:22 64:12 67:20  
68:14 73:4,6,7,12,13  
73:15 74:16 75:19,19  
75:21,22 77:12 79:20  
80:13 82:18 85:21  
86:14 91:12 135:15  
136:11 139:4 140:9  
141:6,21 143:10,17  
143:22 180:18 193:6  
203:14,19 208:6  
259:17 260:1,2 268:5  
282:8 283:8 286:15  
**meetings** 11:22 37:20  
39:8 44:8 47:21 54:1  
59:13 62:5 65:8 66:3  
73:22 80:17 81:3  
91:13 107:12 130:20  
140:16,20 141:4  
186:19 261:5  
**member** 3:3 17:21,21  
25:5 26:10 36:7,13,20  
95:8 130:16 188:5  
251:1 252:2,7  
**member's** 73:16  
**members** 1:12 6:14,17  
7:14 8:17 9:7 10:16  
14:14,19 18:3 19:17  
42:15 63:9 66:21  
68:15 78:11 138:13  
138:14 139:6 168:21  
194:8 243:8 250:14  
251:12 253:6,15  
254:2 287:22  
**membership** 15:4 16:3  
17:20 31:8  
**memory** 24:12

- mention** 229:16 283:16  
**mentioned** 48:8 52:14  
 119:1 131:4 196:19  
**mentioning** 262:9  
**merit** 73:3  
**Mesker** 150:1  
**message** 78:13  
**met** 15:14 40:12 129:10  
 129:10  
**method** 18:1 167:14  
 182:11 267:17 271:14  
 285:2  
**methodology** 28:3  
 39:13 58:13 114:9  
 185:19 187:11,18  
 191:5,6,9 265:22  
**methodology's** 187:12  
**metrics** 192:11  
**MICHAEL** 1:17  
**Michelle** 108:3  
**Michigan** 1:7 37:15  
 204:15 205:13 217:17  
**microphone** 19:10  
**Microsoft** 86:5  
**mid** 110:10 111:2 233:9  
**mid-afternoon** 11:3  
**middle** 103:18 218:11  
 241:15  
**midst** 78:5  
**Mike** 2:12 9:16 12:21  
 13:13 28:7,10,11  
 34:20 35:2 45:21,22  
 46:3 47:17 49:6 52:13  
 63:19 74:3,5 79:11  
 81:20 83:19 84:7 85:2  
 85:22 131:21 134:16  
 135:17 136:9 138:18  
 139:3 140:11 201:3  
 208:15 213:3 217:7  
 232:10 247:1,2  
 281:17  
**Mike's** 73:2 139:19  
 141:8  
**mild** 112:4  
**mile** 236:16  
**miles** 14:21,22 70:3  
 241:7  
**military** 17:4  
**million** 181:8 216:2  
**mind** 32:15 68:17 186:1  
 186:1 207:11 208:3  
 272:17  
**minds** 243:20  
**mine** 60:16  
**minimum** 80:6 127:8  
**Minneapolis** 13:14  
**minute** 117:14 134:3  
 178:4
- minutes** 5:14 9:1 11:9  
 11:14,16 34:22 47:16  
 69:11,12 220:20  
 283:11  
**misconstrue** 263:19  
 265:2  
**misconstrued** 263:21  
 264:10 268:22  
**misconstruing** 263:15  
 264:12  
**mishap** 47:8  
**misinterpret** 192:2  
 211:4  
**misrepresent** 267:22  
**missed** 89:3  
**missing** 113:16  
**misunderstood** 134:9  
**misuse** 274:18  
**mix** 48:5  
**mixing** 265:7  
**mobilize** 241:13  
**model** 3:6 7:20 88:1  
 89:4 92:14,17 93:6  
 94:21 95:18 102:12  
 104:3 113:4,6,7 114:2  
 114:9 116:16 134:6  
 146:7,10,17 174:12  
 192:16 196:20  
**modern** 99:11  
**modified** 92:17  
**modify** 92:14  
**modifying** 146:17  
**moment** 30:6,13 64:13  
 83:5  
**Monday** 6:21 132:22  
**money** 90:22 108:3  
 148:14,19 149:2  
 152:2,19 157:14  
 159:6,14 161:8,12,17  
 168:4 170:4,15  
 173:18 175:17 178:14  
 182:16 185:13 189:7  
 230:10,12 235:14  
 246:8 259:4 266:10  
 266:13 276:1 287:6,6  
**monies** 149:13  
**monitoring** 247:4  
**Monroe** 12:14,18 77:11  
 98:8 181:12 202:9  
 212:11  
**month** 30:12 37:8 89:18  
 95:11,11 97:4 99:16  
 121:3,13,14 149:15  
 151:22 155:2 221:13  
 221:19 272:13 285:3  
**monthly** 135:9  
**months** 38:14 80:12,15  
 90:3 92:22 95:22 96:8
- 99:17 101:15 102:13  
 102:19 103:3,5  
 148:10 154:11 155:3  
 178:12 225:3 284:22  
**Montreal** 43:8,9 71:7  
 93:13 196:7 201:21  
 256:11  
**morning** 4:16 8:13 11:2  
 13:1 14:18 19:12  
 21:12 26:6 28:11  
 29:22 38:20 42:20  
 46:20 53:2 58:10  
 63:10 68:12 88:11  
 122:15 129:21 132:14  
 132:22 138:3 148:1  
 156:19 158:8 161:5  
 166:2 247:7 251:18  
**Moses-Saunders**  
 193:18  
**Mother** 112:22 195:13  
 195:17  
**motion** 11:13 12:3  
 27:17 85:2 87:10  
 134:9 136:7,9,10,22  
 137:21 138:22 139:20  
 139:21 140:2 146:16  
 179:20 180:4 184:6  
 184:11,16 215:12  
 288:11,13  
**motor** 29:10 228:3,3,5  
**motors** 228:1  
**move** 5:7 11:15 25:12  
 27:20 29:11 30:2  
 44:12 51:5 54:17 58:5  
 70:15 79:4,13 80:19  
 92:2 94:18 114:3  
 116:7,10,13 118:6,7,7  
 119:15 128:17 129:6  
 132:6,16 134:5 140:6  
 146:7 147:10 165:12  
 192:22 203:10 235:7  
 241:18,19 259:13  
 280:9  
**moved** 11:21 30:21  
 74:18 79:6 119:13  
 206:21 227:6 244:2  
**movement** 74:10  
**movements** 46:8,9  
 100:19  
**moves** 153:18  
**moving** 29:20,21 31:3  
 44:21 47:6 59:4 76:16  
 95:5 105:18 110:20  
 118:13 127:11 132:9  
 132:14 142:12 153:22  
 165:8 188:18 220:9  
 225:3 226:10 249:18  
**MRAD** 32:10 62:4
- multi** 34:1  
**multi-year** 44:12 63:8  
 63:12  
**multiple** 10:15 25:8  
 59:3 142:9 197:2,3,6  
 256:13  
**mush** 176:12  
**mute** 69:1
- 
- N**
- 
- n** 261:6  
**nag** 73:21  
**nail** 45:8 83:20  
**name** 5:1 10:20 19:13  
 28:15 77:9 142:3,4  
 278:11 279:18 280:7  
**named** 207:1 214:6  
**names** 261:11 262:7  
 274:3,5 276:19 279:2  
**Nanticoke** 105:2,4  
**narrow** 145:12 212:3,3  
 212:3  
**Nate** 12:15  
**national** 16:22 33:5  
 204:2  
**NATO** 253:11  
**nature** 46:12 72:20  
 80:16 112:22 141:6  
 195:13,17 233:7  
**navigable** 205:1  
**navigate** 196:17 213:6  
**navigating** 206:6,12  
 207:3  
**navigation** 88:7 92:19  
 93:12 94:12 114:5  
 146:11 193:22 195:11  
 206:3,20 214:6,15  
 236:20  
**near** 157:8 196:15  
 201:1 246:17  
**NEC** 208:16  
**necessarily** 27:7 66:19  
 83:6 188:2 202:11  
**necessary** 93:22 157:4  
 185:21 187:1,13  
**necessitate** 221:4  
**need** 8:17 9:9,11 20:4  
 21:18 23:21 24:14,15  
 24:19 28:21,22 29:6  
 32:6 43:20 48:5 54:15  
 54:16,17 55:8,15,16  
 67:12 73:20 76:15,18  
 83:22 86:9 91:10,14  
 92:2,12 96:4 103:2  
 106:16 111:20 116:10  
 129:11,12 130:10  
 140:8 158:4 169:1,20  
 183:21 184:15 185:13



186:3 217:6 218:18  
 228:6,9,10,11,11,11  
 230:17 238:4 242:2  
 244:11 253:13 255:21  
 256:7 259:2 260:9  
 262:7 265:21 274:5  
**needed** 99:19 117:17  
 189:4 195:6 232:8  
 244:4  
**needs** 43:3 68:2 70:21  
 81:15 98:4 106:14  
 114:9 133:12 177:13  
 179:13 188:2 202:21  
 209:5 228:10,11  
 230:10  
**negative** 249:17 250:22  
 251:20 252:12,16  
 258:4,5  
**negotiated** 34:3  
**negotiating** 47:19  
**neighborhood** 163:10  
 163:11  
**nerve-racking** 257:7  
**never** 32:22 33:1 80:15  
 100:19,20 107:6  
 129:9,9,10 176:6  
 187:5 265:19 282:1  
 287:9 288:8  
**new** 15:5 17:20 18:5,7  
 31:8 42:14,18 50:22  
 55:6 56:11 100:5,11  
 107:14,20 118:7  
 170:10 182:20 191:8  
 193:15 194:20,21  
 195:8 196:6 200:18  
 223:21 232:21 233:21  
 238:7 239:12 240:10  
 257:12  
**newbies** 282:4  
**newer** 170:2  
**newest** 240:20 270:13  
**news** 205:6 217:8  
**nice** 4:20 287:2  
**niche** 110:22  
**night** 103:19 122:17  
 222:8,9 241:15 282:2  
**night's** 281:21  
**nightmare** 242:14  
 255:8  
**nine** 92:22 95:11 97:4  
 259:14 279:2  
**nine-and-a-half** 95:11  
**nine-month** 97:5  
**no-brainer** 188:14  
 208:22 209:7 234:19  
**nobody's** 249:4  
**nominate** 42:18  
**nominating** 42:15

**nomination** 22:15  
**nominations** 18:8  
 21:22 22:12 25:5,8  
**nominators** 20:22  
**nominees** 21:16  
**non-COVID** 66:20  
**non-governmental**  
 6:11  
**noncompulsory** 121:16  
**nonsubjective** 192:10  
**noon** 184:22 203:12  
**Nope** 87:14  
**normal** 66:19 95:11  
 179:7,11  
**north** 230:18  
**northeast** 110:10  
**northern** 204:16  
**nose** 257:13  
**notch** 171:2  
**note** 8:15 17:19 59:9  
 131:22  
**noted** 7:4 124:4 146:7  
 155:16  
**notes** 262:16  
**notice** 20:19 21:18  
 37:10 52:3 54:10  
 60:12 81:21 84:11  
 144:7 145:10 177:19  
 182:7 253:3  
**notices** 6:22 56:16  
 64:20  
**notification** 81:7,9  
**notifies** 85:18  
**noting** 113:9  
**novel** 28:15,16 30:5  
 33:19 76:8 99:21  
**November** 5:20 17:12  
 264:2  
**nuances** 287:10  
**nudging** 62:17  
**nugget** 278:15,15,16  
**number** 14:13 25:10  
 34:5 41:4 44:10 54:2  
 84:3 90:7 113:15  
 114:3 120:4,12 126:2  
 128:3 140:21 144:7  
 150:16,17 154:9  
 162:18 163:14,17  
 166:5 172:2 175:5  
 176:14,16,17,19  
 177:2,11 182:2,17  
 183:3 185:2 188:18  
 189:5 192:22 194:7  
 195:22 209:10 217:12  
 229:9 232:8 243:7  
 247:9 256:18 259:14  
 264:6 266:18 267:12  
 274:6 275:21 276:14

279:6  
**numbers** 47:2 71:17  
 125:8 187:9 188:19  
 188:19 197:1 198:20  
 247:4 262:10 263:12  
 263:19,22 266:14  
 270:2 274:3  
**numerous** 53:22  
 263:16

---

**O**


---

**o'clock** 122:15 132:21  
**object** 259:5  
**objective** 34:6  
**objectives/Agenda** 3:2  
**obligation** 82:6 275:4,5  
 279:12  
**obtained** 127:7  
**obtuse** 277:12  
**obviously** 61:9 114:22  
 129:16 130:9 181:13  
 210:15 230:11 234:7  
**occasion** 213:18  
**occupation** 104:1  
 131:16  
**occur** 214:18 260:17  
**occurred** 29:5  
**occurrence** 109:9,10  
**occurs** 74:12  
**Ocean** 8:10  
**Oddly** 205:18  
**offended** 170:3  
**offer** 10:6 28:10 38:18  
 75:8,9 79:16 81:2  
 84:16 110:7 136:4,11  
 209:10  
**offered** 55:16 71:1  
**offering** 57:10 61:9  
**offers** 27:13 144:7  
 159:16  
**office** 8:9 80:21,22  
 159:21 219:16 220:9  
 220:11 228:13 236:15  
 237:20 238:22 247:21  
 248:2,6,21 256:19,22  
 256:22 257:17 258:15  
 280:22 281:4 282:15  
**Officer** 4:14 5:2  
**officers** 107:14 285:6  
**offices** 43:10 270:3  
**official** 8:22 30:7  
**officials** 5:11  
**offset** 147:15  
**oftentimes** 233:14  
**oil** 205:11,12  
**Ojibway** 1:6  
**old** 36:9 169:9 191:5  
 238:16,18,22,22  
 239:4 240:3,6,7,21,22  
 241:1 242:3,6 246:19  
 257:1 265:21  
**older** 126:5 168:21  
 242:8 244:19 245:7,8  
**Olney** 1:18 10:7,9 13:19  
 13:19 27:1 109:4,6,21  
 124:2,11,21 125:3,15  
 125:20 126:1,7,12,19  
 127:2,7,10,22 128:5,7  
 130:7,7 147:2,4  
 153:14,14 157:22  
 163:6,11 164:9,9,16  
 165:3 204:3,5,11  
 207:13 210:20,22,22  
 215:5 217:14,14  
 219:21 222:6,10,13  
 222:16,20 223:6,14  
 224:1,4,8,12,14,18  
 225:1,5,11,20 226:4  
 226:19 227:17 229:2  
 229:6,9 232:15  
 249:12,12,22 251:8  
 251:11 280:16,20  
 282:10,15,18 283:4  
 288:14  
**Olney's** 76:2 118:14  
**onboard** 54:9 206:5,18  
 207:2 236:9 251:13  
**once** 17:15 18:10 62:5  
 89:2 101:7 120:1  
 121:10 124:21 128:1  
 145:18 169:12 171:15  
 186:10 200:19 205:14  
 211:17 212:14 235:18  
 238:12 239:22 248:8  
**one's** 219:2  
**onerous** 140:10  
**ones** 24:17 53:17 62:13  
 96:20 104:19 106:4  
 109:18 121:15 160:9  
 170:2 199:17 278:6  
**ongoing** 106:22 138:16  
**online** 111:4  
**onset** 258:3  
**Ontario** 3:10 7:17 193:1  
 193:14,19 198:17  
 201:17 219:4 233:4  
**open** 10:18 11:6 43:15  
 43:16 88:8 93:1,5,17  
 94:4 96:4,5,5 111:19  
 112:15 114:8 144:15  
 282:12 283:8  
**opened** 89:5 116:21  
 144:14  
**opening** 56:9 114:4  
 119:6 140:11 196:13  
 234:15

**opens** 26:8 234:19  
**operate** 17:4 78:10  
 95:13,20 96:2 103:3  
 106:13,19 112:8  
 185:13,21 189:4  
 221:17,22 233:10,13  
 233:15 234:7,7,10  
 238:7 239:9,21  
 244:13  
**operated** 96:15 113:18  
**operating** 96:10 105:8  
 112:11 113:21 154:2  
**operation** 104:17 187:4  
 217:15 219:3 257:17  
 281:5  
**operational** 103:1  
 223:17 224:19 228:12  
**operationalized** 32:4  
**operations** 5:10 72:12  
 72:14 104:7 111:22  
 120:1  
**operator** 18:4 21:7  
 22:13 56:22 95:19  
**operators** 13:18 21:9  
 22:11 23:14 28:22  
 29:6,16,19 38:5 52:20  
 56:13 96:18,19  
 103:10 106:12,19  
**opinion** 20:9 22:2,16  
 27:3 45:13 60:16 61:9  
 68:3 72:5 152:13  
**opinions** 6:17 61:13  
 136:7  
**opportunities** 32:9  
 144:7  
**opportunity** 37:5 79:16  
 84:17 136:11,14  
 152:20 173:6 285:14  
 287:3  
**opposed** 12:2 87:15  
 191:21  
**opposes** 85:13  
**optics** 202:10  
**option** 168:4 241:13  
**order** 9:3 10:3 11:8 31:2  
 54:7,14,20 58:2 90:2  
 132:5,10 142:10  
 197:3 208:2 209:14  
 221:15 277:19  
**Order/Member** 3:2  
**ordered** 133:11  
**ordering** 109:20 132:11  
 232:21  
**ore** 109:16  
**organization** 19:20  
 24:15 28:16 31:5 36:1  
 72:18 142:4 194:2  
**organizations** 24:12,17

25:6  
**organized** 33:20  
**organizing** 39:8  
**originally** 15:22 154:8  
 199:22  
**other's** 22:17  
**ought** 48:17 107:15  
**outboard** 228:1,3,3  
**outings** 135:9,13  
**outlier** 270:11  
**outreach** 3:5 8:3 28:1  
 52:12 56:18 60:15  
 61:3,11 83:2 91:10  
 108:12 207:16,18  
**outside** 4:5 21:2 84:1  
 98:19 131:18 180:18  
**outsiders** 25:1  
**overpaying** 189:6  
**override** 199:16  
**overselling** 237:3  
**oversight** 33:16 40:16  
 210:14  
**overtime** 119:11 121:9  
**overview** 3:2 7:12  
**overwhelmed** 113:21  
**overworked** 62:2  
**owe** 78:9 259:4  
**owes** 78:7,7  
**owners** 32:12 201:8  
**owns** 70:16

## P

**P-R-O-C-E-E-D-I-N-G-S**  
 4:1  
**p.m** 288:20  
**pace** 101:15  
**package** 17:10 228:6  
**packing** 239:10  
**paddle** 204:21  
**page** 7:1  
**paid** 130:20 173:16  
 174:10 207:2 227:14  
**painted** 202:21  
**pandemic** 16:16 28:17  
 28:20 37:4 39:1 48:21  
 52:16 68:6 77:20 78:5  
 134:11,12,19 135:1  
 137:8 138:15 139:22  
 141:2 247:13 250:6  
**Pandora'** 144:14  
**panel** 210:1  
**panels** 142:12  
**panic** 191:10  
**paper** 29:2,3 222:21  
**parking** 248:1,4  
**parliamentarian** 137:2  
**part** 20:1 25:20 34:6  
 48:13 60:14,17 61:7

65:17,18 74:16 81:9  
 104:1 108:12 110:18  
 110:21 115:6 117:21  
 135:20 145:5 157:5  
 187:22 198:5 207:17  
 221:5 232:3 248:7  
 249:7 252:19 258:11  
 272:7 274:22 275:1  
**partial** 75:21  
**partially** 96:5  
**participant** 20:13  
 105:19 182:1 215:21  
 280:11  
**participate** 10:16 50:13  
 64:5 65:7 66:18,22  
 83:12 135:16 139:6,9  
 141:10,15 145:13  
**participation** 9:13  
 10:13 59:15,18  
 140:12,21 141:7  
 144:15,17,18 145:8  
**particular** 8:6 23:7,11  
 37:16 85:18 145:13  
**particularly** 27:5  
 144:19  
**parties** 264:12  
**partner** 46:16 130:16  
 130:18,19 149:22  
 150:3,6 153:21  
 218:13  
**partnering** 218:8  
**partners** 218:10  
**partnership** 165:2  
**parts** 10:16 81:5 92:3  
 219:11 226:6,10,14  
 227:8,17  
**pass** 117:14 180:8  
 254:5  
**passed** 17:16 18:11  
 20:5 33:12 207:6  
 256:10  
**passenger** 110:19  
 111:3  
**passes** 17:3 137:11  
**path** 48:2,7  
**patience** 30:15 282:3,3  
**patterning** 196:12  
**Paul** 12:17 72:2 77:5,10  
 98:7 181:10,11 202:7  
 202:8 212:9,10  
**pause** 240:13  
**pave** 158:19  
**pay** 31:15 38:4 40:8  
 99:13 100:17 105:13  
 105:16 132:22 149:5  
 151:7,8 152:22  
 153:12,16 158:5  
 159:7 161:9 167:8

171:12 173:17,19  
 175:3 182:22 266:11  
 271:14 287:6  
**paying** 34:14 69:2 98:9  
 127:16,17,18 149:6,8  
 152:6,14 161:1  
 162:15,21 181:7  
 236:9 254:19 255:3  
**payment** 246:4  
**payments** 246:9,10  
**payroll** 179:9  
**PCE** 284:1,10 285:11  
**peanuts** 60:18  
**penalize** 258:9  
**pending** 15:18 40:1  
**Pentagon's** 17:3  
**people's** 261:11 262:7  
 275:5 279:2  
**percent** 89:12,13,17  
 113:10,11,11 122:3  
 150:14 151:16,21  
 157:8 162:21 165:13  
 167:18 172:20 173:8  
 177:11,12 182:18,21  
 186:16,17 188:15,16  
 223:19 244:13,14  
 264:3 266:2 284:11  
 284:17,18 285:9  
 287:15,15  
**percentage** 150:11  
 151:12 161:7 162:7  
 162:16 173:9 178:8  
 182:12,17 183:2  
 247:15  
**percentages** 180:12  
**perception** 39:22 57:11  
**perfect** 77:14 287:16  
**perfectly** 54:4 164:18  
 231:10  
**perform** 115:19,22  
 191:16,17  
**performance** 74:9  
 234:2  
**performed** 191:15  
**period** 79:18 84:18  
 101:18 114:4 136:12  
 136:16 151:1 197:4  
 266:15 285:7  
**periodic** 196:14  
**permanent** 8:22 107:1  
**permanently** 224:21  
**permission** 209:9  
 214:10,13,17  
**permitting** 10:18 105:7  
**perpetuity** 17:18  
**person** 20:1 22:7 26:18  
 26:20 58:21 68:14,16  
 68:19 97:13 115:20

125:5 135:12 150:8  
 199:8 206:19 261:17  
 266:19  
**personal** 50:5 68:3 76:6  
 275:6,12,18  
**personally** 52:8 66:8  
 144:16  
**personnel** 8:16 101:3  
 248:6  
**perspective** 43:19  
 93:19 95:1,2 99:10  
 108:21 110:7 111:7  
 140:13 143:10 208:19  
 267:1  
**Petro-Canada** 42:21  
**petrochemical** 190:16  
**petroleum** 54:19 88:4  
 89:10,16 90:1 92:1  
 103:10 104:20 121:15  
**phase** 154:1  
**phone** 37:20 45:9 50:11  
 51:15 67:18 71:19  
 73:20 105:12,16  
 141:15 209:8,19  
**phonetic** 5:12 31:6  
 32:18 72:2 183:5  
 209:2 252:20 254:10  
 269:5  
**physically** 72:14  
**pick** 81:17 225:4  
**picked** 225:14  
**pickle** 195:18  
**picnics** 135:9  
**pictures** 202:18  
**piece** 225:14,15 227:14  
**pieces** 188:18  
**pilings** 246:18  
**pilot's** 71:17,17 166:3  
**pilotage** 1:4 5:3,19 6:7  
 6:8,15 10:14 12:10  
 24:19 33:17 35:12  
 36:14 46:9 49:2,3  
 53:15 60:17,20 73:17  
 74:2,9,18 79:17 89:6  
 108:4 114:7,14 172:4  
 185:13 197:1 205:20  
 217:16 286:2 287:4  
**piloted** 266:9  
**piloting** 8:10 99:15  
 273:1  
**Pilots/** 3:7  
**pilots/training** 147:13  
**pipeline** 205:7  
**pipelines** 205:4,7,9  
 211:17  
**piston** 227:10,13  
**pistons** 227:8,12  
**place** 31:4 35:7,11,21

48:3 62:6 64:1 79:18  
 83:16 101:3 112:21  
 116:7 132:17 159:19  
 168:2 170:14 171:13  
 176:7 200:19 246:14  
**placed** 8:19  
**places** 37:16 100:9  
 254:4 273:21 274:1,4  
**plan** 64:11 196:10  
 235:18  
**plane** 73:9  
**planned** 125:13  
**planner** 51:14  
**planning** 124:7 143:10  
**plates** 62:3  
**platform** 85:14,15  
 228:9  
**play** 71:22  
**player** 88:6 263:20  
**players** 95:4 140:22  
**plea** 92:6  
**pleading** 93:13  
**please** 7:2 8:15 9:5,10  
 10:20 19:11 31:22  
 47:9,10 78:11 92:8  
 141:18,20 142:18  
 143:1,5 207:13  
 215:22 236:6 283:10  
 283:11  
**pleased** 16:11 176:2  
**pleasure** 28:12 204:19  
**plenty** 52:18 92:9  
**plug** 82:15  
**plugged** 182:14  
**plugs** 83:7  
**poached** 108:8  
**poaching** 152:5  
**pocketbook** 67:6 69:6  
**pockets** 168:4 173:18  
**point** 16:6 29:13 40:5  
 45:13 56:10 57:8,14  
 57:15 58:12 66:15  
 67:3,12 68:9 73:1  
 80:9 81:4,13 89:11  
 98:8 102:9 107:16  
 112:6,7 118:10  
 122:13 125:21 128:11  
 134:2 140:3 144:4  
 159:5,12 170:19  
 176:5 204:14 218:10  
 220:5,7 223:6,10  
 225:13 235:14 240:12  
 249:15 250:17 275:2  
 284:12  
**pointed** 68:21  
**pointing** 142:1 162:15  
**poke** 62:10  
**policies** 6:9

**policy** 8:10 28:9 29:17  
 140:13 156:9 260:7  
 260:21 261:2,18  
 262:21,22 265:3  
 267:1 274:21 275:9  
 279:11  
**political** 196:6 199:17  
 209:15  
**politicians** 193:16  
 194:21  
**Polsteam** 54:13  
**pool** 25:7 128:19,21  
 131:6,17 155:20  
**poor** 45:17 141:7  
 233:14  
**population** 59:17  
**port** 11:13 12:14,18  
 18:4 19:22 22:7 27:22  
 44:2 45:2 52:17 53:11  
 53:13 55:12 69:20  
 70:1 71:4 77:10 78:6  
 94:6 98:7,11 99:4  
 132:21 181:11 202:8  
 203:19 210:11 212:10  
 213:19 217:5 241:10  
 241:12,14 242:11  
 244:1 250:9 251:16  
 260:1  
**Port-Alfred** 241:3,3  
**Portage** 1:6  
**portion** 89:15 154:12  
 179:6,8  
**portions** 202:3  
**ports** 12:18 13:16 23:13  
 100:18 154:11 195:5  
 200:8 210:7,8,10,16  
 212:16 241:6  
**position** 25:16 128:18  
 136:4 140:6 223:18  
 242:19  
**positive** 31:10 208:4  
 232:12 247:5,10  
 253:17  
**possibility** 192:14  
**possible** 51:6 63:20  
 79:22 84:19 86:17  
 115:9 136:5,13,17,18  
 139:5 144:16 151:22  
 182:15  
**possibly** 229:18 243:21  
 244:22  
**post** 5:13  
**posted** 11:12 276:4  
**potential** 15:8 21:15  
 25:7 26:9 53:7 83:14  
 205:3,10 246:22  
 274:18  
**potentially** 150:9

204:13 258:7  
**Potuto** 12:12,12 36:12  
 36:12 41:16 56:8  
 144:11  
**pounding** 129:2  
**power** 194:6  
**PPE** 32:6 258:21  
**practical** 83:16  
**practice** 147:17 271:5  
 272:21  
**practices** 269:21 270:3  
**practicing** 250:10  
**preapprove** 84:11  
**precaution** 244:11  
**precautions** 248:16  
 256:18  
**predict** 73:5 188:12  
**predicted** 186:15  
**predicting** 73:10  
 185:11 187:12  
**prefer** 63:13 283:20  
**prefunding** 176:6  
**premium** 227:9  
**prepare** 67:21  
**prepared** 9:1  
**preregistration** 76:14  
**prerequisite** 63:16  
**prescribed** 250:20  
**presence** 38:2 130:1  
**present** 2:8 6:18  
**presentation** 3:15 8:4  
 280:15  
**presentations** 7:7  
**President** 13:22 207:7  
 207:20 208:1  
**presidents** 13:19 43:14  
 91:18 108:20 151:6  
 253:11 254:4,12  
 255:3,10 287:22  
**press** 209:20  
**pressure** 193:15,16  
 194:20 195:3,15  
 196:6,8,11,14 199:17  
**pressuring** 194:21  
**pretty** 4:19 18:15 24:13  
 37:9 44:10 75:13  
 91:22 110:13 111:8  
 111:10 144:3 160:13  
 182:1 188:10 208:4  
 234:18 238:3 251:19  
 275:22  
**prevent** 264:12  
**preventing** 138:9  
**previews** 6:8  
**previous** 3:9 7:21 38:17  
 101:4 134:8 137:6,16  
 137:19 138:12 139:17  
 144:13 166:16 167:16

180:7 185:4 261:5  
284:6  
**prework** 65:10  
**price** 228:21 245:2,5  
**priceless** 77:19  
**primarily** 89:7  
**principal** 246:9,10  
**printed** 81:11  
**prior** 11:5 28:4 54:8  
138:19 173:22 248:20  
260:3 265:19,20  
**priority** 37:7 54:22  
**private** 98:9 143:2  
201:7 202:4 225:19  
273:9  
**privy** 110:14  
**probably** 17:9,11 21:4  
43:14 52:22 62:1 70:9  
73:11 96:7 101:11  
109:1 112:14 139:18  
140:20 144:4 156:3  
165:12 167:8 178:3  
209:8,19 214:12  
218:9,12 223:2 240:8  
244:14,21 246:14  
**problem** 44:6 74:17  
75:12,16 81:12 82:1  
92:8 159:9 173:11  
177:15 180:15 191:14  
195:22 196:18 197:10  
203:12 204:16 205:2  
220:2,15,22 227:22  
241:8,12,16,20  
245:16 246:21 259:15  
262:12 268:17 284:9  
**problematic** 226:8  
**problematically** 252:14  
**problems** 74:13 111:14  
112:16 119:6 187:4  
201:20 221:12 226:1  
242:8 244:20  
**procedure** 121:3  
**proceed** 20:17  
**process** 30:15 40:21  
42:14,19 148:12  
163:15 174:14 179:12  
207:20 208:8,12  
218:17 226:21 234:1  
244:12 260:16 264:20  
**product** 54:19  
**productivity** 235:2  
**products** 104:21  
**profanity** 88:19  
**profession** 273:1,7  
**program** 33:15 62:20  
76:2 164:12 187:16  
**programs** 61:22  
**progress** 7:4 33:7

186:18 187:10  
**progressed** 154:15  
**prohibit** 279:13  
**project** 3:13 217:12  
**projected** 230:19  
**projection** 113:10  
191:10 284:8  
**projections** 3:9 7:22  
185:4 191:7  
**projects** 8:2 259:12  
266:13  
**promise** 159:6  
**promising** 111:8  
**proof** 286:17  
**proper** 85:6 104:8  
**properly** 273:16  
**property** 225:14,16  
228:13,16  
**proposal** 79:15 83:21  
**propose** 173:10 284:20  
**proposed** 6:8 26:8  
**proposing** 23:18 81:2  
**propulsion** 238:13  
**pros** 238:20  
**prospective** 111:7  
**proud** 33:12  
**prove** 176:16  
**provide** 6:12,16 19:20  
28:2 40:6 50:19 60:1  
60:8,12 64:6 79:22  
81:15 82:5,9 83:22  
84:4,18 103:12,15  
127:6 136:13,17  
142:11,19 143:15  
145:9 148:8 150:19  
190:5 218:20 262:15  
262:15 276:15 277:18  
277:19 278:8 282:13  
**provided** 7:7 8:14 40:8  
82:10 115:13 189:8  
**providing** 88:4 121:20  
126:21 127:12 153:19  
208:3 217:16 263:14  
266:8 275:12  
**proving** 220:14 226:7  
**provision** 16:19 17:13  
**provisions** 5:8  
**pubic** 113:2  
**public** 3:16 6:21 7:8 8:4  
8:16,21 10:12 19:7  
36:7,14,20 37:10 38:2  
39:8,11 50:20,21,22  
52:3 55:19 58:19  
59:18 62:22 66:22  
85:15 87:9 91:13,13  
133:20 143:19,20  
147:4,5 178:22  
187:17 192:20 203:8

210:2 212:19 215:20  
217:10 265:1 273:20  
275:6 283:9,10,13  
285:15,18 286:11  
**publically** 264:16  
**publish** 149:11 268:21  
**published** 50:20 270:20  
**publishing** 64:15  
**puff** 106:14  
**pull** 38:1 51:19 64:17  
129:18 145:3  
**pulled** 155:5 239:5  
250:16  
**pulpit** 45:18  
**punch** 31:15  
**purchased** 228:14  
**pure** 120:9  
**purposes** 8:7  
**purse** 51:3  
**pursued** 32:7  
**pursuing** 234:11  
**pushed** 204:6  
**pushing** 217:6  
**put** 6:1 18:12 20:14  
21:7,11 22:9,12,15  
24:20,21 27:4 30:17  
37:14 54:10 61:12  
63:22 64:10 67:21  
68:1 69:1 79:15 82:7  
84:6 98:14 103:1  
105:4 128:22 132:5  
137:3,5,14,15,18  
148:13 149:18 152:17  
156:15 157:19 160:4  
165:13 170:3 171:19  
171:20 184:10,18  
188:1,20 190:11,13  
230:2,11 235:10  
254:2 264:22 266:13  
269:5 271:7 273:9  
274:1,21 278:16  
**puts** 20:20 162:2  
165:14  
**putting** 21:2 54:13  
62:16 160:22 165:10  
168:8 185:10 234:21  
235:5 239:13 246:8  
286:14

---

**Q**


---

**Q-tip** 257:13  
**qualified** 108:7,16  
128:17 171:2  
**qualify** 84:21  
**quarantine** 49:13  
250:20  
**quarantining** 250:17  
**Quebec** 196:7

**question** 19:14 21:14  
36:18,21 38:22 41:16  
44:2 52:11 63:6 67:8  
95:15 103:1 108:2  
118:21 133:9 134:7  
142:5 157:16 173:13  
183:6 198:2 199:19  
222:5 226:3 229:3  
245:17  
**questions** 10:19 19:5  
34:16,20 36:11 142:6  
188:5 217:9 225:22  
232:9,18 246:3 247:1  
259:11 282:11  
**quick** 21:13 110:1  
182:15 251:19  
**quicker** 228:4  
**quickly** 29:5 196:18  
**quiet** 166:1 259:17  
**quit** 167:5 269:4  
**quite** 16:15 56:4 68:17  
101:4 131:4 180:9  
202:10 205:3 206:10  
229:18 239:20 241:20  
260:12 263:1,2,7  
269:17

---

**R**


---

**radar** 80:14  
**radically** 33:9  
**rags** 46:22  
**raindrops** 143:9  
**raise** 67:3,11  
**raised** 67:9  
**raising** 57:8  
**Rajiv** 1:20 3:17 4:14,15  
5:1 14:5 30:9,11  
31:12 35:1 36:11  
61:16 69:4 71:15  
83:20 88:20 138:4  
159:18 171:19 174:5  
198:18 281:17,18  
286:7,13,22  
**Rajiv's** 159:19 285:22  
**rambling** 165:19  
**ramp** 117:2 197:3  
**rampant** 255:5  
**ran** 29:3 57:2 252:2  
**random** 270:11  
**range** 280:12  
**rapidly** 126:13  
**Rasicot** 39:16,16 48:8  
**rate** 3:9 7:21 28:3 34:2  
34:2,4 44:12 47:19  
63:13 91:1 93:21  
95:21 98:18 99:14,17  
115:13 120:5,9,19  
124:3 126:17 153:16

- 154:19,20 157:10,19  
161:1,18 173:20  
179:6,11 181:3,6  
185:4,10 186:7  
188:10 189:8 191:15  
192:11 202:9 203:4  
215:15 216:6 260:7  
260:16 269:22 270:8  
271:2 283:17 284:22  
**rated** 202:11  
**rates** 40:13,14,19 63:8  
71:17 93:9,18,20,20  
99:10,22 202:20  
245:3 266:9  
**rationale** 263:18  
**re-voting** 136:21  
**reach** 42:7 57:10 61:4  
62:9 208:18 265:18  
**reached** 53:6 261:18  
**reaching** 60:14  
**react** 135:19 136:3  
**read** 64:18 84:14  
209:19  
**reading** 46:20  
**ready** 76:11 159:13  
244:5  
**real** 86:13 118:21  
165:14,14 197:10  
205:10 214:14 228:19  
248:1 260:17  
**reality** 57:17 58:1 83:13  
83:15 86:19 143:8  
166:14 170:15  
**realize** 49:9 104:2  
111:20 186:9 187:7  
266:5  
**realizes** 127:15  
**realizing** 138:21 189:3  
**realm** 209:15  
**reason** 26:15 73:12  
100:4 107:4 139:7  
156:1 211:15 262:14  
264:13 265:3 272:3  
280:1 285:3  
**reasonable** 25:10 93:22  
157:4  
**reasons** 125:6 144:22  
**rebuilding** 226:22  
227:3  
**rebuilt** 242:7  
**recalled** 121:17  
**receive** 138:6  
**received** 278:7  
**recipient** 207:17  
**recognize** 9:15 18:19  
28:7 76:6,6 88:9 98:4  
169:8 204:3 259:21  
**recognized** 168:19  
179:17  
**recognizes** 88:15  
**recommend** 26:11  
74:22 79:14 179:4  
186:6 251:6  
**recommendation** 23:21  
27:21 30:18 37:18  
38:16 44:3 63:5 79:12  
80:10 84:7,10 137:4,6  
137:7,16,17,18,19  
138:7,12,20 139:13  
139:17 146:9 179:1  
187:19 197:12 199:2  
203:20 207:5,15  
217:4  
**recommendations** 6:6  
34:9 133:22 135:21  
138:6  
**recommended** 41:2  
261:4  
**recommending** 185:22  
**recommends** 215:13  
216:3  
**reconcile** 161:14  
**reconciliation** 149:14  
161:11  
**record** 5:19 8:12,22  
47:2 48:20 56:6 68:14  
74:11 134:4 167:19  
187:6 189:9 215:1  
261:3 288:20  
**recorded** 8:21 59:12  
**records** 47:2  
**recoup** 151:22  
**recouped** 173:20 179:7  
**recoupment** 91:7  
**recoveries** 247:6,10  
**recruited** 152:12  
**recruiting** 148:5 231:3  
**recruitment** 260:10,22  
261:16 264:15 268:17  
273:17  
**recuperative** 121:18  
122:3 257:3  
**recycle** 235:6  
**reduce** 153:6 197:5  
**reduced** 169:10  
**reducing** 118:19 200:12  
**referenced** 47:17  
**referred** 26:17  
**referring** 131:6 164:17  
**refuse** 242:15,17 269:8  
**regarding** 5:9  
**regardless** 181:15  
**regime** 32:16 89:22  
**region** 39:9 53:13 84:2  
84:3 140:19  
**regional** 24:9  
**regions** 110:9  
**register** 6:21,22 20:19  
50:21 56:16 64:16,17  
64:20 80:5 81:10,22  
143:16 144:6 145:9  
**registered** 91:6 94:7  
107:7 117:16 124:3  
126:18 127:4 128:2  
149:22 151:14,16  
152:2 153:21 158:14  
161:8 164:14 167:17  
217:19 266:16 278:10  
**registration** 7:19 83:2  
147:20 150:2,8  
183:16 216:2  
**registration/** 215:8  
**registration/compen...**  
3:7 147:12  
**registry** 76:15 78:2  
**regular** 101:19 102:5  
109:8,9,10 131:12  
187:11 214:15  
**regularly** 233:11  
**regulated** 211:12 214:6  
272:22 273:1,4,8  
276:12,13  
**regulation** 209:1  
273:14  
**regulations** 5:13 6:9  
63:12 90:5 103:8  
150:4 200:18  
**regulator** 273:5,15,19  
275:3 276:19  
**regulatory** 89:22  
207:19  
**reimbursements**  
166:13  
**related** 110:6 124:6  
218:4 232:11  
**relating** 6:7 286:4  
**relation** 154:19  
**relationship** 130:11,13  
**relatively** 56:11 204:22  
206:13 221:2,8,10  
223:2 229:11  
**release** 275:5 279:21  
**relevance** 31:6  
**relevant** 27:5 40:20  
41:3 89:1  
**reliably** 233:15  
**relieve** 235:22 236:3  
**relive** 36:8 235:21  
265:21  
**remain** 41:13 77:17,17  
93:5 96:4  
**remainder** 174:7,9  
177:14  
**remaining** 96:5  
**remains** 108:18 223:7  
**remark** 60:4  
**remarks** 3:17 9:21 19:7  
60:6 286:22  
**remember** 4:9 10:20  
176:2 281:22  
**remind** 8:12 32:10,10  
59:9 143:1  
**reminder** 30:2 141:18  
**reminding** 144:6  
**remote** 64:6 81:8 82:19  
134:10,19 142:2,21  
143:6  
**remotely** 37:21 64:2  
79:20 81:1 84:18  
85:19 135:10 136:12  
136:16 141:10  
**remove** 26:11  
**removed** 155:12 254:3  
**removes** 26:8  
**renewed** 5:22 131:12  
**reorganizes** 102:12  
**repair** 227:13  
**repaired** 226:21  
**replace** 129:18 228:7  
**replaced** 226:16 227:8  
**replacement** 159:14,22  
**replacing** 160:14 234:1  
246:20  
**report** 3:9 7:21 32:18  
46:6 146:12 185:3  
186:12 187:15 190:4  
192:7 194:8,11  
254:10 255:10 261:7  
262:4  
**reported** 253:16,21  
272:16  
**reportedly** 251:12  
**reporter** 14:12 142:5  
**reporting** 3:14 7:18  
121:2,13 191:21  
259:20  
**reports** 19:19 251:14  
276:10  
**represent** 21:1 22:9  
45:16 276:4  
**representation** 38:3  
**representative** 13:17  
18:4,4,5,6 38:8 49:5  
76:13  
**representatives** 49:7  
95:10  
**represented** 22:5,21  
23:12  
**representing** 21:8,9  
**represents** 45:12  
135:22  
**request** 50:10 56:22

129:22 278:1,7  
**requests** 85:12 277:21  
**require** 42:17 183:7  
**required** 5:15 26:20  
 59:11,20 127:8 206:5  
 206:8  
**requirement** 26:12  
 27:15 260:16  
**requirements** 60:11  
 75:4 87:5,6 205:20  
**requires** 40:18 114:7  
**requiring** 114:21  
**reserve** 133:1 196:22  
**reshuffle** 102:19  
**reshuffles** 102:14  
**resolution** 183:20  
**resources** 185:20 187:1  
 187:13  
**respect** 59:7  
**respond** 47:15 76:11  
 81:22 82:3 86:17 87:4  
 142:7,8 188:2  
**responded** 50:14  
**responding** 275:16  
**responsibility** 198:4  
**responsible** 5:7 97:15  
**rest** 72:19 91:7 93:2  
 102:20 103:6 118:4  
 121:18 122:3 151:7  
 171:17 178:9 218:17  
 235:7 255:1,2 257:3  
 276:21  
**resting** 119:17  
**restricted** 275:10  
**restrictions** 26:9 28:19  
 51:8,10 52:5 150:4  
**restrooms** 4:5  
**restructure** 103:2  
**result** 140:21 261:20  
**results** 91:9 249:17  
 250:22  
**retention** 236:6 260:10  
 260:22 261:16 264:15  
 268:17 273:18  
**retire** 30:11 31:11 89:2  
 123:11 124:7 128:6  
 159:13 177:6  
**retired** 122:10,11 123:9  
 124:5,7 174:6,10  
 218:6 232:11 264:3  
 271:22  
**retirees** 175:6  
**retirement** 51:22 166:5  
 166:11 286:6  
**retirements** 125:14  
 126:7 129:17 218:3  
**retires** 160:14  
**retiring** 159:18 168:22

169:2 218:6  
**revamped** 266:1  
**revenue** 154:4 155:6  
 186:16 188:13 189:3  
 260:15 266:8  
**review** 3:9 7:20 33:15  
 149:15 185:3 196:9  
**reviewed** 192:17  
**reviewing** 7:10 113:7  
 114:8 149:10  
**rid** 44:13 222:18 223:1  
 223:3 240:15 245:7  
 249:6  
**ride** 70:1 101:7 249:2  
 279:22  
**righteous** 38:16  
**rights** 64:14 190:12  
**ripe** 208:22 258:12  
**risk** 74:14 129:14 247:6  
 247:14,18  
**river** 3:10 7:16 109:19  
 110:2 116:8,11,14  
 193:1 196:16 198:9  
 198:14,16,17,22  
 199:4,4,9 200:2,10  
 201:17 211:7,7,8,9,9  
 211:10,11,22 212:1,2  
 217:17,20,22 219:17  
 220:7,12 221:1,17  
 223:8 228:15 230:18  
 233:5 234:22 239:6  
 270:22 271:1 274:6  
**River-** 198:9  
**rivers** 98:17 206:11  
 211:5  
**road** 48:3 158:19 176:9  
 181:4  
**robustly** 111:19  
**rodeos** 227:4  
**Roger** 184:17  
**Rohn** 12:14,14  
**role** 5:11  
**roll** 124:15 231:4  
**rolling** 33:20 186:8,12  
 210:17  
**rolls** 217:20  
**room** 1:6 12:9 30:18  
 49:4 50:11 68:22  
 74:13 92:7 142:20  
 201:6 204:9 212:6  
 234:15 237:17 281:1  
**rough** 33:9  
**round** 12:4,7 37:3 96:22  
 111:19,20 112:15  
 169:10,11,11 239:13  
**rounding** 270:12  
**row** 230:1  
**Ruge** 18:21 27:10

**rule** 21:19 28:4 33:8,21  
 39:20 65:9 149:1,10  
 153:5 183:7 215:16  
 216:6  
**rules** 5:14 52:3 64:14  
 65:16,19 82:16 97:12  
 151:11 153:17 267:6  
 267:6  
**run** 88:16 103:12 111:4  
 135:9 203:13 220:13  
 236:16 248:5 253:4  
**running** 113:12 201:18  
 219:10 223:19 230:18  
 231:22 242:1  
**runs** 235:5,18 240:6  
 284:11  
**rush** 117:4

---

## S

---

**s** 255:1  
**safe** 29:19 32:5 50:12  
 68:7 138:12 251:4  
**safeguard** 209:16  
**safely** 4:21,22 29:20  
 79:4 115:8 122:1  
 129:13  
**safety** 4:4,4,10 32:15  
 34:11 41:9 47:7 50:6  
 74:11 94:22 117:18  
 208:21 256:14  
**Saginaw** 211:9  
**sailboats** 204:20  
**sailing** 164:5 231:8  
**salary** 150:13 260:22  
 261:3,5,14 276:4,20  
**salty** 89:7  
**salty's** 43:5  
**San** 170:20 171:20  
 172:14  
**sanitizing** 248:4 256:19  
**sank** 243:7  
**sat** 71:8,8 263:16  
**satisfied** 5:13  
**satisfy** 221:11  
**Sault** 1:7 10:6 105:3  
 219:5,8 250:9  
**save** 235:14,16 244:16  
**saving** 220:15  
**savings** 229:4,6,10  
 234:16 236:8  
**saw** 29:4 109:14 196:12  
 222:7,9  
**saying** 36:6 47:10  
 55:15 57:5 74:20  
 81:21 90:17 91:20  
 94:2 102:10,17 119:5  
 150:7 153:5 157:6  
 162:20 163:8,16

164:10 172:8 176:5  
 188:16 189:6 200:18  
 213:14 225:7 273:10  
 276:2 279:4,7  
**says** 17:14 24:11 25:4  
 59:3 82:3 160:7  
 186:12 191:17 207:20  
 213:11 243:18  
**scale** 163:3  
**scares** 257:8  
**scary** 194:19 195:9  
**schedule** 10:12 16:17  
 54:8,21 115:2 124:22  
 163:1 246:4  
**scheduled** 125:1  
**schedules** 115:4  
**scheme** 194:12 265:22  
**science** 185:18  
**scrambling** 242:10  
**seals** 131:12  
**seams** 202:13  
**season** 78:7 92:19,21  
 92:22 94:12,14 95:11  
 97:3,5 98:5,19 102:10  
 103:10 105:21 114:4  
 114:14,15,22 116:17  
 117:3,4 127:10  
 146:21,22 221:20,21  
 224:6 234:16,19  
 236:21 239:20  
**season/beginning**  
 114:22  
**season/end** 114:14  
**seasonal** 100:8,13,14  
 110:7  
**seasoned** 107:17 170:2  
**seasons** 93:4  
**Seattle** 226:17,17,18,19  
**seaway** 3:11 7:17 14:8  
 43:12 193:2,22  
 196:13 198:3,5,13  
 199:8,18 200:1  
 233:21 234:3,5  
 240:11  
**Seaway's** 237:14  
**second** 11:18,19 34:12  
 36:18 80:16 84:22  
 85:2 87:11 137:12  
 141:21 147:2,3  
 153:19 184:19 215:17  
 215:18 244:5 288:14  
**seconded** 11:21 184:11  
 184:15 288:15  
**Secondly** 263:14  
**seconds** 129:12  
**secret** 264:13  
**secretary** 6:6 18:2,6,9  
 18:11 19:17 20:15

32:10 253:1  
**section** 6:4,4 59:16  
 142:11 262:4  
**sector** 20:9,11 21:1,2,3  
 22:6,20,22 23:7,11  
 45:12 143:2 255:14  
 255:15  
**sectors** 18:9,13 20:13  
 22:5  
**Security** 279:6  
**seeing** 29:21 37:15  
 110:5 128:16 142:13  
**seek** 19:7  
**seen** 35:5 48:10 109:19  
 125:11 192:1 223:7  
 232:2 254:13  
**segment** 59:17 61:5  
 82:2 280:17  
**segregated** 256:21  
**self** 148:7  
**self-funded** 175:18  
**sell** 244:22 245:4  
**senate** 15:14,21 16:4,8  
**send** 41:2 46:5 105:3  
 246:3 258:22  
**sends** 46:21  
**senior** 28:8 231:9  
**seniority-wise** 126:2,4  
**sense** 56:11 66:17  
 95:14 106:20 131:19  
 197:20 198:1 209:15  
 212:9,18 213:9  
 236:22 237:5 262:6  
**sent** 202:17 226:17  
 253:10 254:3 255:22  
**separate** 8:15 87:1  
 98:18 158:12 267:11  
**September** 1:10 15:12  
 17:9,11 117:1 181:2  
**sequentially** 7:5  
**serious** 254:15  
**servant** 148:11  
**serve** 54:10 55:1 90:1  
 111:19 132:8 221:16  
 246:15  
**serves** 219:7  
**service** 31:13 40:7,7,9  
 70:11 88:4 90:7 97:17  
 109:8 113:19 121:20  
 126:22,22 127:6,12  
 127:16,17,20 160:19  
 194:9 214:8 217:16  
 219:16 223:20 241:2  
 266:9 281:18 285:22  
 286:1,14  
**services** 38:4 97:22  
 99:15 245:9  
**servicing** 96:21 109:11

233:6  
**servicing** 34:15 220:19  
**session** 21:16  
**set** 32:8 39:1 63:12  
 65:16 72:15 142:11  
 154:22 161:6 170:4  
 177:11 200:17 240:16  
 246:8 265:11,14  
**setting** 3:9 7:21 185:4  
 215:15 216:6 260:16  
 273:15  
**settings** 260:8  
**seven** 94:18 106:3  
 114:18 116:14 119:11  
 124:12 126:2 127:5  
 128:2 132:3 151:21  
 218:7 221:18 227:12  
 250:21  
**seventh** 25:16 26:2,17  
 126:9  
**shake** 30:13 275:13  
**shallow** 219:15 221:1,4  
 221:7,8,9  
**shame** 48:12 70:12  
**shape** 223:4 237:8  
 242:4,7 246:19  
**shaping** 29:17  
**share** 51:16 53:4 143:8  
 187:21 259:2,7  
**sharing** 272:17  
**she'll** 31:19  
**shed** 19:15  
**sheet** 246:18  
**sheet/questionnaire**  
 253:5  
**sheets** 8:14,15  
**shelves** 29:4,12  
**ship** 30:2 43:3 53:7  
 54:12,13 56:22 69:22  
 78:5,21 97:18 98:10  
 105:10 110:12,17  
 122:16 129:8,13  
 132:4 206:2,4,5,6,13  
 206:16,19 207:4  
 220:18 231:21 232:2  
 237:9 250:8,10,16  
 258:16  
**shipments** 195:6  
**shipper** 18:5 21:9 22:8  
 57:5  
**shippers** 21:10 22:7  
 32:13 38:3 42:17 44:7  
 46:4 52:20 54:15  
 56:15 90:20,22 93:13  
 135:5,7 266:3  
**shippers'** 91:9  
**shipping** 23:14 43:5  
 54:3 56:19 58:8 69:8

71:2,12 197:20  
 200:14,15 202:17  
 234:3  
**ships** 47:6 54:6,17,18  
 58:2,6 70:11,15 79:4  
 88:5 89:11,19 90:2  
 92:5 94:4,18 100:15  
 101:19 107:15 109:15  
 110:8 111:3 113:18  
 113:20 114:3,17  
 115:2,3 116:8,10,13  
 116:14 119:4 121:15  
 127:12 133:10 146:20  
 153:22 160:19 170:11  
 171:5 190:16 204:18  
 204:20 219:16 221:16  
 223:20 229:16 232:3  
 232:6 255:19  
**shipyards** 170:11  
**shocked** 282:5  
**shook** 60:22  
**shoot** 286:19  
**shoreline** 202:22  
**short** 47:3 62:2 108:18  
 111:1 164:20,22  
 167:2 169:3 181:8  
 229:14  
**shorter** 220:13 229:12  
**shortfall** 29:1 263:11  
**shortly** 209:10 217:8  
**shot** 282:1  
**shoulder** 224:6  
**shoulders** 194:16  
**show** 70:12 87:16  
 133:12 147:8 157:21  
 190:18,19 209:2  
 216:17 272:15  
**showing** 282:4  
**shown** 253:18  
**shows** 257:12  
**shrinking** 128:19,21  
 129:15 131:6,17  
**shrinks** 25:7  
**shrunk** 131:17  
**shut** 110:13  
**shutdowns** 201:4  
**shuts** 194:17  
**sick** 124:14 252:3 253:6  
 253:17 254:6 258:7,7  
 258:10,15  
**side** 46:17 91:9 117:15  
 117:18 128:15 131:22  
 176:18 179:10,12  
 188:13,14 208:17,17  
 237:9 270:14 279:17  
**sidebar** 83:9  
**sidebars** 34:17  
**sided** 124:8

**sides** 63:8 91:16 189:10  
**sidewalk** 30:1  
**sight** 108:20  
**sign** 8:13,17 79:20  
**sign-in** 8:13,15  
**signal** 23:13  
**signals** 31:9  
**significant** 33:10 88:6  
 89:15 110:12 111:5  
 260:5 266:2  
**signing** 84:4  
**signs** 208:1 248:21  
 254:8  
**Silas** 76:12,21  
**silent** 20:3 25:19  
**similar** 39:4 233:1,12  
 271:14  
**Similarly** 28:22  
**simple** 44:10 102:9  
 118:21 160:13 188:10  
 188:18 240:4 268:7  
 287:6  
**simplify** 219:18  
**simply** 116:12 173:16  
 221:15,22 275:9  
**sincerely** 209:5  
**single** 16:10 145:6  
 232:2  
**singled** 211:16  
**sir** 19:2 84:14 86:14  
 283:3  
**sit** 43:1 44:15 45:10  
 55:13,17,20 67:17  
 68:21 71:2 91:2  
 108:11 130:21 136:2  
**sites** 143:7  
**sitting** 142:20 199:19  
**situation** 52:21 141:3,5  
 141:8 165:15 195:4  
 219:1 232:14  
**situations** 77:1 141:1  
**six** 43:13,18 70:10  
 94:19 103:10 114:18  
 122:16 126:20 132:2  
 138:13,14 146:5  
 148:10 153:10 154:10  
 155:3 193:1 198:20  
 217:19  
**size** 191:19  
**sketchy** 152:13  
**skewed** 190:18  
**skies** 205:15  
**skills** 130:9,17  
**skip** 7:15  
**skipped** 114:1  
**slang** 272:21  
**slight** 16:2 18:1 19:16  
**slipping** 284:19

- slot** 27:7 174:8  
**slow** 238:11  
**slowly** 65:3,13  
**slug** 115:7  
**small** 39:4 45:11,12  
60:18,18 110:22  
111:2 157:14 171:3  
186:5 196:21 204:22  
206:13 275:22 284:15  
**smaller** 234:2 244:3,12  
244:22 281:2  
**smell** 252:10  
**smoother** 235:8,17  
**smoothly** 88:17  
**snatched** 228:18  
**sniffles** 251:4 254:7  
**snowing** 70:6 208:20  
**social** 4:11 250:10  
256:18 279:6  
**soil** 78:3  
**solicit** 31:14 46:13  
123:22  
**solicitation** 193:5  
**soliciting** 20:20  
**solution** 219:14 220:15  
**solve** 45:19 75:5,12  
173:11 203:4,5  
**solved** 134:19 202:19  
**solving** 75:16  
**somebody** 21:2 22:6  
42:18 59:19 130:13  
134:6 143:20 153:8  
153:10,12 164:6  
165:8,10 174:9  
197:19 202:15 212:20  
254:16 257:9 258:7  
271:21  
**somebody's** 120:10  
**someone's** 262:13  
**someplace** 101:2  
103:19 202:5  
**Soo** 4:17 69:10,17,22  
70:1 219:4 220:1,3,4  
222:14 224:15 225:17  
250:12  
**soon** 31:2 107:9 108:16  
240:9 256:10  
**sooner** 244:18  
**sorry** 12:7 14:1 25:13  
26:14 56:9 72:20  
100:7 109:6,9 114:1  
141:17 143:8 144:14  
163:15 222:1 229:2  
251:5  
**sort** 9:21 16:17 17:15  
25:10 32:16 60:10  
62:9,15 106:21  
117:10 140:22 180:6  
187:10,14 214:16  
225:2 247:13 262:10  
**sorties** 46:12  
**sorts** 181:18 240:7  
**sounds** 59:21 277:14  
**source** 155:6 250:1  
266:8  
**South** 283:1  
**space** 32:5 228:16  
230:8  
**span** 124:17  
**spanning** 205:5  
**spare** 226:6  
**speak** 9:4,4 10:21 25:19  
40:2 43:6 44:5 107:9  
108:3,9 109:1 138:1  
156:17 247:3 278:6  
283:13 285:13  
**speaker** 50:11  
**speakers** 11:5  
**speaking** 81:9  
**speaks** 20:8,11 22:6,21  
67:15  
**specialty** 92:3  
**specific** 6:13 42:4  
59:11 75:5 231:20  
260:20  
**specifically** 17:22  
180:8  
**speculated** 107:11  
**speculation** 107:19  
**speed** 120:2 200:12,18  
**spell** 142:3 267:6  
**spells** 267:8,9  
**spend** 130:21 179:15  
**spent** 55:3  
**spiking** 148:21  
**spill** 205:11,13  
**spinning** 62:3  
**spirit** 47:22 118:12  
240:20 245:20  
**spoke** 234:2 260:1,2,3  
283:13  
**spoken** 208:16  
**sport** 282:5  
**spot** 27:14 133:12,13  
233:9 236:3  
**spots** 201:16  
**spreadsheet** 119:4  
**spring** 125:5,10 193:7  
193:12 195:14 196:12  
230:19  
**St** 3:10 7:16 14:7 116:8  
116:11,13 193:1,12  
196:3 198:3,16,16,22  
211:6,7 217:17  
**stability** 172:3,11  
**stabilization** 203:1  
**stabilize** 197:5  
**stable** 172:20  
**Stacey** 14:11  
**stacked** 132:3  
**staff** 23:4 31:17 106:16  
111:20 204:2  
**staffing** 3:6 7:20 88:1  
89:4 91:15 92:14,17  
93:6 94:21 102:12  
104:3,8 113:4,6,7,8  
114:2,9 115:13  
116:16 117:9 134:6  
146:7,10,17 174:12  
192:16 196:20  
**stage** 233:9  
**stages** 124:12 151:15  
**stake** 24:18  
**stakeholder** 3:4 8:2,3  
28:14 30:20 33:21  
36:22 39:1 42:7 52:12  
61:20 63:15  
**stakeholders** 28:2 39:3  
40:20 41:3 44:7 50:22  
53:13,17 59:5 62:12  
92:7  
**stand** 139:20  
**standard** 158:15,16  
**standards** 243:16  
**standing** 109:15 247:12  
**stands** 25:21 33:16  
**staring** 220:4  
**start** 11:4 12:8 88:12  
119:15 124:5 125:4  
160:14 165:18 171:5  
171:6 172:8 177:3,16  
197:1 201:18 217:13  
218:3 227:2 233:5  
246:20 247:17 250:6  
278:15  
**started** 35:8 39:6 56:9  
89:9 125:5 148:21  
159:10 174:13 192:17  
218:12 250:17 251:2  
254:18 255:5,22  
256:8 264:1 265:18  
**starting** 64:11  
**starts** 119:10,14  
**state** 9:5 10:20 77:8  
193:15 194:11 196:6  
225:19 257:10 273:2  
273:2  
**State's** 257:13  
**stated** 7:9 89:21  
**statements** 10:19 62:17  
144:13 268:3  
**states** 1:1 47:1 100:8  
123:19 171:2 207:7  
207:21 253:4  
**stating** 22:19  
**station** 17:1 116:5  
257:1  
**stationed** 236:13 244:1  
**status** 3:3 7:14 14:14  
120:9 124:13 150:5  
**Statute** 8:8  
**statutory** 275:11  
**stay** 115:2 132:16  
134:21 224:22 263:5  
**staying** 10:12  
**stays** 224:14,19 256:22  
**STCW** 131:11  
**Ste** 1:7 10:6 219:5,8  
250:9  
**steady** 41:13  
**steel** 12:13 36:13 41:22  
56:20 58:5 70:21  
224:9  
**steering** 240:5  
**step** 40:21 78:4 183:10  
183:11 214:7 263:2  
**Stephen** 43:1 53:9  
**steps** 216:20  
**Steve** 1:16 13:15 18:18  
18:21 19:14 25:15  
41:2 43:12 47:13  
49:16 54:1 61:15 71:4  
72:6 85:2 95:6 115:11  
123:15 126:17 127:15  
159:9 191:4 193:2  
195:20 207:17 208:2  
215:10,19 219:19  
259:20,21 267:2  
269:4 276:2 278:22  
**Steve's** 98:8  
**stick** 134:14 149:5,7  
167:2 237:9 282:21  
**stipend** 148:9 155:5  
**stir** 205:10  
**stones** 36:8  
**stonewall** 72:5  
**stop** 23:15 65:12  
149:17 242:13 275:15  
**stopped** 96:11 147:17  
148:22 249:3,6 269:1  
**stops** 78:14  
**storage** 226:12  
**store** 29:12 70:3  
**storm** 9:22  
**story** 208:17 243:10  
**straight** 287:8  
**straighten** 211:14  
**straightforward** 115:18  
**strain** 98:14  
**strained** 125:7  
**Strait** 30:22  
**Straits** 3:12 8:1 203:18



203:22 204:12 205:5  
 205:12,18 206:8,22  
 210:14 211:16 212:15  
 212:17 214:6,9  
 216:22  
**strange** 79:1 140:20  
**strategy** 56:5 90:13  
**strength** 47:5  
**strengthening** 62:20  
**strictly** 201:7  
**strike** 205:9  
**strong** 92:1  
**stronger** 47:20  
**struck** 206:9  
**structure** 16:3 20:5  
 21:20,22 95:21 194:6  
 198:18  
**structured** 191:15  
**struggling** 101:12  
 110:19 111:16 166:21  
**stuck** 101:20 133:9  
 169:2 170:22 239:6  
 257:13  
**study** 35:8 45:1 180:11  
**stuff** 60:13 70:19 82:19  
 116:2 166:13 179:10  
 181:18 190:22 277:22  
 279:21 287:10  
**stupid** 71:22  
**sub** 198:8  
**subject** 273:4,13  
**subjective** 188:7 191:7  
**subjectivity** 188:21  
 191:13  
**submit** 143:18,22 144:3  
 193:5 272:13  
**subsectors** 20:7  
**subset** 171:3  
**subsidize** 94:4 95:12  
**subsidizing** 99:1  
**substantial** 236:8  
**substantially** 126:5  
 281:1  
**substitute** 37:21  
**success** 35:15 187:12  
 187:17  
**successful** 44:19 56:4  
 56:5 274:11  
**suck** 238:14  
**sucks** 257:14  
**sudden** 109:15 114:19  
 115:6 119:9,11  
**suddenly** 205:12  
**sue** 44:18 55:21  
**suffer** 258:10  
**suffered** 156:12  
**suffering** 160:10 189:5  
**suggest** 28:14 74:21

**suggested** 208:20  
 272:4  
**suggesting** 261:12  
 275:7  
**suggestion** 27:22 82:20  
 83:21 86:14,21 141:8  
**suing** 71:13  
**suitable** 224:6 241:5  
**summary** 11:11  
**summer** 15:16  
**Suncorp** 98:10 99:1  
**sunsets** 17:9  
**Superior** 217:17 219:7  
 224:8  
**supervision** 194:15  
**supply** 32:21 33:4  
**support** 23:17 34:9  
 40:7 47:19 96:3 99:11  
 143:4 180:4  
**supporting** 33:18  
**supports** 217:3  
**suppose** 37:2  
**supposed** 26:18 94:16  
 101:17 103:9 119:14  
 122:3 123:11 125:4  
 168:19 169:5 236:3  
 285:6  
**supposedly** 252:3  
**surcharge** 3:8 8:1  
 147:13,15 148:14,19  
 149:12,18 155:8,11  
 155:12 156:21 159:11  
 161:1 168:7,18,18  
 215:9 245:21 246:12  
**surplus** 246:6  
**surprised** 37:5  
**surprising** 201:11  
**suspect** 221:18  
**sustainability** 78:8  
**sustained** 197:4  
**swamped** 232:7  
**swap** 46:3  
**Swartout** 13:3,3 25:14  
 25:14,22 26:17 113:3  
 113:3 125:7 191:2,3,3  
 192:14 214:4,4 232:5  
 283:15,16 287:12  
**swinging** 189:10,13  
**switch** 220:7 235:12  
 244:6  
**symptomatic** 247:5,10  
 250:14 251:13  
**symptoms** 251:15  
 252:3 254:8 258:3  
**system** 28:8 54:14,15  
 55:7 57:2,3,6 58:7  
 59:4 72:4 78:10,14  
 89:8 90:10 92:6,19

93:1,1,12 94:3 96:1  
 97:4,22 98:14 102:5  
 105:11 106:7,13  
 115:5 116:21 117:8  
 117:22 118:5 119:12  
 121:9 127:19 132:10  
 132:14,15 169:22  
 175:22 176:1,3  
 185:14,21 186:21  
 187:18 189:4 229:20  
 235:7 258:13 273:5  
**Szczotka** 12:19,19  
 222:3 250:3,3

---

**T**


---

**T.V** 68:22  
**table** 8:14 30:4 44:17  
 54:16 55:9 59:2 61:6  
 74:21 93:14 184:6,7  
 184:16  
**tables** 8:18  
**tacked** 16:21  
**tackle** 6:19  
**taken** 155:7 195:14  
 241:4 244:10 282:6  
**takes** 62:17 72:22  
 115:19 116:4 131:22  
 196:21 212:2 243:15  
 270:6  
**talent** 182:14  
**talk** 15:9 22:11 24:19  
 34:4 40:5 43:1,2 44:7  
 44:17 55:13,16,16,17  
 59:19 71:10 77:15  
 78:3 80:12 93:14  
 94:16 114:13 135:5  
 170:12,19 180:17,20  
 180:21 186:19 254:14  
**talked** 46:2 47:21 48:16  
 49:6 73:3 95:9 111:21  
 149:19 159:11 215:10  
 239:15  
**talking** 7:13 25:15  
 29:13 32:21 85:11,17  
 116:5 142:20 158:13  
 211:12 218:17 222:10  
 237:14  
**tangible** 183:2,3  
**tanker** 52:20 109:5,7  
 204:19  
**tankers** 88:4 89:10,16  
 90:1 109:2,11 146:21  
**Tanzania** 50:22 59:19  
**target** 91:2 149:20  
 150:7,11 157:9 162:9  
 162:14,17,21 183:10  
 183:12 216:12 260:11  
 260:14 265:8,11,14  
 265:18 266:5 283:21  
 284:5,13  
**task** 207:8  
**tasked** 207:3  
**tasking** 180:5  
**Tata** 12:13 36:13 41:22  
 70:21  
**taxed** 92:5 241:18  
**taxes** 179:9  
**teach** 286:19  
**team** 86:7  
**Teams** 86:5,6  
**tear** 229:15 244:17  
**technical** 199:3  
**technically** 17:8 49:11  
 180:19 184:15 194:8  
 199:1  
**technology** 50:19 51:3  
 51:20 52:5 60:4 65:3  
 65:8,14 66:2,10 82:14  
 83:3,5 86:19 136:1  
 141:16,19  
**teeth** 163:19  
**telecommute** 65:6,7  
**telephonic** 144:18  
**tell** 30:6 31:19 32:22  
 34:3 37:22 39:13 45:6  
 46:1 57:19 70:18  
 71:14 74:11 75:1 79:1  
 82:9 92:11,16 95:7  
 103:17 169:16 189:1  
 204:5 213:5 227:9  
 282:6  
**telling** 50:9 92:15 255:6  
 268:9  
**tells** 180:8  
**temperature** 248:18  
**temperatures** 248:20  
**temporary** 150:2  
**ten** 16:1 39:17 40:21  
 44:20 93:11 114:18  
 116:10 159:12 174:21  
 191:11 196:13 217:20  
 238:18,21 243:7  
 258:2,5 264:2 270:15  
 278:9,17  
**ten-year** 266:15  
**tends** 114:6  
**term** 7:14 14:15 111:2  
**Term-Appointments**  
 3:3  
**terms** 59:12 60:14 61:2  
 265:7  
**test** 250:19,21 251:6,19  
 252:11 257:11 258:4  
 258:5  
**tested** 232:12 249:16  
 249:16,21 251:17,17

- tests** 247:5,10 249:17  
 252:16  
**Texas** 24:5  
**text** 282:20  
**texting** 254:17  
**thank** 10:2,8,13 15:11  
 18:18,22 19:3 34:18  
 35:2,3 36:4,5,9,10,15  
 36:17 42:11 47:14  
 52:10 57:12 64:8 72:7  
 77:4 78:12,14,20 79:6  
 83:17 89:3 193:4  
 204:11 215:2 217:5  
 225:10 232:19 259:22  
 281:13,18,19,21  
 282:10 285:19 286:5  
 286:7,8,8,13 287:1,21  
 288:4,18  
**thanks** 10:7 14:19  
 15:20 31:12 35:9  
 61:16 79:7 288:5,9  
**that'd** 150:17  
**theoretically** 87:2 90:2  
 285:5  
**theory** 56:1 83:13,13,17  
 86:19  
**they'd** 45:17 199:20  
**they's** 56:12,13  
**things** 4:4 32:8 39:20  
 41:21 47:3,15 51:5,6  
 52:13 53:5 56:20  
 65:21 67:19 71:14  
 74:20 76:16 80:18  
 83:4,4,14 88:14 94:22  
 102:11 111:21 117:21  
 118:13,15,17,17  
 130:8 131:2 143:7  
 165:6 171:6 186:4  
 192:2 194:12 196:7  
 214:2 219:19 226:6  
 226:16 227:3,19  
 228:20,21 233:3  
 238:21 246:19 248:8  
 263:9 267:21 281:9  
 281:11  
**thinks** 213:19 221:15  
**third** 29:10 78:1 170:8  
 173:1 229:17 264:12  
 267:3  
**third-world** 78:4  
**thought** 28:18 33:1  
 37:12 48:9 50:4 52:18  
 107:6 110:3 125:10  
 131:5 135:1 138:14  
 148:12 149:3 150:6  
 157:7 218:17 244:12  
 252:13 256:10  
**thoughts** 134:21,22  
 146:13  
**thousand** 135:6  
**threat** 57:16  
**threatening** 57:16,21  
**three** 41:8 43:9 67:19  
 69:19 72:7,9,18 88:7  
 88:17 89:8,12,18 90:4  
 93:5,15,17 102:13,19  
 104:13,19,22 113:8,9  
 119:8 120:9 121:3  
 124:4,6,15,18 125:1  
 138:13 151:5 155:2  
 156:12 157:2,21  
 158:12 159:12,16,20  
 161:11,20 164:12  
 167:14,21 168:10  
 170:13 175:9 177:5  
 178:12 186:13 200:4  
 211:12 218:2,13,19  
 219:1,4 221:3 223:9  
 227:12 229:22 232:11  
 240:12,19,21 241:5  
 246:6 247:21 253:8  
 254:11 255:10 256:2  
 256:3,20 258:18  
 261:13 266:8 270:6,8  
 277:2 281:9  
**three-year** 179:11  
**throw** 36:8 189:20  
 231:13  
**throwing** 42:5 164:20  
 229:9  
**thrown** 269:1  
**Thunder** 219:3  
**Tibbetts** 118:10  
**tie** 221:2  
**tied** 52:4 228:5  
**times** 7:2,4 33:9 43:9  
 55:10 57:15 70:17  
 89:15 90:8 94:18,19  
 99:14 100:1 116:6  
 117:21 202:14 213:21  
 245:18 255:18  
**Timme** 39:8  
**Tina** 12:12 36:11,12  
 37:3 44:1 56:7 57:13  
 68:4 70:13 76:5 94:2  
 144:10,11  
**Tina's** 52:11 62:11  
**today** 6:18 7:2,13 9:18  
 10:8,14 11:1 13:16  
 14:12,19,21 38:8  
 48:21 49:4 52:15,21  
 70:7 73:10 74:7 78:13  
 83:5 129:6 150:16  
 190:10 230:17 262:12  
 266:18 268:4  
**Todd** 2:11 13:1 19:8,13  
 21:12 26:4,6 35:9,14  
 38:20 42:20 46:21  
 48:8 53:1,2 58:9,10  
 63:6,10 68:12 71:19  
 80:7 81:14 88:9,11  
 97:7 104:3,4 106:20  
 107:2,22 113:22  
 115:12,17 118:22  
 121:2 129:20,21  
 138:3 146:13 148:1  
 156:19 158:8 161:5  
 169:10 173:14 175:16  
 183:8 185:19 203:10  
 207:9,14 225:20,21  
 228:22 234:13 263:11  
 264:19 265:6 268:15  
 269:18 275:8 288:1  
**Todd's** 153:5 185:22  
 208:17  
**toilet** 29:2,3  
**token** 81:13  
**told** 50:10 68:15 75:19  
 82:11 252:4,5 268:4  
**Toledo** 110:2  
**tolerance** 167:11  
**tomorrow** 172:10  
**ton** 165:11  
**tools** 83:15 87:5,6  
 143:2  
**top** 37:7 166:8,12,14  
 171:2 191:21 205:4  
 229:13 231:6 237:2,6  
 238:10 255:9  
**topic** 10:17,17 14:13  
 19:5 24:18 25:12  
 27:21 88:1 113:4  
 145:10,12 147:11  
 171:8 185:2 192:22  
 203:17 204:10 214:21  
 215:7 217:12 259:14  
 260:1,2,3 280:14  
**topics** 11:6  
**Toronto** 43:10  
**total** 99:18 106:18  
 163:12 247:7  
**Totally** 148:6  
**touched** 128:12 218:2  
 232:5  
**tough** 72:21 166:17  
**tougher** 131:15,15  
 207:8  
**tour** 119:8 271:22  
**tow** 33:2  
**towing** 78:7  
**town** 201:18 281:5  
**toys** 143:2  
**Traci** 76:12,21 82:11  
**track** 56:6 117:7,8,12  
 153:20 167:19 186:18  
 275:3  
**tracking** 118:21 187:10  
 247:9 273:5  
**Tractor** 183:4  
**traditionally** 62:13  
**traffic** 4:21 88:2 99:18  
 100:10 109:5,7  
 110:12 113:14,19  
 114:20 115:7,15  
 119:9,13 130:5  
 132:15 146:18,22  
 148:21 188:8,11,12  
 188:15 191:10,12,18  
 191:18 197:6,8,8  
 204:19 214:8 231:21  
 231:21 235:17  
**train** 17:1 71:20 152:16  
 156:2 159:14,21  
 170:9,10  
**trained** 152:21 175:17  
**trainee** 120:9,20 151:9  
 154:19 162:15 167:6  
 168:5 179:15 180:2  
**trainees** 120:6 155:3  
 164:1,2 166:7 167:12  
 173:17,19 179:9  
 267:10  
**training** 3:8 8:1 93:3  
 131:10,14 141:12  
 147:15 148:7 150:9  
 151:1 153:11 154:1,9  
 154:10,15 155:5  
 157:19 161:2,21  
 164:12 170:4 171:17  
 172:16 174:14 179:5  
 215:9 270:14  
**trans** 217:20  
**transcript** 11:11 55:14  
**transit** 220:2,4,16,19  
 229:17,21 233:10  
**transitioned** 124:16  
**transmission** 226:5,13  
 226:16 227:2,5 228:5  
 228:6  
**transparency** 140:12  
 142:17 187:16 189:19  
**transparent** 40:17  
 75:20  
**transpired** 138:17  
**transport** 227:5  
**transportation** 28:8  
 105:17 161:20 235:15  
**transported** 250:16  
**transporting** 235:15  
**travel** 28:19 67:2 69:15  
 70:7 97:16 122:16  
 148:7 165:11

**traveled** 4:17 69:14  
**traveling** 50:12 66:20  
 145:4  
**treat** 150:9  
**treated** 169:19 267:16  
**tremendous** 172:6  
 194:20  
**Tribal** 209:4  
**tried** 44:4 48:9 51:3  
 52:9 55:10 238:6,7  
 243:1,1,1 274:4  
**tries** 238:9,11,14  
**trip** 267:16  
**trips** 47:3 127:8  
**trouble** 170:17  
**true** 15:2 49:15,16 50:9  
 91:4 140:14 165:3  
 211:6  
**truly** 22:21 24:17 73:8  
 91:14 158:18  
**truth** 57:20,20 58:9  
 268:9  
**try** 7:6 37:10 43:17  
 45:19 51:4,12 52:6  
 55:9 57:10 65:11 75:2  
 99:21 115:8 138:8  
 201:16 206:22 207:5  
**trying** 9:8 41:18 45:10  
 48:14 51:16 86:20  
 117:5,12 129:17  
 130:22 142:22 144:15  
 165:12 167:10 176:18  
 186:20,21 224:21  
 225:6 235:18,19  
 238:11 248:9 249:9  
 262:21 284:2 285:10  
**Tuesday** 1:10 119:7  
**tug** 112:9 170:13  
 224:12 234:2 236:13  
 236:17 237:14 239:22  
 240:10,12  
**tugs** 99:4 170:13  
 233:22  
**turn** 4:13 10:3 14:15  
 15:8 37:3 97:20,21  
**turnaround** 116:9  
 251:19  
**turnarounds** 110:1  
**turned** 88:19 176:12  
**turnover** 107:14  
**tweak** 186:3  
**tweaking** 185:19  
**twice** 120:2 246:2  
**twist** 287:11,12  
**twisting** 48:5  
**two** 5:22 10:22 13:8,22  
 16:8 43:8 47:15 49:13  
 78:16,22 81:5 88:7

90:4 93:5,17 95:12  
 100:19,21 104:18,22  
 106:2,4,22 115:6  
 120:6 137:10 138:15  
 139:16 151:11 155:17  
 164:12 165:11 167:22  
 170:13 171:22 176:7  
 180:15,16 181:3  
 186:10,13 188:19  
 194:13 205:8,21  
 218:8,9,16,18 221:3  
 221:16 223:1,11,17  
 225:21 229:21 233:21  
 235:5,18,19 236:4  
 237:20 240:9 241:6  
 243:8,9 246:9 250:8  
 251:2 252:13 257:19  
 258:1 261:5,13 263:9  
 266:7 270:6 277:1  
 283:17

**two-thirds** 181:22  
**type** 50:19 64:11 66:3  
 86:5 141:5

## U

**U.S.** 6:10 12:10 26:7  
 42:21 47:11 49:3 53:3  
 58:11 63:11 68:13  
 86:3 88:12 90:15 91:6  
 104:4 107:2,7 108:1  
 113:22 117:16 128:15  
 129:22 148:2 149:22  
 156:20 158:14 161:6  
 161:8 183:8 199:18  
 207:14 234:13 235:1  
 247:3 252:19,21  
 260:18 266:4 269:19  
 275:8,10 278:10  
**U.S./Canadian** 48:22  
**ultimate** 198:19  
**ultimately** 27:9 48:13  
 96:7 98:14 195:10  
**unanimous** 26:19 27:17  
 147:9 199:11 203:20  
 216:19  
**unanimously** 26:11  
**unanswerable** 118:22  
**unbelievable** 123:15  
**uncertain** 186:21  
**uncomfortable** 223:18  
**understaffed** 113:13  
**understand** 6:18 7:2  
 55:7 57:1 86:22 104:9  
 141:20 142:18 143:5  
 155:18 158:12 159:4  
 161:22 162:14 175:1  
 189:17 190:3 195:12  
 225:10 235:10 279:11

279:14 281:7  
**understandable** 195:3  
**understanding** 31:1  
 73:17 136:20 139:22  
 189:15 190:3 245:5  
**understood** 9:4 207:19  
**underway** 77:21  
**undesignated** 206:1,4  
 206:9 212:6 213:8  
 214:17 271:9  
**unexpected** 218:3  
**unfilled** 25:16  
**Unfortunately** 43:13  
 225:5 281:1  
**unhappy** 35:13,14  
**unified** 32:8 251:22  
 256:6,8  
**unique** 49:10 52:15,21  
 85:13,20 141:3  
 228:12  
**unit** 226:12  
**United** 1:1 100:8 123:19  
 171:2 207:7,21 253:4  
**universe** 50:3  
**unknown** 231:14,15,15  
**unseen** 165:7  
**unusual** 62:8  
**upbound** 121:12  
**update** 15:19 192:18  
 248:8  
**updated** 269:21  
**updates** 3:13 8:2  
 217:13 284:22  
**uproar** 212:21  
**uproot** 129:6 164:7  
**uprooted** 164:17  
**ups** 35:6  
**upstate** 195:8  
**usage** 104:18 170:13  
 241:6  
**USC** 6:4  
**use** 58:7 65:8 83:2 86:9  
 90:11 94:3 96:8 99:14  
 99:15,16 104:13  
 120:20 122:6,19  
 242:15,17,21 243:12  
 248:3 274:19 276:17  
 284:1,3,21  
**useful** 220:14  
**users** 95:10 98:8  
 100:16 204:17,22  
 205:2  
**uses** 99:22  
**usual** 206:10  
**usually** 77:7,11 284:11  
**utilize** 121:1 242:16,18  
 243:19 244:14 247:22  
**utilizing** 66:2 223:8

## V

**vacation** 131:14  
**vaccine** 51:9 66:12  
**validate** 208:19  
**valuable** 182:19 188:22  
**value** 9:13 46:11,11  
 53:19 77:15,16,16  
 98:22  
**vantage** 40:5  
**variable** 191:17  
**variables** 192:10  
**varied** 115:4  
**varies** 188:13  
**variety** 47:3  
**various** 39:3 124:12  
 260:7  
**vas** 174:15  
**venue** 37:13  
**verification** 142:15  
**versa** 70:2  
**version** 16:5,11,13  
**versions** 16:8,9  
**versus** 213:21  
**vessel** 13:18 18:3 21:6  
 21:8 22:10,13 56:13  
 98:13 99:2 115:21,22  
 133:17 159:7 191:19  
 212:20 213:6 214:7,8  
 214:11 221:5 250:11  
 251:16 253:2,2 254:1  
**vessels** 29:9 32:16 33:2  
 78:1,1 89:7 114:18  
 119:3 132:3 253:16  
**vest** 286:17  
**vet** 21:17  
**veto** 199:10,12  
**viability** 231:15  
**viable** 83:3 111:1  
 145:21  
**vice** 70:2 75:22  
**vicious** 108:15  
**video** 144:17  
**view** 30:1 68:10 95:8  
 135:18  
**village** 201:18  
**Vince** 12:9,10 65:6 86:2  
 86:3 252:1,11,17,18  
 254:12 255:9,12  
 278:6  
**Vincent** 55:15 118:9,16  
 232:22 235:12 260:2  
**vintage** 230:14,15  
**virtually** 37:21 109:5,7  
**visit** 43:10 72:14  
**vocal** 56:15  
**voice** 20:6 22:8 50:13  
 142:15  
**voices** 142:14 190:12

**volume** 6:22 46:12  
191:18  
**volumes** 67:15 110:19  
**voluntarily** 261:8  
277:18  
**VOMY** 32:18 254:10  
**vote** 11:21 74:21 85:3  
87:19 134:12 139:15  
140:6 146:4 147:6  
181:12 185:7 187:19  
216:15  
**voted** 136:21 138:13,15  
**voting** 139:12  
**voyage** 236:4

---

**W**

---

**W-2's** 269:11  
**wage** 153:12  
**Wagenborg** 71:7,9  
**wages** 152:7 169:16  
**wait** 55:18 92:8 159:15  
160:13 161:13 174:21  
178:4 181:16 213:13  
**waited** 174:5,13 175:10  
**waiting** 114:19  
**walked** 266:18  
**walking** 79:3 189:7  
**Walmart** 29:4 33:3  
103:17  
**wane** 111:12  
**wanted** 36:5 47:14 60:9  
68:16 76:1 82:11  
88:13 95:19 101:6  
160:3,21 188:1  
197:13 207:18 211:13  
264:5 277:11 278:9  
285:20  
**wants** 23:8 28:6 45:16  
45:17 55:4 59:19 60:2  
65:15 69:6 81:3 83:8  
129:7 171:4 177:18  
179:2 214:8 263:12  
277:17 281:8,10  
282:19 283:13  
**wash** 253:13  
**Washington** 4:19 9:17  
12:11 170:21 226:19  
257:12,12  
**wasn't** 37:4,9 39:9 71:4  
71:5 80:14 101:4  
104:17 137:11 138:22  
155:6 176:13 226:20  
258:1 266:17 280:17  
**waste** 145:4  
**watch** 31:19 256:4  
269:14  
**watched** 254:11,22  
**watching** 16:14 30:2

68:22,22 253:20  
254:13 255:11,17  
**water** 196:4,10 200:5,6  
200:8 201:16,16,18  
202:5,17,18,22 209:3  
220:22 221:1,7 224:3  
**waterfront** 194:22  
**waters** 30:22 90:10,15  
205:19 206:1,1,2,4,9  
206:12 207:1 210:9  
211:8 212:6 213:8  
214:17 221:9 271:9  
271:12,13  
**watershed** 202:12  
**waterway** 209:1,4  
**waterways** 8:9 210:12  
**waving** 225:7  
**way** 9:17 20:17 35:20  
38:12 41:14 46:1 49:5  
51:4 52:22 54:14 55:1  
55:5 57:2,18 60:11  
62:1 64:21 65:6 66:7  
67:10 80:21 81:19  
82:4 95:4 96:12 97:12  
103:2 105:3 117:8,10  
119:2 121:11 133:5  
135:18 141:11,14  
142:6 143:5 145:4  
150:14 164:2 169:14  
172:17 176:1,1 177:4  
178:8 179:8,17 184:1  
187:11,17 189:7,11  
190:2 191:15 192:12  
194:4,4 196:8,17  
197:7 205:15 207:7  
212:4 214:1 220:20  
220:21 233:19 235:11  
239:6,18 241:11  
263:1,7 271:19,20  
272:3 277:2  
**ways** 42:16 76:22  
164:21 195:17  
**wear** 32:6 229:15  
244:17 253:13  
**wearing** 4:12  
**weather** 96:10 104:14  
104:16 105:7 112:14  
114:6 233:15 244:14  
**weathering** 9:22  
**website** 5:14 8:10 11:12  
**wedding** 270:7  
**week** 34:18 37:8 78:22  
101:7 102:2 106:3  
121:14 218:21 250:5  
**weeks** 43:13,18 49:14  
90:3 106:2,4 109:18  
124:15,16 223:10  
257:19 258:1

**weighed** 195:7  
**weight** 23:11  
**weird** 76:7  
**welcome** 4:3,17 5:3  
10:1,6,9,12 31:16  
32:1 34:16 61:12,13  
188:3 215:5  
**Welland** 121:7  
**went** 33:11 53:10,11  
79:5 93:3 119:13,16  
159:10 160:6 168:7  
169:10 177:3 184:14  
192:15 249:15 250:21  
250:22 251:17 256:1  
256:2,3 266:4 278:10  
279:1 288:20  
**weren't** 45:3 75:5 218:6  
230:5 252:3  
**west** 1:6 110:10 195:5,6  
**Westcott** 242:16 243:6  
245:1,11  
**Western** 12:16,19 13:3  
13:5,20 109:6 113:3  
130:7 153:14 164:9  
191:4 214:5 215:3  
217:15 219:6 225:12  
236:11 249:12 250:3  
283:17  
**whack** 227:20  
**whatnot** 68:7  
**whatsoever** 217:3  
**wheat** 87:1  
**wherewithal** 67:1  
**whining** 57:21  
**Whiskey** 219:17 220:12  
220:12  
**White** 208:8  
**wide** 188:8  
**willing** 58:17 91:11,12  
103:5 132:22 167:10  
180:4 193:10  
**wind** 228:17 233:14  
239:4  
**windmill** 92:3  
**winter** 53:8 88:6 92:19  
94:11 95:13,20,22  
96:3,8,9,16 100:10,22  
101:15 103:3,11,11  
106:8,13,19 146:10  
218:9,16 236:20  
250:4  
**wintertime** 96:20  
100:18 105:19,20  
218:9  
**wisdom** 147:22  
**wise** 72:17 146:8  
210:18  
**wish** 4:12 8:12 286:6

**wishes** 79:21 138:9  
**withdraw** 137:16,19  
139:19  
**wives** 231:12  
**woes** 194:22  
**woman** 150:22  
**wondering** 53:3  
**wood** 249:8  
**word** 38:17 42:2 51:15  
52:7 61:12 62:16  
179:22  
**wording** 21:5 183:19  
**words** 24:13 36:6 78:21  
136:14 190:6  
**work** 5:6,11 9:10 15:15  
23:6 27:11 28:21 29:1  
53:18 73:19 77:1,4  
79:3,6 82:21 83:17  
91:2 97:12 103:5  
106:3 110:20 115:22  
127:11 137:9 143:3  
146:18 148:13 152:18  
174:11 176:11,13  
180:13 186:21 189:21  
219:12 222:17 230:10  
231:16 232:8 242:11  
242:13 250:20 251:1  
266:21 272:16  
**worked** 18:20 32:3  
35:10 55:2 160:5  
176:6 271:13 272:18  
286:3 288:3  
**workers** 24:5 28:21  
29:15 32:14 50:1  
247:14  
**workforce** 103:4  
**working** 53:10,17 82:16  
102:2 117:9 123:9,12  
124:14 125:1 130:14  
151:11 154:12,15,17  
171:16,18 216:9  
233:7 246:13 248:7  
257:15 267:6,6  
271:15,17 272:7  
286:2  
**works** 46:2 55:1 119:2  
150:2 162:5 189:17  
194:5  
**world** 29:10 65:18  
67:11 68:2 78:2  
111:10 189:22 192:1  
194:13 232:3 244:9  
260:17 276:21  
**worldwide** 83:22  
**worms** 56:10  
**worried** 247:16  
**worry** 66:13 239:19  
**worrying** 200:7

**worse** 101:11 110:4  
**worth** 21:14 38:19 48:7  
 48:10,14 61:1 62:11  
 73:22 88:18 102:20  
 113:9 139:12,12  
 143:21 144:1,2 162:4  
 176:20 266:17 270:8

**worthwhile** 62:19 73:18  
 262:22

**wouldn't** 51:8 80:14  
 116:22 175:6 206:18  
 212:4 232:7 242:6,19  
 261:2 276:13

**wrestle** 166:18

**write** 77:7,11 81:21  
 144:2 282:19

**writing** 144:9

**written** 7:5 77:12 187:5  
 213:21

**wrong** 20:10 56:14  
 117:11 127:1 143:16  
 188:12 195:12 228:2

**wrote** 29:13 84:13

---

## X

---

**X** 172:19 173:7

**XYZ** 164:5

---

## Y

---

**yards** 279:3

**yearly** 179:6

**years** 5:6,22 16:2 30:8  
 35:4 39:17,17 40:14  
 41:8 44:9,20 48:9  
 65:1 72:9,18 88:3,8  
 88:16 89:8,14,20 90:4  
 92:20,20 93:7 96:14  
 105:7 106:9 107:20  
 107:21 109:3,5,13,19  
 112:4 123:11 129:4  
 147:14 153:10,11  
 154:9 157:2,21  
 161:11,20 164:12,12  
 164:19 165:11 167:4  
 167:4,22 168:10,16  
 172:17 173:20 176:8  
 180:16 181:4 185:14  
 185:14,15 186:13,14  
 189:2,5,13 191:11  
 195:22 227:12 233:2  
 237:20 238:18,21  
 240:21,22 241:1  
 243:7,8 244:4 246:6  
 246:16 260:6,13  
 261:9 267:18 269:4  
 278:9 286:14 288:4  
**yesterday** 228:14  
 280:12

**York** 51:1 193:15

194:20,21 195:8

196:6 257:12

**Yup** 138:2 225:20

234:12 237:18 240:17

---

## Z

---

**zero** 150:14 196:22

266:22

**zoned** 225:16

**Zoom** 51:5 66:3 80:13

85:13,16 141:15

---

## 0

---



---

## 1

---

**1,000** 227:6 230:4

**10** 186:16

**10,000** 112:12

**100** 70:3 122:2 150:14

167:18 182:18 244:13

267:15 284:11

**11th** 6:22 102:3,4

**12** 99:16 106:3 221:13

284:21

**12-month** 97:3

**122** 283:3

**12th** 11:9

**13.9** 284:17

**13th** 5:20

**14** 3:3 116:13,15 250:19

**147** 3:8 80:9

**15** 30:10 35:4 60:12

81:10 82:8,9 88:16

120:18,19 129:4

259:4,8 278:18

286:14

**150-** 154:21 156:13

157:18,19 161:1,2

162:16 163:13 165:17

165:22 166:2,7,14,15

173:15 176:3 177:2

178:5 181:7 183:1

**150,000** 154:22 157:7,8

163:7

**1500** 227:6

**17** 120:9 124:3,11

126:18 127:3,3,17

217:18 275:20,21

276:17 277:1,9

278:19

**18** 162:4,4

**185** 3:9

**193** 3:11

**1959** 89:4

**1960** 89:5

**1964** 240:4,7

**1968** 219:9

**1976** 219:5 230:14

**1979** 219:6 230:14

**1998** 5:20,21

---

## 2

---

**2** 284:10

**2-** 229:22

**2:00** 122:15

**2:49** 288:20

**20** 30:8 105:16 120:8

124:2,9,10 126:18

127:16,17,18,20

128:3 129:4 134:2

164:19 186:17 220:20

266:2 267:14 278:19

**20-some** 267:18

**200** 171:22 216:2

**2005** 35:4

**2006** 285:7

**2008** 91:21 284:16

**2010** 6:5

**2012** 285:7

**2013** 33:10 35:8 58:13

**2014** 265:10

**2014-ish** 173:22

**2015** 148:3

**2016** 58:13 113:10

148:21 260:4 265:13

265:17,20,20,22

266:18 269:20

**2017** 113:11 283:18

284:17

**2018** 6:2 283:18,19

**2019** 6:1 11:9 113:11

228:15

**2020** 1:10 6:22 15:13

17:9 34:1 38:12

**2021** 37:22

**2022** 218:13

**203** 3:12

**2030** 16:2 31:11

**20th** 112:7

**21** 113:10 126:22

127:21

**217** 3:13

**22** 127:21

**221** 283:4,5

**24** 106:6 114:3 116:9

218:20 253:3

**240** 1:6

**25** 168:16 220:20

**2500** 113:16

**259** 3:14

**26.3** 284:18

**26th** 6:1

**27** 3:5

**270** 102:6

**278** 98:1

**28** 113:11

**280** 3:15

**283** 3:16

**286** 3:17

**288** 3:18

---

## 3

---

**3,000** 229:22

**30** 65:1 70:6 129:4

**30's** 148:5

**300-and-some** 169:15

**30th** 15:12 17:9

**31** 266:15,22 268:18

**32** 274:7

**33** 220:5,6

**360** 98:4

**37-foot** 219:14

**38** 113:11

---

## 4

---

**4** 3:2

**40** 89:17 243:21 266:2

**40's** 148:6

**41** 222:14 223:1 240:22

**43** 241:1

**450,000** 155:4,12

**46** 6:3

**48** 148:10

**48547** 7:1

---

## 5

---

**5** 205:7

**50** 165:13 188:15,16

223:19 241:6

**50,000** 247:8

**50/60** 92:20

**500** 227:13,13

**53** 232:22

**56** 241:7

**5G** 51:5

---

## 6

---

**60** 177:11 236:18

244:14

**600,000** 168:11

**617** 247:7,8

**621(a)** 6:4

**6559** 283:1

**671** 240:6

---

## 7

---

**7.7** 285:8 287:14

**7.9** 287:15

**70** 177:11

**70's** 226:7

**750** 227:14

**77** 241:1

**79** 240:22

---

**8**

---

**8** 26:16 217:12  
**8:00** 1:9 4:2 132:21  
**80** 182:21  
**85** 6:22 162:22  
**85,000** 229:10  
**88** 3:6

---

**9**

---

**9-307** 6:4  
**90** 9:2 182:21  
**90's** 27:4  
**95** 151:15,20 157:8  
162:21,22  
**97** 26:15

C E R T I F I C A T E

This is to certify that the foregoing transcript

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Pilotage Advisory Committee

Before: USCG

Date: 09-01-20

Place: Sault St. Marie, MI

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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