

Lake Carriers' Association



MINUTES OF THE 31ST ANNUAL CAPTAINS COMMITTEE MEETING

DATE: February 6, 2014

Start: 0800

PLACE: Double Tree Hotel, Cleveland, Ohio

End: 1500

AGENDA AND ATTENDEES

The agenda is on page 8. The list of attendees is on page 9.

MINUTES

Welcome and Introductory Remarks

James H.I. Weakley, President of Lake Carriers' Association, opened the meeting by thanking all for attending and complimenting the group on its ability to accomplish its objectives. He then turned the podium over to CAPT John Bingaman, Chief of Staff, Ninth Coast Guard District. CAPT Bingaman, on behalf of RDML Fred Midgette, Commander, Ninth Coast Guard District, thanked the group for preparing the next generation of mariners and stressed the Coast Guard's role in providing safe and secure marine transportation.

CAPT Bingaman focused on the importance of communication between the Coast Guard and industry. The Coast Guard is doing their best to increase their personnel's knowledge and train them on interactions with industry. He discussed the MOU established approximately one year ago with LCA and CSA and its success in finding common ground when there are disagreements.

CAPT Bingaman announced he will be retiring in May and that he will be replaced by CAPT John Little.

ShipMoves

Jim Weakley presented on behalf of Gregg Ward. ShipMoves is a web-based product that provides vessel operators with a uniform data entry template to produce voyage specific documentation. Jim solicited feedback from the group regarding the need for this type of system and their willingness to utilize it since funding from industry will be needed for its maintenance. The need for beta testing in the field was also discussed.

U.S. Coast Guard Agenda Items

December/January Icebreaking Efforts: CAPT Matt ten Berge reported the Coast Guard has ten vessels assigned to D9, one of which, the BUCKTHORN, is buoy tender and does not break ice. Nine buoys are missing so he asked that any sightings be reported to the Coast Guard.

The MORRO BAY was permanently assigned to the Ninth District this year and has been fully utilized. With winter arriving early and in full force, Operation Taconite commenced on December 6, 2013, the earliest start on record. As of the Captains Committee meeting, D9 had logged more than 5,000 cutter hours.

The KATMAI BAY did require some maintenance, but returned to service in late January. The HOLLYHOCK was involved in a collision on January 5th. There was no mechanical damage and only four days of icebreaking were missed.

The resumption of navigation in March will challenge all. Lake Superior may well reach 100 percent ice cover, so breakout is expected to be difficult, especially given that the MACKINAW will be the only heavy ice breaker that is fully operational. The RISLEY has suffered a casualty to one of its main engines that will limit its capabilities when navigation resumes. CAPT Bingaman reported that a formal letter has been sent to Mario Pelletier of Transport Canada requesting an additional Canadian icebreaker be assigned to the system.

Industry again stressed the ice conditions in the Port of Duluth/Superior require that a 140 be stationed there. That will free up the ALDER to work Thunder Bay. The RISLEY should stay in the St. Marys River. The Coast Guard stressed that the ALDER can come off the dock more often if requested. The lead time is two hours unless the vessel is in a B12 status, then the lead time is 12 hours.

Application of International Conventions to the Lakes: CAPT Paul Albertson, Chief of Prevention, noted that more and more international conventions are applying to the Lakes. This will require some changes to policy, but the Coast Guard remains mindful that the Lakes are unique and regulations need to reflect that.

Discussion of Need for Tugs after Bow Thruster Casualty: There is a question if bow thruster casualties are a reportable item. A draft NVIC helping to clarify what is/is not reportable is out for review.

However, the primary issue here is whether or not the Coast Guard should require a vessel to engage a tug after a bow thruster casualty. Bow thrusters are mostly used to make a dock. If the vessel is going more than 1.5 miles an hour, the bow thruster is useless, so for example, lose of a bow thruster in no way affects maneuvering in the open Lake or connecting channels. Still, the Coast Guard often requires a vessel to take a tug following a bow thruster casualty. This can produce a situation where a vessel that has never been equipped with a bow thruster can transit a waterway without a tug, while another vessel with an inoperable bow thruster must take a tug.

The Coast Guard stressed that the more information the Marine Inspector has, the better he can judge if a tug is needed after a bow thruster casualty, so discuss where the boat is going, what dock it will make, etc.

CAPT Bingaman also asked Captain Tim Dayton (Interlake Steamship) to write a Captain's perspective on when bow thrusters are needed/not needed and, in turn, when a casualty is reportable/nonreportable since often times there is no impact on a vessel's ability to maneuver.

Update on Dry Cargo Residue ("DCR") Final Rule: LCDR Webb reported that the Dry Cargo Residue Final Rule was published on January 21, 2014 in the Federal Register, and is effective on March 3, 2014, with the exception of the requirement to have a DCR Management Plan. However, he suggested companies begin working on their Management Plans because once OMB approves the management plan requirement of 33 CFR 151.66(b)(5), an effective date will be established and a Federal Register notice announcing the effective date will be published. The plan must be vessel specific, but the Coast Guard understands there are many similarities among lakers and the cargos they carry and plans will resemble each other. LCA will request that the effective date for DCR Management Plans be delayed given all that is required to fit-out the fleet and the anticipated ice issues.

Update on Non-Tank Vessel Response Plans and Other Response Plan Requirements: The Final Rule was published on September 13, 2013. The Final Rule implements the statutory requirement of self-propelled non-tank vessels of 400 GT and greater to submit an oil spill response plan to the Coast Guard. The deadline to submit the plan was January 30, 2014.

Updates on Current Regulatory and Policy Projects: LCDR Webb provided updates on current regulatory and policy projects. Current regulatory projects include the next iteration of the Maritime Transportation Security Act (MTSA II), TWIC Card Reader, Seafarer Access and MARPOL Annex V. The estimated Notice of Proposed Rulemaking (NPRM) for MTSA II is September 2014. The TWIC Card Reader Final Rule is estimated for April 2014. The Seafarer Access statute is not self-executing and will require a rulemaking. The estimated NPRM is late in 2014. The Implementation of MARPOL Annex V Amendments Interim Final Rule was effective April 1, 2013, and the comment period closed May 29, 2013. Changes for the Great Lakes could include Record Keeping Requirements (33 CFR 151.55) resulting from a change in the applicability language from “passengers” to “persons.”

The Draft Guidance for Interpreting Regulations for Marine Casualty Reporting referred to in the discussion of bow thruster casualties is a policy project that was published on January 14, 2014. The draft NVIC will assist regulated maritime industry stakeholders in determining if certain occurrences are reportable or not reportable to the Coast Guard. Glen Nekvasil requested that members perform a line by line review of the draft NVIC and comment on the impacts that the interpretations and policies contained in it would have upon vessel owners and operators or other affected parties. Comments are due by April 14, 2014.

Review and Reconsideration Procedures for Letters of Warning: The Captains stressed that a Letter of Warning is a very serious matter. It is the equivalent of a Letter of Reprimand in the military. The Coast Guard noted that the policy for Letters of Warning is available on-line. Letters of Warning are issued when there is an apparent violation. The USCG does not issue verbal warnings or Letters of Concern. Warnings are not subject to an appeal but may be subject to review or reconsideration if requested in writing. Since warnings are considered accepted when not declined within 30 days of receipt, the question was raised as to whether the clock stops during a review and reconsideration. LCDR Webb said he would check into this. Jim Weakley requested that any reviews and reconsiderations of Letters of Warning be performed by a different Investigating Officer than the one who issued the original Letter of Warning.

Update on USCG Merchant Marine Ship Rider Program: Both the members and the Coast Guard feel this program has been a success. A similar upcoming program for aviators was announced.

Return of Medium Range Recovery (MRR) Helicopters to Great Lakes Air Stations: A request to bring back MRR helicopters to Great Lakes Air Stations was made. The Coast Guard is working on this and asked that a letter be sent to Admiral Midgette requesting their return. The letter was sent on February 11 and reads as follows:

RDML Fred Midgette
Commander, Ninth Coast Guard District
1240 E. Ninth Street
Cleveland, OH 44114

Dear RDML Midgette:

We would like the U.S. Coast Guard to consider the helicopters it has stationed on the Great Lakes. It is our understanding the HH-65 Dolphins are nearing the end of their service life, and while we would never question the commitment of the flight crews, these craft are not all weather and have limited range and capacity.

We respectfully request that the Coast Guard return HH-60 Jayhawks to the Lakes. These craft have a range of 700 miles compared to the Dolphins' 290. We believe this increased range is crucial to saving lives. Equally important is that the Jayhawks have the capacity to airlift 11 survivors compared to the Dolphins' two.

The Coast Guard stationed HH-60 Jayhawks on the Lakes from 1991 to 1995, but Air Station Chicago closed in 1995 and the Jayhawks were transferred to Oregon.

We can attempt to understand operational and budgetary considerations, but helicopters are the often best response vehicle for a vessel in distress. Surface craft are limited not only by distance and speed, but extreme ice and season conditions. We believe the safety of professional mariners and all who sail on the Lakes will be greatly enhanced by the return of HH-60 Jayhawks.

Very Respectfully,

James H. I. Weakley
President

Misc. Items: Discussions are on-going regarding the safety of rowers, kayakers and recreational boaters in the Cuyahoga River. Rowers and recreational boaters seem to have a good understanding of the challenges associated with navigating the river. However, kayakers are largely unregulated and therefore are of most concern. The Marine Safety Unit in Chicago experienced a similar situation and the suggestion was made to contact the Commanding Officer who made a great presentation on how the situation was handled in the Chicago River at the Great Lakes Waterways Conference the day before.

The Captains asked the Marine Inspectors always fill out the Bridge Record Card. This will ensure the Captain will know an 835 was issued.

Industry requested that Coast Guard safety broadcasts include additional information regarding location because latitude and longitude alone are difficult to use. It would be better if the Coast Guard estimated that the buoy is 100 feet off station rather than give lat/long.

U.S. Army Corps of Engineers Agenda Items

Soo Winter Work and Rock Cut Wall Stabilization: Kevin Sprague reported that the hydraulic system will be replaced on the Poe Lock and an investigation and re-stressing of Gate 1 will occur. On the MacArthur Lock, work will include repairs to concrete and valves, grouting and installation of gate anchorage. He also reported that a new compressed air plant and distribution system will be completed in 2014.

The West Neebish Island Rock Cut wall stabilization was also discussed.

The Corps will resurvey the Rock Cut and the west approach this spring to determine if the heavy ice has caused damage or shoaling.

Dredging Update: Dave Wright reported that for 2014 the Corps budgeted \$94.9 million for Great Lakes navigation operations and maintenance. \$39.9 million of this is for dredging (18 projects – 3.1 million cubic yards), \$10.6 million is for dredged material management, and \$1.6 million has been allocated for Soo asset renewal.

Ports to be dredged in 2014 are:

Ashtabula, OH	Duluth, MN/Superior, WI	Lorain, OH
Buffalo, NY	Fairport Harbor, OH	Saginaw River
Burns Harbor, IN	Grand Haven, MI	Sandusky, OH
Calumet, IL	Green Bay, WI	St. Marys River
Cleveland, OH	Holland, MI	Toledo, OH
Detroit River	Indiana Harbor, IN	Waukegan, IL

Other ports may be dredged in 2014. Congress gave the Corps additional funds for navigation projects nationwide and the Great Lakes delegation has asked that the Lakes get \$30 million.

Dave Wright solicited input from industry regarding the Moon Island turn in the West Neebish Channel and whether there is enough room where the channel narrows. The Captains said the channel was navigable.

The Corps is seeking approval from the State of Michigan to use Moon Island as a dredging disposal area.

Soo Locks Asset Renewal Long-Term Plan: Asset Renewal Plan will maximize reliability and reduce risk through 2035. \$35.9 million funded to date through FY13 for new hydraulics, stop logs, utilities, crib dam construction, a compressed air system and MacArthur Lock modernization design. Remaining funding of \$69 million over five years is required for pump well valves, Poe electrical rehabilitation and MacArthur interlocks and controls upgrade.

Movement of Calumet River Buoys: Steve Hungness asked if the Captains had any issues with buoys in the Calumet River being moved 750 feet towards the break wall. This would shrink the channel from 3,000 feet to 2,250 feet. The 28 foot depth will be maintained. There were no objections.

Rafting in Calumet River: The Captains reported that there are instances where as many as eight pleasure craft are rafted off the Crowley Yacht Yard at 95th Street in the Calumet River. Steve Hungness assured the Captains that the owner will have the craft moved if given sufficient notice. LCA will contact Mr. Crowley and determine how much advance notice is required and to whom the request should be made.

National Weather Service Agenda Items

VOS Observations: Ron Williams recapped the Voluntary Observing Ship (VOS) Program results for 2013. Sixty-five ships are in the program and he visited them 150 times in 2013. More than 72,000 weather observations were received, the most ever. Williams reminded industry that once weather buoys are removed in the fall, the ship's weather observations are the only reliable data for forecast. He also asked that the NWS be contacted ASAP for any forecasts that do not match.

Shore Stations: There is no funding to maintain shore stations at this time. Equipment that is now located at Brown Fisheries will be removed in the next year or two due to property issues. The Captains asked if that equipment could be set up at Michipicoten or Caribou Island weather stations in Canada. NWS will discuss this idea with Environment Canada. Ron Williams has begun this effort. NWS will also again open dialog with Whitefish Point Historical Society for better placement of the equipment there.

New National Web Portal: Brian Hirsch introduced the New National Web Portal demonstration available at <http://preview.weather.gov/edd/index.php?t=marine> (For ease of access type: <http://goo.gl/M8de48>.) He discussed significant wave height and the occasional wave. The value of the occasional wave is currently being tested.

Great Lakes Marine Community Outreach Efforts: Ron Williams and Brian Hirsch presented on behalf of Mike Bardou. The goals of these efforts is to provide a better understanding of the weather information needed in the marine environment, to better leverage current technological capabilities and to turn insights into better forecasts. Communication and proper interpretation is the key to making effective decisions.

Updating of Great Lakes Charts and Changes in Chart Production and Delivery: RADM Gerd Glang provided an update on the new Great Lakes nautical charts that have been created. A new chart 14887 St. Marys River – Vicinity of Neebish Island has been created. In addition, effective April 13, 2014, the Federal government will no longer print the traditional paper lithographic nautical charts. Industry will still have the ability to print charts on demand by accessing nauticalcharts.noaa.gov and selecting the Print-on-Demand option. In addition, improvements are being made to the Great Lakes Operational Forecast System to provide more accurate predictions that extend past the current 60 hours and include the effects of ice cover.

The Coast Pilot is available on-line and the digital Coast Pilot will meet carriage requirements.

Evaporation and Great Lakes Water Levels: A potential partnership between NOAA and LCA was presented by Richard Edwing. Water levels on the Great Lakes have been at record lows over the past few years. Although they recovered substantially in 2013, they are still about a foot below average. Precipitation as well as evaporation are major drivers of water levels. To more accurately forecast future levels, a better understanding of evaporation's role in driving lake levels needs to be achieved. Drew Gronewald of the Great Lakes Environmental Research Laboratory is the NOAA lead on this effort.

Status of CO-OPS Services in the Great Lakes: Richard Edwing provided information regarding the data availability of the NWLON, Currents, and PORTS® services. Last year concerns were raised about data latency which is typically 12-18 minutes for all CO-OPS water level data. Internal steps are being implemented to improve this time to 6-10 minutes by the end of March. Richard would be interested in hearing for the Lake Captains is they can "see" this improvement and if it has addressed their concerns.

Improvements to the Great Lakes hydrodynamic forecast models are in progress and should be complete by the fall of 2016 for all the lakes.

Canadian Shipowners Association Issues and Initiatives

Robert Lewis-Manning, President of Canadian Shipowners Association, said he is grateful for the great relationship CSA has with LCA and the U.S. Coast Guard and provided an update on Canadian issues and initiatives. Topics included Canadian fleet renewal, Canadian Coast Guard and challenges faced today and in the future. Five new ships are currently in the Lakes with nine more arriving this year. The Canadian Coast Guard has undergone a controversial reorganization and their fleet will be renewed but not for at least a decade. The biggest challenges facing CSA today are ballast water regulations, a missing generation of mariners, changes and reduced capabilities of the Canadian Coast Guard and security harmonization. In addition, future issues include full ECA implementation, water levels, propagation of no-discharge zones, trade agreement consequences, the potential for new markets and energy efficiencies.

Scott Porter of V. Ships Canada Inc. expressed his concern about the RISLEY's capabilities and the need to ensure the Canadian government meets its commitment to maintain two icebreaking resources on the Lakes.

Lake Carriers' Association Updates

Ballast Water Treatment: Jim Weakley reviewed the U.S. Coast Guard's Final Rule. Existing lakers are not required to install a ballast water treatment system at this time. The EPA's Vessel General Permit requires lakers built after January 1, 2009 to install a treatment system following their first drydocking after 2016. The LAKES CONTENDER is the only vessel enrolled in LCA affected by this.

Transport Canada is proposing that all vessels in its waters, even those just transiting, be equipped with ballast water treatment systems. LCA has hired a lobbyist in Ottawa to assist in resolving this issue.

Dredging Crisis: A key provision in the House's version of the Water Resources Reform and Development Act ("WRRDA") is defining the Great Lakes as a system in terms of dredging. This should help put the Lakes on more of an even footing with the inland rivers. Both the House and Senate versions of the bill also call for increased expenditures on dredging from the Harbor Maintenance Trust Fund.

Two of industry's biggest supporters have been Congresswoman Candice Miller (R-MI) and Senator Carl Levin (D-MI). Unfortunately, Senator Levin plans to retire at the close of the 113th Congress, so one of industry's greatest allies will be lost.

Updating of LCA Alternative Security Program ("ASP"): Glen Nekvasil reminded Captains of the February 26, 2014, effective date of the updated ASP. Very few changes were made to the program. The

main changes are 1) the addition of the U.S. Coast Guard's policy letter allowing up to 37 days of unescorted access if a TWIC card is lost or stolen and the individual can prove s/he has applied for a replacement; and 2) verification of crewmembers' TWIC cards every 30 days. Some slight changes in wording were made to the security signs.

Captains Committee Concerns

Captains would like NOAA to move the NWLON station from Kewanee to either, in order of preference, Burns Harbor, Gary or Michigan City.

The Captains asked if Sandusky buoys 4 and 5 in the Downtown Channel can be replaced with year-round buoys. Glen Nekvasil has passed this request along to Doug Sharp.

Muskegon, St. Joseph, and Grand Haven (all in Michigan) are in need of dredging as soon as possible.

Miscellaneous

ShipMoves: Jim Weakley reported that the plan is to go ahead with ShipMoves. Jim and Gregg Ward will do the training. Company representatives in the office and vessel personnel will be trained. Authorization will be required for Jim and Gregg to talk to vessel personnel.

There being no further business, the meeting adjourned at 1500.

Minutes Submitted By
Glen G. Nekvasil
Vice President

Lake Carriers' Association
31st Annual Captains Committee Meeting - February 6, 2014

Double Tree Hotel – Cleveland Downtown/Lakeside

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AGENDA

0730 - 0800**Continental Breakfast**.....**Lakeside Ballroom**

Opening Remarks

0800 - 0810Captain John R. Bingaman, *Chief of Staff, Ninth Coast Guard District*

0810 - 0830Shipmoves – Gregg M. Ward

0830 - 0930**Ninth Coast Guard District**

- December/January Icebreaking Efforts
- Discussion of Need for Tugs after Bow Thruster Casualty
- Letters of Warning: Review and Reconsideration Procedures
- USCG Merchant Marine Shiprider Program
- Updates on regulations regarding Dry Cargo Residue, Seafarer Access, MARPOL Annex V (Garbage), TWIC Card Reader, and MTSA II

0930 - 1000**U.S. Army Corps of Engineers, Detroit District**

- Soo Winter Work – Kevin Sprague
- Rock Cut Work – Kevin Sprague
- Dredging Update – Dave Wright
- Solicit Input on Any Channel Condition Issues – Dave Wright

1000 - 1045**National Weather Service**

- VOS Observations – Ron Williams
- Forecast Wording Changes and Issues – Brian Hirsh
- Ship Outreach – Brian Hirsch and Ron Williams for Mike Bardou

1045 - 1105**NOAA**

- New St. Marys River Chart 14887 and retirement of traditional charts – RDML Glang

1105 - 1115**NOS**

- Vessel-Based Evaporation Measurements – Richard Edwing

1115 - 1140**LCA Updates**

- Ballast Water – Jim Weakley
- Dredging Crisis/Water Resources Development Act – Jim Weakley
- Updated LCA Alternative Security Program – Glen Nekvasil

1140 - 1200**Canadian Shipowners Association Issues and Initiatives**

- Robert Lewis-Manning, *President*

1200 - 1300**Lunch**

1300 - 1700**Captain Concerns – Open Discussion**

ATTENDEES

LAKE CARRIERS' ASSOCIATION MEMBERS (Bold Indicates Member of LCA Captains Committee)

Tom	Anderson	American Steamship Company
Captain Carlos	Fossati	American Steamship Company
Captain Bill	Millar (Chairman)	American Steamship Company
Mark	Pietrocarlo	American Steamship Company
Captain Rob	Moore	Andrie Inc. / Inland Lakes Management Inc.
Steve	Stanek	Andrie Inc. / Inland Lakes Management Inc.
Captain Ray	Sheldon (Vice Chairman)	Central Marine Logistics, Inc.
Tom	Wiater	Central Marine Logistics, Inc.
Captain Pat	Hart	Grand River Navigation Company, Inc.
Captain Mark	Blatnik	Great Lakes Fleet
Bill	Peterson	Great Lakes Fleet / Key Lakes, Inc.
Captain Tim	Dayton	The Interlake Steamship Company
Bob	Dorn	The Interlake Steamship Company
Captain Joe	Ruch	The Interlake Steamship Company
Jayson	Toth	The Interlake Steamship Company
Captain Al	Tielke	Port City Marine/Steamship
Dave	Groh	VanEnkevort Tug & Barge, Inc.

LAKE CARRIERS' ASSOCIATION

Katie	Gumeny	Lake Carriers' Association
Glen	Nekvasil	Lake Carriers' Association
Jim	Weakley	Lake Carriers' Association

CANADIAN VESSEL OPERATORS

Robert	Lewis-Manning	Canadian Shipowners Association
Jim	Perkins	Canada Steamship Lines
Captain Scott	Balko	Algoma Central Corporation
Scott	Porter	V. Ships Canada Inc. (Canada Steamship Lines)

FEDERAL AGENCIES

CAPT Paul	Albertson	Ninth Coast Guard District
CDR Scott	Anderson	Ninth Coast Guard District
CAPT Matt	Berge	Ninth Coast Guard District
CAPT John	Bingaman	Ninth Coast Guard District
Josh	Peters	Ninth Coast Guard District
LCDR David	Webb	Ninth Coast Guard District
RDML Gerd	Glang	NOAA
Tom	Loeper	NOAA
Richard	Edwing	National Ocean Service
Gary	Garnet	National Weather Service
Brian	Hirsch	National Weather Service
Ron	Williams	National Weather Service
Josh	Feldmann	U.S. Army Corps of Engineers
Steve	Hungness	U.S. Army Corps of Engineers
Dave	Swiatek	U.S. Army Corps of Engineers
Kevin	Sprague	U.S. Army Corps of Engineers
Dave	Wright	U.S. Army Corps of Engineers