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Sidelights

December 2013 Vol. 43, № 5

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Making the Case for Maritime

MarEx interview with Sean Connaughton

NOAA discontinues printing charts

IOOS® in the Northeast

General Average



Mission Statement

www.mastermariner.org

The Council of American Master Mariners is dedicated to supporting and strengthening the United States Merchant Marine and the position of the Master by fostering the exchange of maritime information and sharing our experience. We are committed to the promotion of nautical education, the improvement of training standards, and the support of the publication of professional literature. The Council monitors, comments, and takes positions on local, state, federal and international legislation and regulation that affect the Master.



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In This Issue



ON THE COVER

Photo by Captain Terry Jednaszewski.

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We welcome your articles, comments, illustrations and photographs. Please email or send your submissions to *Sidelights* Chair Captain Tom Bradley at the above address. All submissions will be reviewed, but are not guaranteed to be published.

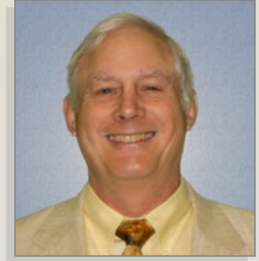
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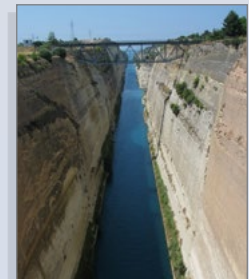
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NOTICE The articles in this magazine are entirely those of the writer, and do not necessarily reflect the views of CAMM nor its Board of Governors. CAMM is an independent professional organization and is not affiliated with nor endorses any union or political party.

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Captain George Sandberg, President

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NORFOLK / HAMPTON ROADS / TIDEWATER

Chapter Inactive

Anyone interesting in restarting this chapter, please contact Regional VP Captain Frank Zabrocky.

Gulf Coast Region

MOBILE BAY

Captain Jerome "Rusty" Kligore, President

251-490-2741

Meetings on the 2nd Tuesday of each month at 1300. Felix's Fish Camp Grill: 1530 Battleship Pkwy, Spanish Ft., AL.

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South Atlantic Region

PORT EVERGLADES / MIAMI

Captain Paul Coan, President

pilgrimii@bellsouth.net

Meetings at 1200, the 3rd Thursday of the month, except July and August at the Deerfield Country Club Lounge, 50 Fairway Dr., Deerfield Beach, FL.

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Captain Richard Klein, President

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Castle Rock, WA 98611

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Captain David Boatner, President

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Napa, CA 94558-2562



Captain R.J. Klein
CAMM National
President
#1751-R

THE GOOD, THE BAD, AND THE UGLY OF THE MARITIME LABOR CONVENTION 2006

The Good The Bad

The Maritime Labor Convention (MLC) 2006 took effect August 20th

of this year. The Council's Position 2006-09 supported the U.S. ratification of MLC 2006. Russia and the Philippines became the 29th and 30th countries to ratify the convention, which triggered MLC 2006 into becoming International Law.

The Convention sets labor and living standards that U.S. seafarers have enjoyed for the last 93 years under the Jones Act. This should improve the lives of seafarers sailing ships of third world nations or working on ships sailing under flags of convenience. MLC 2006 sets regulations and guidelines for employment, training, wages, hours of work and rest, leave and repatriation, medical care, and living conditions (sanitation, food, bedding, ventilation, noise, recreation, etc.).

The Convention also contains a "no more favorable treatment" clause which will put some teeth into the enforcement of MLC 2006. Article V, ¶7 states:

Each Member shall implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favorable treatment than the ships that fly the flag of any State that has ratified it.

MLC 2006 has added yet another layer of paperwork required to be kept aboard ships. It also adds another area of inspection during Port State Control (PSC) boardings. The responsibility for this additional record keeping will no doubt fall to the master. The master will more than likely be the person who interfaces with the PSC inspectors while they are aboard. This will take valuable rest time away from the master.

Along with STCW, MLC 2006 sets the hours of work and rest for crew members and requires documentation of same. Anyone who has sailed on a coastwise voyage with multiple ports of call in a short duration knows that work and rest hours cannot be met with the current compliment of deck officers (Master and three mates). Despite the IMO International Ship Management Code, operating company officials are not held responsible for failure to provide sufficient manning. Most companies and vessel superintendents believe this is a time management problem the master should be able to solve. Seagoing masters know this is not reality. Until an additional deck officer is onboard during these coastwise voyages, the ship (and master) will be in violation of STCW and MLC 2006 hours of work and rest regulations.

The Ugly

MLC 2006 gives PSC inspectors more reasons to detain a vessel for non-compliance of an international regulation. As

noted above, companies and operators will see this as a failure by the master for not properly managing work/rest hours. Owners will blame the master for any detention of their ship for violations to the Convention. The IMO has begun discussion to impose criminal penalties for falsifying work/rest logs. Penalties would be similar to those currently in place for falsifying entries in the Oil Record Book. This could lead to masters being arrested if a PSC believed that a master had falsified work/rest records.

This is not unlike a master navigating his ship in congested waters near a rocky shore during a crossing situation with his ship as the privileged vessel when they are in extremis. His choice is to avoid the collision by turning toward the rocks or avoid the rocks and maintain his privileged course which will result in a collision. Neither choice will have a particularly good ending for the master.

NY/NJ Chapter Update

Captain George Sandberg has reported that the New York Metro Chapter is back in operation after their initial meeting at SUNY Maritime on 17 October. Details of the meeting can be found in the Chapter Reports section of *Sidelights*. My thanks and congratulations to Captain Sandberg and Captain Ed Gras for making this happen.

Captain R.J. Klein



Sidelights Editor-in-Chief

Captain Tom Bradley, #1966-L, Chair

We plan on producing *Sidelights* for another year but need support, advertising and editorial, to keep going. We now have several sponsors on our website; please support these companies that support Masters, CAMM, and the health of the maritime industry. *Sidelights* distribution to maritime academies and union halls have increased, and many of the comments I receive via email are from Masters of varying nationalities reading *Sidelights* online.

The success of the movie *Captain Phillips* has highlighted the Merchant Marine in the public eye and we should take advantage of getting the word out about the challenges we face. Masters and seafarers have been dealing with pirates for decades. Thank you, producers, for bringing the issues to the world's attention.

It's a fact in history that any maritime nation that has let their Merchant Marine go down ceases to be a power in the world in less than one hundred years. (Rome, England etc.) Now America is losing their Merchant Marine and their power as a nation.

Secretary & Treasury Report

Captain David Williams, #2318-R

It's the time of year to renew your membership in CAMM. Please watch the mail in December for your dues invoice. Also, many members are not taking advantage of Life membership. Any member in good standing may apply for Life membership under the following conditions: retired from the maritime industry, over 70 years of age,

and has paid total dues equal to or exceeding the amount required since joining the Council. Lifetime members shall retain rights and privileges of the membership class, and pay dues in the amount of 50% of current dues. All lifetime memberships are subject to the Board of Governor's approval.

Please return your dues payment in a timely manner, so you will be qualified to vote either directly or via proxy in the upcoming slate of officers election and on items presented at the 2014 AGM in Mystic. Also be sure to update your member info data sheet; we can reduce wasted costs from returned mail and make sure you get timely communications from CAMM. We do have an option to enter two address and mail based on dates for snowbirds.

Included in the invoice mailing will be two books of tickets for CAMM's only fundraiser, and the cash prizes this year have increased to \$800 for first place, followed by \$500 for second prize and \$200 for third. Please sell tickets to all your friends and family for a chance to win extra cash while supporting CAMM. Tickets are \$2 each or \$20 for 12. Please return sold ticket stubs with payments with your dues. As is the case every year, winners will be drawn at the Closing Dinner at CAMM's AGM, which will be in Mystic, Conn. June 13, 2014. If you need more tickets, please ask and I will send you more.

As I've said many times before, we all must be involved in our membership drive. Give out membership applications to those who qualify, and remember, sponsoring three or more approved members per year gets you a year off

dues.

Check out the details of this year's events in Mystic in this issue of *Sidelights*. It promises to be a very good convention with additional options for camaraderie with golf before and a cruise after.

1st VP Report: Government Relations

Captain Joe Hartnett, #2193-R

Members of the maritime industry were extremely happy recently when the Maritime Security Program (MSP) received full funding for fiscal year 2014. The celebration may be short lived considering the fact that many programs are still subject to sequester adjustments which will take effect in January 2014.

The U.S. House of Representatives recently passed the Water Resources Reform and Development Act (WRRDA). This will enable the U.S. Army Corps of Engineers to undertake priority projects related to the country's aging ports and waterways infrastructure.

I recently had the opportunity to attend the Ship Operations Cooperative Program (SOCP) Fall meeting and 20 Year Anniversary Event at MITAGS. The keynote speaker was Captain Paul "Chip" Jaenichen, Acting Maritime Administrator. The panel discussions were moderated by Rear Admiral Joseph A. Servidio, Assistant Commandant for Prevention Policy, USCG and by Ms. Helen A. Brohl, Executive Secretariat of the Committee on the Marine Transportation System (CMTS). Presentations and post meeting materials are available on the SOCP website at <http://www.socp.us>.



The Maritime Administration recently announced that they will host a public meeting to discuss “National Maritime Strategy. The meeting will be held at MARAD headquarters in Washington, D.C. on January 14, 2014 through January 16, 2014.

**2nd VP Report:
Pilot Relations**

Captain Dan Jordan, #2193-R

No report submitted.

Positions Committee Report

Lyn McClelland, #3104-A

Committee Chair

During the Annual General Meeting this year 25 Positions and 6 Views were reviewed by the membership, and their disposition voted upon. Other Views were offered for consideration at the meeting. For the first time, this year the Positions Committee reached out to the entire membership with a written request to offer Views, review Positions, and to rank those Positions most important to each member. Votes of members unable to attend the AGM in Seattle were included in the rankings during the AGM and the resulting advocacy reported out in the *Sidelights* following

the AGM.

Due to the limited time permitted for review of Positions and Views during the AGM, a large number of these statements were returned to the Positions Committee for re-writing to capture the will of the membership. All Positions and Views approved at the 2013 AGM— except Position 2004-01 Criminalization of Shipmaster, and 2006-02 Contamination and Safety, which were also returned to Committee for re-wording— have been recently reposted on the website with updates were applicable.

The two excepted Positions, 2004-01 and 2006-02, which have not been released by the Positions Committee, are to be completed and posted on the web site by mid-December.

CAMM and the Positions Committee are committed to not only taking positions on issues of importance, but taking actions to effect change in keeping with those positions. To that end we are delighted that Shipmaster / maritime attorney Dr. Captain John Cartner and CAMM First Vice President Captain Joe Hartnett spoke at the AGM this year. They have provided wise counsel and they both continue to help us devel-

op strategies which move forward our political agenda. That includes tracking the status of legislative/treaty impacts on issues of major concern, identifying those who support and oppose the CAMM position, and affiliating with like-minded organizations to achieve mutual objectives which will improve the lot of the merchant mariner.

The Positions Committee thanks Captain Cartner and Captain Hartnett for their continuing counsel and support. We also wish to express our sincere appreciation to CAMM National President Captain R.J. Klein and Captain Donald Moore for their advice, leadership and support for the work of the Positions Committee.

The Positions Committee is committed to serving you better as we move forward, and we encourage you to continue to send suggestions for views and comments on current views and positions to: lyn@mastermariner.org.

North Atlantic VP Report

Captain Frank Zabrocky, #1964-R

I was treated to a rare event on October 17. I attended a meeting of the New York Metro Chapter of CAMM. It was a

cont'd on next page

CASH RAFFLE

1ST PRIZE \$ 800

2ND PRIZE \$ 500 3RD PRIZE \$ 200

Winners drawn at CAMM's 2014 Closing Dinner in Mystic. Need not be present to win.
Raffle tickets will be mailed with dues notices in December.
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COUNCIL cont'd from pg. 7

great kick off for a resurgence of activity in the New York area. Captain George Sandberg managed to get a turn out of 14 members and prospective members to have lunch and a meeting at Fort Schuyler. It is worth mentioning that four members who had previously committed to attend were at the last minute, unable to make it. Rumor has it one of them fell off a stool. That has the makings of a good story perhaps for the next issue of *Sidelights*.

The group consisted of working and retired professionals from a variety of maritime activities. Most of them were not the same group that made up the New York Chapter of a decade ago. Worthy of special mention was the attendance of Captain Doctor Shashi Kumar, Academic Dean and Fulbright Specialist at Kings Point.

Another pleasant surprise was the appearance of none other than Captain Hugh Stephens, former North Atlantic Vice President for CAMM and former President of the New York Chapter of days gone by who also created the Lalonde Spirit of the Seas Award. Hugh is currently teaching at Fort Schuyler and working on his college degree, which he intends to earn at the age of 91. Then he will be able to get a promotion.

The meeting discussed organizational issues and liked the name "New York Metro Chapter." Most of us had already seen the movie *Captain Phillips* and an informal discussion followed the meeting. No one I know can accurately predict the future, but I can tell you that this meeting was a good start for the New York Metro Chapter and is something that a lot of people wanted to see happen.

New York Metro

Captain George Sandberg, #1919-R
Chapter President

New York had an organizational meeting with the goal of revitalizing the Chapter at SUNY Maritime College in October. Fourteen members were in attendance. Two were nonmembers who will be joining CAMM. Captain

Winter (Vice President –seagoing) sent his regrets as he was in the process of joining his ship. It was pointed out that we are actually starting a new chapter as there are no records available from the previous NY-NJ chapter. It was suggested that the name of the chapter be "New York Metro Chapter" in order to be more inclusive of Connecticut and Pennsylvania members. After discussion all voted in favor of the proposed chapter name. National has approved the name, so we can go ahead with recruitment efforts and setting up bank accounts.

All in attendance agreed to help with recruitment of new members. Captain Sean Tortora (#3334-R) volunteered to serve as Secretary / Treasurer. His offer was accepted. The Chapter will assess \$20 annual dues for chapter members. We do not have a list of prior chapter members, but we do have a list of CAMM members in the Northeast provided by National. It was noted that many of the e-mail addresses on the list seem to be outdated as approximately a third of the e-mails sent out notifying members of the NY-NJ meeting bounced back as undeliverable. Captain Sandberg will send out invitations to join the chapter to all on the list. Those that respond with the \$20 dues will become members of the Chapter.

It was announced that MM&P has offered their N.J. Union Hall for a future meeting and provide lunch at no cost to the Chapter. MM&P has expressed a strong interest in revitalizing the Chapter.

All were encouraged to attend the AGM at Mystic in June. It is also requested that National provide basic guidelines for Chapter organization. Captain Sandberg will request that this item be placed on the agenda for the AGM.

The meeting was adjourned with a motion to hold the next meeting in January at SUNY Maritime. As expected, the fellowship between fellow mariners was great with the exchange of many sea stories.

Baltimore / Washington, D.C.

Captain Joe Hartnett, #2193-R
Chapter President

We were looking forward to participating in the Propeller Club of Baltimore Fall Golf outing, unfortunately, torrential rain canceled the event. The chapter participants could not attend the rescheduled event so we participated by sponsoring a hole on the course. We will continue practicing and look forward to representing CAMM for the Spring golf outing.

Our chapter recently participated in the Kings Point Chesapeake Veterans Day Maritime Dinner honoring Rear Admiral Mark Buzby, USN (KP79) (Ret). Admiral Buzby recently retired from his position as Commander, Military Sealift Command. We would like to extend our best wishes to Rear Admiral Buzby and his family. The event can be viewed on Maritime TV.

Members of our chapter will be representing CAMM at a Propeller Club Luncheon in Washington, D. C. which will feature Hon. David Vitter (R-LA) as guest speaker. Senator Vitter is Ranking Member of the Committee on Environment and Public Works.

During the Holiday season we will be working closely with the Seafarer Centers in our area to assist whenever and wherever possible.

South Atlantic VP Report

Captain Jerry Benyo, #773-R
No report submitted.

Miami / Port Everglades

Captain Paul Coan, #3021-R,
Chapter President

I recently returned from a longer than expected voyage aboard the *MAERSK UTAH*. The Chapter is still feeling the sad loss of Captain Dave Goff.

Tampa Bay

Captain David H. Williams, #2318-R
Chapter President

No report submitted.

Gulf VP Report

Captain Robert Phillips, #1310-L

No report submitted.

Mobile Bay

Captain Rusty Kilgore

Chapter President

No report submitted.

New Orleans

CE Horace George #3223-A

Chapter Secretary

The November 14th meeting was held at the Port Ministry Center of the Global Maritime Ministries in New Orleans. We were joined at our meeting by members of the USCG and many of the local Port Chaplains and assistants. The meeting gave ample opportunity to learn about different groups of our port support personnel and meet many of the people who are involved with assisting visit-

ing seamen every day. Our host for this meeting was The Reverend Phillip Vandercook, our Chapter Chaplain and Executive Director of the Global Maritime Ministries.

The lunch was prepared and served by the volunteers who work with the Mission. The chapter made a donation to the Center, for the benefit of seamen of many nations while at our facilities in the Port of Greater New Orleans.

Houston

Captain Michael J. Mc Cright, #2753-S,

Chapter President

Our October meeting was an informal mentoring session with Captain Ed White, USNR (Ret), #2881-R. Captain White discussed his 38 plus years career in the Naval Reserve. In addition, his maritime career on tugs and various supply vessels were also covered. Not cov-

ered at this time was his current role as a "Hurricane Master" on the *ENSCO 8502*. TAMUG Student Chapter President Cameron Hicks was most attentive.

South Pacific VP Report

Captain Klaus "Nick" Niem, #2167-R

No report submitted.

Los Angeles / Long Beach

Captain David Boatner, #2162-R

Chapter President

The Los Angeles / Long Beach Chapter meets at noon the second Tuesday of the month [except August] at Crowne Plaza Hotel's Beacon Room in San Pedro. We usually have anywhere from six to ten members in attendance. Like many CAMM chapters, LA/LB struggles to increase numbers at local meetings. Our members take an active interest in their

cont'd on next page

New Members

The Council of American Master Mariners, Inc.

REGULAR MEMBER



4567-R

- 3342-R Captain **Joseph C. Sohlberg** of Edmonds, WA
Master, JOHN A. CHAPMAN
Sponsored by Captain Scott Moser, #2894-R
- 3343-A Ms. **June M. Milliard** of Mercer Island, WA
Senior Partner of Maritime Recruiters
Sponsored by Ms. Lyn Mc Clelland, #3104-A
- 3344-R Captain **Kahai Hay Wodehouse** of Bend, OR
Master, APL THAILAND
Sponsored by Captain Dan Jordan, #2698-R

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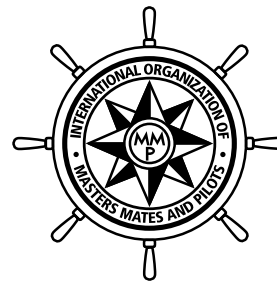
*A full list of membership qualifications are listed on CAMM's website.

Please remember applicants must include a copy of their current USCG Master's License for timely processing. \$100 application fee includes application processing and current year member dues.

www.mastermariner.org/membership

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COUNCIL cont'd from pg. 9

profession and encourage all Masters living or visiting in the area to participate in our monthly meetings.

San Francisco Bay Area

Captain Klaus Niem, #2167-R
Chapter President

The Chapter continues with regular meetings at Sinbad's on Pier 2; however, we hope to have our December meeting take place at Cal Maritime's new cafeteria on the Vallejo campus as part of efforts to discuss starting a CAMM Cadet chapter. At this time the SFBA Chapter will donate a \$1000 to Captain West's Boys and Girls Sea Scout Chapter of Sacramento. Wives and significant others are invited to attend this meeting.

The chapter has projects in the works which will not be completed until after the New Year.

North Pacific VP Report

Captain Carl Johannes, #2147-R
No report submitted.

Columbia River

Captain William Good, #1924-R
Chapter Secretary / Treasurer

The Columbia River CAMM Chapter meets at the Quay Restaurant, Vancouver, WA on the second Friday of each month at 1200.

This year was sadly marked by a Memorial Service which was held on September 13 for Betty Faulkner, Chapter President Captain Faulkner's wife, who passed on May 30. We will all miss Betty. She was a remarkable woman. We join Vic in his grief at her passing.

Seattle/Pacific Northwest

Captain Doug Subcleff, #2329-R
Chapter Secretary

On October 10th, the Chapter met in a classroom at Pacific Maritime Institute. This venue had fewer distractions than a restaurant and worked out very well. And, rumors of a pop quiz were simply not true. Meanwhile, our search for a new Meeting location continues.

Nominations Chairman Captain Georg Pedersen introduced the Officer Slate and motion made to approve. Motion was passed to re-elect: President, Captain Richard Klein; Vice President, Captain Chuck Lund; Seagoing Vice President, Captain Kevin Coulombe; Treasurer, Captain Don Moore; and Secretary, Captain Doug Subcleff.

Ms. June Milliard was introduced as our new Associate Member. June spoke a few minutes about her company, Maritime Recruiters, founded by Bob Walton in 1970. June said she is looking forward to attending more CAMM meetings.

Extensive discussions were held about the difficulties with maintaining the required work and rest hours aboard ships. Activities such as bunkering and canal transits can make it tough to adhere to the hours of rest rules, particularly for the vessel's master. Another issue of increasing importance is documentation. Port State inspectors are becoming more cognizant of the new regulations and strict enforcement of any violations could mean vessel delays or worse. A solution that appeals to mariners is increased manning but, to the vessels' operators, that is probably the least likely due to cost.

While talking about the *Captain Phillips* movie that was to be released the following day, Captain Georg Pedersen told us about a movie he recently viewed during a visit to Denmark. It is the story about the crew of a Danish cargo ship that was hijacked by Somali pirates who proceeded to engage in escalating negotiations with authorities in Copenhagen. The movie will be available on DVD in the United States.

November 14, 2013 featured our annual Recognition Day

Luncheon. This year's event was held at Ivar's Salmon House restaurant in Seattle. We had an excellent turn-out with over 60 members and guests signed up. Chapter President Captain Richard Klein, once again, was the Master of Ceremonies. He began the meeting with an extended welcome to our many invited guests including: Mr. Tim Engle, President of Saltchuk; Mr. Gary Stauffer, President of the Youth Maritime Training Association; Mr. John Veentjer, Puget Sound Marine Exchange; Mr. Walt Tabler, Executive Director, Puget Sound Pilots; and our 2013 Maritime Person of the Year honoree, Mr. Phil Morrell, Vice President of Marine Operations at Totem Ocean Trailer Express (T.O.T.E.) accompanied by his wife Natalie. Captain Klein also pointed out many of our golf sponsors were in attendance including representatives from Foss Maritime and Trident Seafoods.

The first presentation of the day was a \$9,000 check made out to the Youth Maritime Training Association (YMTA), this year's proceeds from our sixth annual Bob Magee Memorial charity golf tournament. YMTA President Gary Stauffer expressed his appreciation to CAMM Seattle, sponsors and golfers. He then introduced two previous scholarship award winners: Lauren Grasdahl,

cont'd on page 13



PHOTO: DOUG SUBCLEFF

CAMM Seattle donated a golf tournament proceeds check for \$9,000 to YMTA. Shown are Captain R.J. Klein, past YMTA Scholarship winner Nevin Garcia, YMTA President Gary Stauffer, and Lauren Grasdahl, past YMTA scholarship winner.



Annual General Meeting

Professional Development Conference

June 11-13, 2014 ☆ Mystic, Conn. USA

Hosted by CAMM National



Location

Mystic, Connecticut. Thursday events will all take place at Mystic Seaport with time in-between the PDC and dinner cruise to go back to the hotel. Friday's General Meeting and Closing Dinner will take place at the Hilton Mystic. Transportation between Hilton Mystic and Mystic Seaport (1.1 miles) will be provided.

Agenda

Wednesday, June 11, 2014:

Golf Outing
Welcome Social (Hilton Mystic Hospitality Suite)

Thursday, June 12, 2014 at Mystic Seaport

Professional Development Conference
Companion Outing (TBD)
Evening Dinner & Cruise aboard Steamship SABINO

Friday, June 13, 2014 at Hilton Mystic

Annual General Meeting
Closing Dinner



Lalonde Spirit of the Seas Award Nominations

Nominations for the 2014 Lalonde 'Spirit of the Seas' award are now open and available online. Nominations are open to any member, living or deceased, with all the following attributes: humanitarianism, professionalism, seamanship, life-time achievements and noteworthy accomplishments, along with contributions to the maritime industry and the 'spirit of the seas' in their everyday lives.

For additional information, applications, or guidelines and rules, go to the CAMM website or contact your chapter president or Regional V.P. All nominations must be received by no later than January 15, 2014.

Constitution & By-Laws

Any submissions for changes to CAMM's Constitution or By-Laws must be submitted no later than February 10, 2014 to National Secretary Captain Dave Williams. (By-Laws 13.1.1)

Event Registration

Event registration is now open. The registration form is available on page 38 of this issue or online at www.mastermariner.org.

Sponsorships Available

Please contact Captain Klein for sponsorship opportunities.

Featured Speakers*

Captain John Dickie

Secretary-General, IFSMA (International Federation of Shipmasters' Associations)

Dr. Captain John A.C. Cartner #2574-R

International Lawyer and principal author of the *International Law of the Shipmaster*

Father Sinclair Oubre #3220-A

CAMM Chaplain; President, Apostleship of the Seas USA

Captain George Sandberg #1919-R

Professor, Department of Marine Transportation, United States Merchant Marine Academy

Annual General Business Meeting

Discuss the general business of CAMM; highlights include Positions Statements. The meeting is open; however, only CAMM members have a voice.

Closing Dinner

The Closing Dinner is a semi-formal event featuring a keynote speaker, presentation of 2014-2016 Slate of Officers, and presentation of the Lalonde Spirit of the Seas Award.

Accommodations



Hilton

Reservations group code for the Hilton Mystic is CAMM. Rates are \$139/night Sunday-Thursday and \$179/night Friday and Saturday.

Transportation

Closest Airports: Bradley Int'l in Hartford, CT (BDL), 68 miles; Boston Logan in Boston, MA (BOS), 108 miles; and LaGuardia Airport in New York, NY (LGA), 128 miles.

Budget Car Rentals: Budget Car Rentals offers 30% off using BCD Number U303173. CAMM will receive a small kickback. www.budget.com.

Post-Meeting Cruise

Captain Tom Bradley is arranging a post-meeting cruise aboard Holland America Lines' *MS VEENDAM* along the New England coast to Quebec City, Canada. The Company of Master Mariners of Canada will meet us in Halifax during the port call.

Event Chairperson

Captain R.J. Klein, captklein@mastermariner.org.

*Subject to change.

LEONIDAS STELL JORDON #646-R

Leonidas Stell Jordon, 85, died of colon cancer on November 6th at his home in Coupeville, Wash. His death was marked by the same pragmatism, humor and sense of adventure with which he had approached everything in his life.

Leo lived a rich, full, active life. Born in Butte, Mont., Leo was the fourth of nine children. Always very independent, he left Butte at thirteen with a dime in his pocket and headed west. For a short time he held a variety of odd jobs, including a stint as a cow hand on a Montana ranch, before beginning a lifelong career as a merchant seaman. He worked his way from ordinary seaman to become the youngest master working for American Mail Line, a distinction he held for many years.

In 1950 he married Joanne Little. They settled in Edmonds, Wash. and raised four children. The couple relocated to Depoe Bay, Ore., where they lived until her death in 1988. Having retired during his wife's illness, Leo spent the next several years traveling in his motorhome. In 1993, he married Billie Jean Cabbage (Bortle) and they moved to Coupeville, WA. He loved his waterfront setting and often referred to it as the 'perfect anchorage'. Never idle, he worked hard at his retirement. He loved to help people and was always willing to donate his time, money and skills. He was an active volunteer for many years with the Coupeville Museum and the Coupeville Arts Festival. He also found time to help many friends, neighbors and family members with remodeling or other projects.

Leo was a loving husband, father, grandfather, great-grandfather, uncle, brother and friend. Many made better by having him in their life. Leo often stated that he wanted to live, not just exist. Those left behind would agree that he did just that. He will be greatly missed.

He is survived by his wife Billie Jean, three daughters, 2 step-daughters, numerous grandchildren and great grandchildren. His son Michael preceded him in death.

A celebration of his life will be held on November 30, 2013 in Oak Harbor, Wash. In lieu of flowers donations may be made to Hospice of the Northwest. Sign Leo's on line guest book at www.legacy.com.

CAPTAIN DANIEL P. KIRBY #1206-R



Captain Daniel P. Kirby, died November 3, 2013 at the age of 75. Captain Kirby was born in Manhattan on October 2, 1938, the first son of the late NYC Fireman Daniel P. Kirby, Sr. and Julia Griffin Kirby, who both emigrated from County Kerry, Ireland. Following his graduation from Cardinal Hates High School in the Bronx, N.Y.,

he was accepted into the U.S. Merchant Marine Academy at Kings Point, NY. Upon graduating from Kings Point in 1960, he was commissioned as an ensign in the U.S. Navy and was stationed in Vietnam, where he received two purple hearts. He subsequently began his career in the U.S. Merchant Marine as a licensed deck officer with Delta Steamship Lines, calling at ports in South America and west Africa. In 1966 Captain Kirby obtained his USCG Unlimited Masters License and was promptly assigned as Master on several Delta Line vessels. Shortly thereafter Captain Kirby was brought into the shore side management at Delta, where he rose to the position of Senior Vice President prior to his departure in 1983. In 1984 he joined Pacific Gulf Marine as Senior Vice President and in 1990 became President of Pacific-Gulf Marine and in 1994 he retired.

Captain Kirby was a past first vice president of the Propeller Club of New Orleans, Board of Directors of the New Orleans Steamship Assoc, Society of Naval Architects, American Institute of Merchant Shipping, Council of American Ship Owners, and the National Cargo Bureau. He was a lifelong supporter of his alma mater, Kings Point, where he was recognized with the Outstanding Professional Achievement Award in 1981.

Captain Kirby leaves behind his beloved wife Gerry, his brother, nieces, nephews and step-children. Services were held at Lake Lawn Metairie Funeral Home. To view and sign the guest book, visit www.lakelawnmetairie.com.

CAPTAIN GARY N. MILLER #2121-R

Captain Gary Nuel Miller of San Antonio, Texas, passed away on October 6, 2013. He was a Texas A&M Galveston graduate, Commander in the U.S. Naval Reserve, and his last command was a MODU rig move aboard the *ENSCO 8502* last July 2013.

CAPTAIN ROLAND RESPRESS #3306-R

Roland Respress, 73, of Port Arthur, passed away September 26, 2013 after suffering from cancer. He attended U.S. Naval Damage Control and Fire Fighting School, Baltimore Marine Navigation & Engineering School, U.S. Army Transportation Officer Candidate School, American Marine School and Captain Van's Navigation School. Roland sailed as Master of large tankers from 1963-1976. He sailed for Texaco and retired from Sabine Pilots after serving 29 years as a Branch Pilot for the Sabine/Neches waterway. CAMM Chaplain Father Sinclair Oubre lead the funeral service in Groves, Texas.

All Human Life is Sacred: Cruise Passengers and Refugees



by Father
Sinclair Oubre
CAMM Chaplain
#3220-A

For the past 24 months, the Mediterranean has become a sea of death.

COSTA CONCORDIA sliced her hull open to the Mediterranean waters. As the world watched, this great ship listed and then settled on her starboard side. News bureaus reported that this maritime casualty claimed the lives of 32 seafarers and passengers.

The story of the *COSTA CONCORDIA* continues to occupy the news. One can visit You Tube and watch numerous video clips of the aftermath, the trials, the salvage engineering, and most recently, the successful rolling of the vessel back to an upright position. In the last few days, these news agencies have reported that DNA tests have confirmed the human remains of the one of the missing victims, thereby leaving only the Indian seafarer, Russel Rebello, as still unaccounted.

While the *COSTA CONCORDIA* story remains in the news, more deadly stories of hundreds of African immigrants dying in these same waters over the last two months, are only a blips among the many quickly passing news stories. However, the human cost between the loss of the *COSTA CONCORDIA* and the recent sinking of these immigrant coffin ships challenge the world as to why the lives of cruise line passengers are afforded so much concern, while hundreds of

African immigrant lives pass with little more than a short note.

In less than ten days, hundreds of refugees died off the island of Lampedusa, Italy.

OCTOBER 3, 2013— Five hundred people were on board the 66-foot fishing boat when it began to have engine trouble less than a quarter-mile from Lampedusa, causing the ship to begin sinking. In an attempt to contact nearby boats, a blanket was lit on fire. However, this fire grew worse when it ignited some gasoline and began to engulf the boat before it sank. To avoid the flames, many people threw themselves into the water or moved away from the fire to the same side of the ship, which then capsized.

A total of 155 people were rescued. By 12 October, the bodies of 359 victims had been recovered, with 30 victims still unaccounted for.

OCTOBER 11, 2013— Seventy-five miles from Lampedusa, a boat carrying over 200 migrants from Syria and Palestine capsized when people on board moved to one side of the vessel as they tried to get the attention of a passing aircraft. Thirty-four immigrants were confirmed dead. Some 147 survivors were taken to Malta, and a further 56

were taken to Italy.

These frightening figures are part of the long deadly story that has been going on since the beginning of the Arab Spring. The United Nations High Commission on Refugees reported that in 2011 more than 1500 refugees drowned while attempting to cross the Mediterranean Sea. This made 2011 the deadliest year since UNHCR started to record these statistics in 2006.

During 2009 and 2010, border control measures sharply reduced the number of arrivals in Europe. However, this trend was reversed in 2011, as the governments in Tunisia and Libya collapsed.

Sadly, with the continued civil war in Syria, the political unrest in Egypt and Libya, and the economic opportunity that appears to lie just over the horizon, there seems to be no end of these

tragic stories.

Spiritual leaders have tried to call the world's attention to this human tragedy, but like so many times before, the elites who set policies and priorities for their countries and the world have "bigger" issues confronting them.

When Pope Francis visited Lampedusa on July 8, 2013, he tried to bring the world's focus to this human tragedy.



NORMAN EINSTEIN / CREATIVE COMMONS

During his homily he said:

"Immigrants dying at sea, in boats which were vehicles of hope and became vehicles of death. That is how the headlines put it. When I first heard of this tragedy a few weeks ago, and realized that it happens all too frequently, it has constantly come back to me like a painful thorn in my heart. So I felt that I had to come here today, to pray and to offer a sign of my closeness, but also to challenge our consciences lest this tragedy be repeated. Please, let it not be repeated!"

Then Pope Francis concludes by saying:

"...I would like us to ask a third question: Has any one of us wept because of this situation and others like it? Has any one of us grieved for the death of these brothers and sisters? Has any one of us wept for these persons who were on the boat? For the young mothers carrying their babies? For these men who were looking for a means of supporting their families? We are a society which has forgotten how to weep, how to experience compassion – "suffering with" others: the globalization of indifference has taken from us the ability to weep! In the Gospel we have heard the crying, the wailing, the great lamentation: "Rachel weeps for her children... because they are no more".

Herod sowed death to protect his own comfort, his own soap bubble. And so it continues... Let us ask the Lord to remove the part of Herod that lurks in our hearts; let us ask the Lord for the grace to weep over our indifference, to weep over the cruelty of our world, of our own hearts, and of all those who in anonymity make social and economic decisions which open the door to tragic situations like this. "Has any one wept?" Today has any one wept in our world?"

I find much solace in the many examples of compassion and courage [of rendering aid to those in distress at sea].

As a member of the Seafarers International Union, I take pride in our motto: Brotherhood of the Sea. In a world that focuses only on bright and shiny things like cruise ships, our union newspaper, *The Log*, monthly carries stories of U.S.-flagged ships delaying their voyages in order to rescue seafarers, fishermen, refugees, and yachtsmen. During the upcoming United Seamen's Service's Admiral of the Ocean Seas Banquet, retired Congresswoman Helen Bentley (#1070-H) will again honor numerous mariners for living out the ancient tradition of rendering aid to those in distress

at sea. In addition, the International Maritime Organization annually honors mariners and shipping companies that put efficiency and profits aside to assist seafarers in distress. I find much solace in these many examples compassion and courage. However, I also know that the officers and men of these vessels often face hostile bureaucrats when they arrive in port, even to the point of accusing these rescuers of being human traffickers.

As I have spent the last few hours reflecting on this subject, I realize that I don't have to travel to the Mediterranean island of Lampedusa to find beneficiaries of mariners' sea rescues. In my diocese of Beaumont, we have Vietnamese priests, religious and fishers who fled Vietnam in boats very similar to those that have tragically caused so many recent deaths. If mariners had not stopped three decades ago, and snatched these refugees from the sea, my diocese and my community would be so much poorer today.

I realize that for most of the world, Pope Francis' complaints about an indifference to the human tragedies happening all around us will not even be a blip on their radar screens. However, I take heart that by reading this reflection, for just a moment, we will recall our brothers and sisters who are in dire straits, say a prayer for them, and maybe shed a tear for these who have been claimed by the merciless sea. ☆

Join fellow CAMM members on a post-meeting New England / Canada cruise



aboard Holland America Lines' MS VEENDAM

Depart Boston Saturday, June 14
7-Day Cruise disembark in Quebec June 21
14-Day Cruise return to Boston June 28

Halifax Port Call on June 16th:
Hosted by Company of Master Mariners of Canada

Cruise Coordinator: Captain Tom Bradley
captbradley@mastermariner.org or 360-901-1257

Express interest to Captain Tom Bradley by January 1; payments due March 1.

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Will Beckcom, Esq. Donate His Fee to Piracy Victims? Do Not Hold Your Breath



by Captain
Dr. John A. C. Cartner
#2475-R

We use the word “hero” these days loosely. Anciently heroes sailed with the Argonaut or were scions of

Heracles. They were a d u l a t e d in poems and odes. Nowadays anyone in a dangerous situation whether emerging dead or alive can be so declared by press and then public. Captain Phillips may or may not be a hero by these standards. However, he is and was a brave man dealing with a very difficult command situation. That situation included, by press accounts, the public utterances of a chief engineer — notwithstanding that neither he nor any engineer is in the command structure of any vessel. The engineer apparently believed that a few years in the naval service gave him some authority or knowledge greater than that of duly licensed master mariner with years of experience, properly appointed and exercising his authority and in command. The engineer also was apparently unaware the master is protected by the laws of the flag state which, under his lawful warrant, he is required to enforce. The bottom line for the chief is this: he had neither authority nor reason of the sort he proclaimed to press and public. He can have no such authority under the domestic laws of flag states as they currently stand and he will have no such authority in the near future. Of course, this chief engineer is not the first know-it-all and loudmouth expressing his personal, and mistaken, views as to who knows more and who ought and ought not to be in

the command line of authority.

Then there is the other Grinch of the matter, the equally mouthy spoil-sport Brian Beckcom, Esq. No one minds a lawsuit if it has apparent merit. Mr. Beckcom’s case is, however, seemingly another of the well-known example of the legion of ambulance-chasers out for three things: money, personal fame leading to more money and further claimed expertise in legalized extortion— all cloaked in the popular and hollow words of justice which only a plaintiff lawyer can give. The legalized extortion of money from companies for which such agents of suitors get a chunk, usually about 40% plus arguable costs in some cases, is a game played like this. One collects a group of plaintiffs with some similar or identical complaint which can be colored, even with the palest of Crayolas, to present to the court. It is then filed. The defendant company lawyers look at these pieces of often inflammatory prose and often see no merit in the cause. However it must be defended because it has been filed. The plaintiff lawyer’s stock in trade in personal injury cases is often tactical brinkmanship wherein he or she may prevaricate to the last minute and then settle for some amount of money. Often victory is proclaimed then by the same. When that amount is multiplied by several clients and then multiply the cut— usually 40% or so then adding costs— the haul can make pretty good payday. I invite you to take a look at Mr. Beckcom’s website, which I suppose he uses in lieu of billboards or the back cover of telephone books. Of course his

pickings are pretty good in Houston; better than, say, in New York where many of the uninitiated call ships boats, as “It is on the boat.” Mr. Beckcom also has the oil patch which is notorious for finding flimsy ways around safety rules in the maritime sector and with enough money to pay the insurance premiums and out-of-pockets and shrug and not care too much. Perfect machine.

I have no complaints about a lawyer making a living. I have no complaints about pressing cases for seafarers in which the alleged injuries are real, not *de minimis*, and worthy of money damages. I have a big concern about lawyers degrading the profession with utterly tasteless self-touting and openly shameless in apparent puffery and altogether perceivable as braggarts who outrightly show a countenance of apparent greed. I must ask, as must any rational person must, where is the real legal injury here? Perhaps Mr. Beckcom convinced his clients that they were injured by the company and only he, self-appointed Hero Beckcom, could have them compensated. Perhaps not. I recall that the late reputed billionaire lawyer John O’Quinn of the same bar was convicted for champerty for rounding up clients in South Carolina after an airplane crash. The misdemeanor – corralling clients outside one’s home jurisdiction – is frowned upon by local bars where an outsider is taking their fees. There is a fine line between champertous behavior, whether or not champerty by statute, and rounding up plaintiffs and convincing them they have a paying case. It can also



be thinly disguised barratry or maintenance: inciting a case and the continuing of it long after it should have been resolved with procedural legerdemain. Dickens wrote of *Jarndyce v. Jarndyce* about such a matter in *Bleak House*, albeit in chancery or equity and not in law.

Here is Mr. Beckcom's case as he states it: "To make [Phillips] into a hero for driving this boat and these men into pirate-infested waters, that's the real injustice here. *The movie tells a highly-fictionalized version of what actually happened.*" (Italics mine.)

In Mr. Beckcom's bleak view there appears to be no shipping expertise. For example, technically, by his own statement, he does not know the difference between a boat and a ship. He does not know that one does not drive a ship unless under sail and then not with a wheel. One does not drive a modern ship, Mr. Beckcom. One commands a ship if he is Captain Phillips or any other master. Helmsmen steer. They do not drive as if the ship were a shiny new automobile in the garage. I suspect that Mr. Beckcom has never commanded a ship except, perhaps, in his fantasies. I further suspect that a good day for Mr. Beckcom is a good deposition. Masters and others at sea have good days doing real work when no one is injured, the vessel works as it should, nothing damages anything and the voyage is prosecuted in fair weather with following seas, the officers and crew are reasonably happy and no third parties intrude on all that. None of this can be done in a deposition.

Here is Mr. Beckcom's case after removing the inflammatory prose and trite or incorrect words: To make [Captain Phillips] a hero for commanding his ship in waters where there are pirates [seen or unseen] is an injustice." Well, having the public make Captain Phillips a hero is no tort, Mr. Beckcom. Having the public and media adulate Captain Phillips for his acts is no tort, Mr. Beckcom. It would appear that Mr. Beckcom is aware that a suit against Captain Phillips on such a flimsy theory and the statutes would not get far. Hence he has taken

the tried and true method of suing in state court for the apparent advantage of a common law jury. Federal courts in admiralty do not have juries but experienced and usually learned judges to decide the merits. What he cannot get from a federal court he might be able to get by playing on the emotions of a jury. He has sued the company on these same grounds *in personam* complaining that a circular of which the company supposedly has knowledge could be imputed to Captain Phillips and that he should not have been were he was when boarded with that imputed knowledge. That kind of suit usually has a parallel suit against the ship *in rem*. That is where the money is. So?

Any master has broad discretion in navigation and prosecuting the voyage. A circular saying there are pirates where he was or will be does not mean a whole lot except to say that the issuer of the circular has heard that there are pirates in the range and there might be some more when the master gets there. This is likely a generally known fact Captain Phillips knew and took into account with or without reading yet another circular crossing his desk.

In the complex calculus of command Captain Phillips likely weighed the company's broad orders, voyage costs, ship speed, overall and specific risks, the immediate knowledge gained on the spot, updated knowledge from current sources and everything else which goes into a command route decision including – yes, Mr. Beckcom, fuel consumption. No mater is fully prescient any more than any lawyer. I think that Mr. Beckcom has no idea, any greater than the chief engineer, what Captain Phillips' duties were and how his decisions were formed and frankly, neither needed nor needs to know. Does the airplane pilot come out of the cockpit and announce to the passengers and flight attendants that he has knowledge of a thunderstorm and an airplane crossing his path 30 miles ahead, which knowledge of weather was in the pre-flight briefing and of the traffic seen on the radar, before dealing with either? Let's get real here. Mr. Beckcom's

dog may fetch but it does not hunt.

So if there is no legal case why the hyperbole and circus barking? Mr. Beckcom is trained in distorting the media with pseudo-legal pronouncements appealing to lofty words such as justice. This is not a court of justice or a court of media, Mr. Beckcom, in which you have filed. It is a court of law. Perhaps you were sleeping when that was discussed in law school. You are remiss to confuse the two concepts and even more remiss in trying to pander the public by stating it.

To make Captain Phillips a hero is an injustice? Huh? Why don't you say, Mr. Beckcom, "To make Mr. Hanks a hero in a highly fictionalized version of what happened is an insult to a good actor." It makes much more sense.

However, I suspect Mr. Beckcom could take his cut of the legally extorted money – nuisance money for Maersk and its sureties – and go back to Houston and spend it on more advertising to get more ambulances. I doubt if he would take his cut and give it to a charity trying to deal with the real – and likely not justiciable – problems of those who have been pirated. They tend to be medical and psychological and not legal. Jean Jacques Rousseau once said that the unhappiest day of his life was when he lost a lawsuit. The second unhappiest day was when he won one. Perhaps Mr. Beckcom is unable to comprehend that pearl of wisdom.

Mr. Beckcom's life is apparently a highly fictionalized version of what happens in the real life of seagoing. Mr. Beckcom would be risible if he had not apparently abused the courts with this facially nonsensical and seemingly contrived – and if so utterly meritless – blather. ☆

© 2013 John A. C. Cartner, LL.M., Ph.D., Master Mariner. Principal author, *The International Law of the Shipmaster* (2009), *Lloyds Informa; Defending against Pirates: The International Law of Small Arms, Armed Guards and Privateers* (2011), *Intershipmaster Press*. All rights domestic and international reserved. Reprinted with permission from *Piracy Daily and Captain John A. C. Cartner*.

NERACOOS® Delivers Critical Ocean and Weather Information for Mariners in the Northeast

NERACOOS

by Tom Shyka
Outreach and
Communications
Specialist
NERACOOS

It's late February in New England, a time of frigid and unsettled weather along the Northeast seaboard.

maritime shipping is essential to the regional economy and must continue. This means Captain David Gelinis of the Penobscot Bay and River Pilots Association has a challenging job ahead of him: a tanker is coming up from Boston which he needs to board near Monhegan Island, which sits about 12 nautical miles off the coast of Maine. When the ship leaves Boston the seas at the boarding area are about 4 feet. Captain Gelinis needs determine if it is going to be safe to board when the ship arrives, so he goes online and visits the wave forecast information from the NERACOOS® (Northeastern Regional Association of Coastal and Ocean Observing Systems) website www.neracoos.org. The wave forecast indicates that by the time the ship arrives, wave heights may be 8-11 feet with a short period due to an approaching low pressure system. With this information in hand, Captain Gelinis cancels the boarding well in advance of the ship's arrival.

As the low pressure system moves through the area Captain Gelinis is able monitor real-time data from a NERACOOS buoy near the boarding area and sees that seas eventually reached 20 feet. He still needs to board the vessel to bring it into port so it's back to the

Despite the cold and potential for nor'easters, wave forecast tool where he reviews the wave forecast for the upcoming day and sees that seas are predicted to be 8 feet with a much longer period between waves. He is able to schedule the board-

developing, an Irving ship is due up from Boston in the late afternoon, and if he can't get on it before the seas get to 10 feet or so, the ship may have to wait a day or two for the seas to diminish



PHOTO: CAPTAIN PRENTICE STRONG, PENOBSCOT BAY AND RIVER PILOTS ASSOCIATION

Penobscot Bay pilots navigating a vessel through coastal Maine waters.

ing for the following day, which is still a challenging boarding but as Captain Gelinis indicates "the ability to so accurately predict the seas and establish a schedule greatly contributed to the safety of the job, as well as provided the shipper with a firm idea of when his ship would come into port."

It's a week later in early March and Captain Gelinis has a similar situation

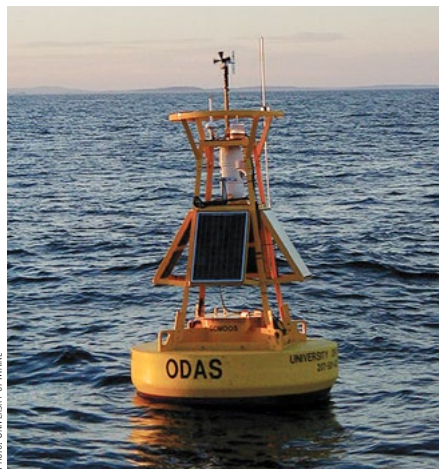
before he can safely get to them. Once again he puts the NERACOOS wind and wave observations and predictions to good use to assure safety and efficiency of these critical operations.

The website (www.neracoos.org) used by Captain Gelinis is operated by NERACOOS, the Northeast entity of the U.S. IOOS (Integrated Ocean Observing System). The U.S. IOOS is a collective



effort of 17 federal agencies and 11 regional associations that deliver coastal data to improve safety, enhance the economy and protect the environment. At this time the primary funding agency is the National Oceanographic and Atmospheric Administration (NOAA).

NERACOOS and its partners operate an end-to-end ocean observing system that spans the northeast region including Long Island Sound, the Gulf of Maine and up into the waters of the Canadian Maritime Provinces. This system collects



A NERACOOS buoy off the coast of Maine collects ocean and weather data 24/7 and provides critical information to mariners and many other stakeholders.

and delivers near real-time ocean and weather observations and produces 2-3 day ocean forecasts for mariners and many other stakeholders. All the data from NERACOOS is delivered to a data management system that supports information products and services as well as archives the data for long-term use. NERACOOS works closely with its end users to make sure that their needs and decision-making process are understood and that information products effectively deliver actionable ocean information to them.

The backbone of the observing system is an array of sophisticated data buoys that operate 24/7 to continually collect and deliver ocean and weather conditions. Above water, the buoys monitor winds, air temperature, atmospheric pressure and visibility. At the ocean sur-

face the buoys monitor waves, current, water temperature and salinity. Deep into the ocean, the NERACOOS buoys also collect data on temperature, salinity and currents and are the only buoys that gather data from the water column in the region. Some of the NERACOOS buoys are equipped with specialized sensors that measure dissolved oxygen, nutrients, chlorophyll, turbidity, and the acidity of ocean water. All of the data from the buoys are available and updated hourly on the NERACOOS website. These buoys are operated and maintained by partners that include the University of Maine, University of Connecticut, and the University of New Hampshire.

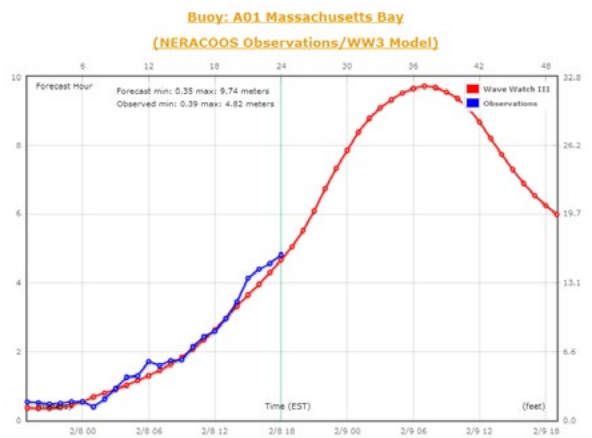
Real-time observations are also collected by a network of land based high frequency radar (HFR) units, which measures surface current speed and direction over large areas of the ocean. These measurements are routinely incorporated into USCG search and rescue operations. The University of Maine and the University of Connecticut operate the HFR system in the NERACOOS region. The U.S. IOOS national HFR program includes 54 units around the nation as well as a centralized data system.

NERACOOS also supports two sophisticated ocean forecasting efforts including the Northeast Coastal Ocean Forecast System (NECOFS) operated by the University of Massachusetts at Dartmouth and a regional wave forecast system operated by the Bedford Institute of Oceanography. These modeling efforts produce 2-3 day forecasts of ocean conditions in the northeast including wind, waves, water level, currents, temperature, salinity and more. These forecasts are delivered through various products on the NERACOOS website.

Last October the entire

eastern seaboard was severely impacted by hurricane Sandy. Data from the east coast observing systems played an integral role in forecasting, preparing for, and responding to Sandy. However, during Sandy, some of the NERACOOS data feeds were interrupted as a result of the location and damage to land based communications infrastructure. NERACOOS and its partners are currently working on hardening its communications systems so that real-time observations and forecasts will be available during extreme events.

NERACOOS along with its government, academic, industry and NGO partners are all helping to build Northeast component of the U.S. IOOS. All around the country similar efforts are underway to collectively build a robust national observing network that will support safe and efficient maritime operations, but we need the support and feedback of the maritime community to assure we are meeting your needs and that we can keep ocean information flowing to you. To learn more about the U.S. IOOS and the Regional Association in your area visit <http://www.ioos.noaa.gov/regional.html>, find the Regional Association that you work in to learn about the ocean information they deliver and how you can participate. We need your help to make sure the U.S. IOOS works for you. ☆



The plot above shows the observed wave heights (blue dots) and the forecasted wave heights (red line) at NERACOOS Buoy A in Massachusetts Bay as Winter Storm Nemo was moving into the Gulf of Maine.

NOAA announces end of traditional paper nautical charts



submitted by
CMDR (Ret.) Michael
Henderson
NOAA Office of the
Coast Manager
#3239-A

NOAA-certified Print-on-Demand partners will continue to sell up-to-date paper nautical charts

NOAA's Office of Coast Survey, which creates and maintains the nation's suite of over a thousand nautical charts of U.S. coast-

vessels, and commercial mariners have access to the most accurate, up-to-date nautical chart in a format that works well for them," said Capt. Shep Smith, chief of Coast Survey's Marine Chart Division. "Fortunately, advancements in computing and mobile technologies give us many more options than was possible years ago."

NOAA will continue to create and maintain other forms of nautical charts, including the increasingly popular Print on Demand (POD) charts, updated paper charts available from NOAA-certified printers. NOAA electronic navigational charts (NOAA ENC®) and raster navigational charts (NOAA RNC®), used in a variety of electronic charting systems, are also updated weekly and are available for free download from the Coast Survey website. NOAA has also announced a new product: full-scale

PDF (Portable Digital Format) nautical charts, available for free download on a trial basis at <http://nauticalcharts.noaa.gov/pdfcharts>.

The world of navigation is benefiting from advances in technology, Smith explained. He said that NOAA will consult with chart users and private businesses about the future of U.S. navigation, especially exploring the use of NOAA charts as the basis for new products.

"Customers frequently ask us for special printed features, such as waterproof charts, special papers, or chart books containing additional information," he said. "We are investigating new opportunities for companies to fill these market niches, using the most up-to-date information directly from NOAA. ☆"

al waters, recently announced major changes ahead for mariners and others who use nautical charts. Starting April 13, 2014, the federal government will no longer print traditional lithographic (paper) nautical charts, but will continue to provide other forms of nautical charts, including print on demand charts and versions for electronic charting systems.

"Like most other mariners, I grew up on NOAA lithographic charts and have used them for years," said Rear Admiral Gerd Glang, director of NOAA's Office of Coast Survey. "We know that changing chart formats and availability will be a difficult change for some mariners who love their traditional paper charts, but we're still going to provide other forms of our official charts."

Since 1862, those lithographic nautical charts — available in marine shops and other stores — have been printed by the U.S. government and sold to the public by commercial vendors. The decision to stop production is based on several factors, including the declining demand for lithographic charts, the increasing use of digital and electronic charts, and federal budget realities.

"With the end of traditional paper charts, our primary concern continues to be making sure that boaters, fishing



Mariners increasingly use NOAA-certified Print-on-Demand nautical charts that are up-to-date to the time of printing.

PHOTO: TIM OSBORN

Making the Case for Maritime

Interview with Sean Connaughton, Secretary of Transportation, Commonwealth of Virginia, and former MARAD Administrator



by Tony Munoz
Maritime Executive
November 7, 2013

Capitol Hill. Could a maritime industry “think tank” help in developing one?

Connaughton (#3238-H): For almost 100 years the United States had an integrated maritime policy which focused on economic and national security. That policy had clearly articulated and understandable objectives and accompanying federal programs to support it. Fortunately, the need for a maritime industry and a comprehensive policy was an easy sell given the United States’ experiences in two world wars and the subsequent Cold War.

Unfortunately, the policies of the 20th Century are not translating well in the 21st Century. This is exacerbated by the current fiscal and political situation in Washington. The maritime industry is competing for attention and support from a federal government that seems “lost at sea” on so many important issues. This situation will only get worse given continued federal spending deficits and mounting national debt. The eventual need to address these fiscal problems by reducing and/or eliminating federal programs means that fiscal matters will drive policy instead of the other way around. Especially vulnerable will be those programs without previously existing strong policy foundations and political support.

Let’s face it: there currently isn’t a clear U.S. maritime policy for the 21st Century. What we do have is haphazard

MarEx: The U.S. needs a maritime policy, but the industry cannot get traction on

adherence to policies adopted decades ago. As a result, we are at the mercy of federal decision makers with no vision or understanding of the maritime industry, its importance or the direction it needs to follow.

We need to educate, inform, and debate America’s maritime future in clearly understandable and supportable terms. If we don’t, the maritime industry will be left behind.

That’s why a maritime think tank can make a difference. It can develop the intellectual underpinnings necessary to support a clear and comprehensive maritime policy that stimulates the economy, create jobs, and ensures national security. It can be a clearinghouse of ideas, data and policy proposals that can form the foundation for a national maritime policy for the 21st Century.

MarEx: How should the industry proceed?

Connaughton: The first step is to get stakeholder consensus behind the think tank concept. Once that is accomplished, a structure needs to be agreed to and a financial plan developed. After that, the think tank can be created and a plan of for research and policy development developed.

It would also be helpful for the think tank to be affiliated with a reputable academic institution to ensure independence and provide oversight. We have done something similar in Virginia in regards to transportation public-private partnerships (P3s). Virginia has been a leader in P3s yet the policy rationale for using them is often misunderstood by the public, media and politicians. Consequently, we helped establish the

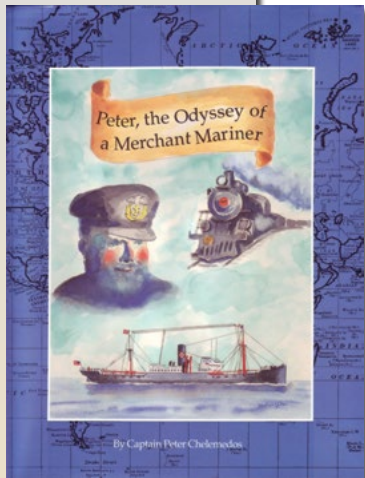
Center for Transportation Public-Private Partnership Policy at George Mason University’s School for Public Policy. The Center is conducting research, publishing papers, hosting seminars, and providing information and data on P3s to the public, media and politicians. It is our hope this Center becomes the national go-to institution for P3 policy and practice. A maritime think tank can be established using a similar approach.

MarEx: DOT does not have a vision of maritime, and that’s frightening.

Connaughton: This is a big problem. The main body of today’s U.S. maritime policies were established in the 1930s in response to the maritime problems experienced in World War I and the challenges of the Great Depression. These policies need to be updated and reformed to address today’s global and domestic realities and national security needs. This simply is not being done today at the federal level.

Another problem we face is the down grading of maritime panels in Congress. For example, less than 20 years ago the House had a full committee devoted to maritime issues. That loss of influence is exacerbated by the traditional mechanism for modifying policies in Congress through appropriations committees and authorization committees being broken. Continued resolutions and other omnibus bills means that it is getting tougher to get Congress’s attention to address specific issues or develop comprehensive policy proposals. Individual members are playing a greater role in lawmaking through the “committee of the whole”.

Given these realities, if industry wants
cont’d on page 25



by Captain
Peter Chelemedos
#1671-R

The news of
summer 1944

included the landings in Southern France in August.

In the Pacific, the landing at Guam in July; the meetings of MacArthur, Nimitz and Roosevelt at Hawaii; and the American/ANZAC landing at Sansapoor, New Guinea.

The news gave much play to MacArthur's return to the Philippines. On September 12, MacArthur's troops landed on Mindanao and on September 13 on Leyte. The landings at Peleliu, Palau Islands, by the Marines were hardly mentioned.

The two months I spent with Kay while I sat for my Chief Mate's license went rapidly. When I was assigned to the Liberty ship SS JOHN A. JOHNSON, Kay went home to Massachusetts for a visit.

Since we had rented a flat out on Golden Gate Avenue and had had to buy the furniture from the previous tenant and were paying only \$27.50 a month, I didn't want to let it go. But I couldn't think of what I could do with the food-stuffs we had.

When I joined the ship, Captain Beekin left for a visit to his home in Tacoma, Washington. I told him I would be around the ship most of the time, as I didn't know many people in the area.

One night I was walking up Market

Peter, The Odyssey of a Merchant Mariner

Chapter 18: John A. Johnson July - October 1944

Street thinking about how I was to dispose of or use up the food at home when I overheard two WAVES walking ahead of me contemplating where they were to have dinner, as the food at the barracks wasn't worth the hike back, and the restaurants were too high-priced for them. I introduced myself and asked if they would like to cook their own dinner for a change. They looked me up and down and asked how come. I explained my problem and told them they would be welcome to come by and help me finish it up. They said, "That sounds swell. Can we bring our roommates along?"

I said, "Of course." They didn't tell me they lived in a dormitory. Thirty-two of them were with us on the streetcar as we all trooped to my apartment.

They came back each evening in groups of ten or so for the three weeks until I sailed.

I spent my time between the ship and the American Mail Lines Port Captain's office arranging to get new mooring lines and stores for the ship. Because of shortages, I could only get two mooring lines from the Maritime Commission. Because we were getting army cargo, I got two more from the Army. Because we were going to load at Port Chicago ammunition dock, I scrounged two from the Coast Guard. And because we were topping off our deck load at the naval supply depot, I got two more from the Navy.

It was interesting and all that but a lot of trouble. I think the Port Captain was happy to see us sail.

Among the new crew joining the ship was a young chap who was signing on as Ship's Carpenter. I looked at his toolbox



Lieutenant Peter Chelemedos, U.S.M.S.,
October 1944

and welcomed him to his first trip to sea. He asked me how I could tell by looking at his toolbox that it was his first trip. I asked him how he planned to use the spirit level he had in his toolbox.

When we were sailing from the naval supply depot in Oakland, I was standing by on the bow when the bo'sun called my attention to the pier. A contingent of WAVES was marching in formation toward the ship; when the women got abreast of the bow, they all turned toward me, waved and shouted "Good-

bye, Peter." Then, saluting, they turned and marched as a unit back toward the office building.

Just then the phone from the bridge rang and the captain said, "Mr. Chelemedos, I thought you said you didn't know anyone around here."

I replied, "But that was three weeks ago, Captain."

I came down with a terrific cold after we left San Francisco. The fifth night out was our first night to run blacked-out as we were more than 1,000 miles from San Francisco, about halfway to Honolulu with a load of provisions and supplies heading for the Philippines.

I was coughing and sputtering and feverish, so the captain called me into his office as soon as I had written up the log from my watch at 8:00 p.m.

The radio in the chartroom was broadcasting the eight o'clock news. This included a report: "Admiral Halsey has made a speech today in which he states, 'The United States Navy now controls the Pacific Ocean from the North Pole as far south as you want to go.'"

Captain Beekin gave me a water glass with about three fingers of whiskey and told me, "Go down to get some hot tea. Drink the whiskey with the hot tea, take a hot shower, and pile the blankets on and stay in bed. I'll stand your morning watch for you."

I did as he said.

Just as I reached up to turn off the bunk lamp, we were torpedoed. The torpedo hit in Number Three hold, and the ship broke in two, taking the bulkhead at the head of my bunk with the forward section so the water from the splash came down over me. I grabbed my life-jacket and went up to the top bridge to survey the damage. Captain Beekin told me, "Get the crew in the lifeboats over the side. I'll check through the ship for any possible casualties.

On my way to the lifeboat, I stopped by the chartroom to pick up a sextant and a chronometer in case we had to navigate our own way to Honolulu. I looked across the passageway and saw "Sparks," the radio operator, having trouble with his big radio set, which had come loose from the bulkhead. I took an emergency lantern over and helped him shove it back upright. I had put the sextant and chronometer down on the deck outside the char-

cont'd on next page

Tells How Japs Rammed Lifeboat

SAN FRANCISCO, Jan. 20 (INS).—Tales of a night of horror following the sinking of his ship, the SS John A. Johnson, between the West Coast and Hawaii, were related today by one of the survivors. First Mate Lt. Peter Chelemedos.

The torpedoing was the first in this area since January, 1942, when Jap submarines were harassing the West Coast of the United States.

One of the 60 crew members that managed to dodge Jap machine gun bullets as they hid in the bottom of lifeboats and rafts, Chelemedos told of treading water behind floating sacks of flour as the Jap sailors viciously strafed the swimming Americans.

Seven of the 10 men lost in the torpedoing were killed in this heartless fusillade, two were drowned attempting to escape the sub's ramming tactics, while the other was cut to pieces in the propeller of the undersea craft, which was believed sunk shortly after sinking the American merchantman.

Sinking of the ship by a Jap submarine was old stuff to Lt. Chelemedos, in fact it's getting to be boring.

This is the eighth time he has been ducked as a result of Jap or German action.

"I had just been relieved," he said, "and was catching a cold, so I took a dose of medicine and hit the sack. A few minutes later I was swimming in the ocean.

NO WARNING.

"The missile hit without warning. It blew me out of my bunk and I could instantly feel the ship breaking up. It was kind of a familiar feeling to me, so I grabbed my lifeboat kit and my navigation instruments and rushed out to help Captain Beekin, our skipper.

"He sounded the general quarters alarm. Water was running into the hole and the ship was settling. We launched the lifeboats. No SOS was sent out because the shock of the explosion wrecked the radio.

"The captain searched the ship for dead and injured and found members of the gun crew standing by the gun. They were

waiting for the submarine to appear so they could shoot.

"We told them there was no use waiting and ordered them all to jump into the ocean with us. They all swam to a swamped lifeboat and crawled into it. My boat was full—21 men—but we kept close to the others.

'SUBMARINE MOON.'

"A bright 'submarine moon' was shining and we lay off watching the ship settle and wondering if we dared go back aboard, when the sub surfaced not 100 yards away from us and about 5 yards from the captain's boat.

"I ordered the men in my boat to jump into the water and hide among the debris floating around.

"First they tried to ram our boat. We heard shouting and the big black shape bore down on our boat. Some of our men were still clinging to the sides. The waves from the sub pushed our boat to one side, and one man was crushed between the lifeboat and the sub. Another man was swept into the propeller of the sub and drowned.

"Then we heard the sound of firing, and saw tracer bullets hit one of the other lifeboats. They shot down some of our men. Not one man was lost during the abandoning of the ship, but the Japs killed 10 men out of our crew of 70 with machine gun fire.

"Well, the Japs kept cruising among our lifeboats, trying to ram them, spraying the occupants with all deck guns, and shouting 'Banzai' with each hit."

Odyssey cont'd from pg. 23

troom and, when I went to pick them up, I watched the doorway squeeze shut as the forward section of the ship struck the aftersection in the seaway.

I'm glad I went to help Sparks instead of going back into the chartroom for navigation books.

The night was black, the full moon hidden behind a cloud bank. The boats on the starboard side were damaged but the port side boats were okay. We got them off without any trouble. I started my boat's engine and cruised around the stern of the ship and up the starboard side picking up some men from the water, before moving off into a patch of floating debris to put out a sea anchor.

Soon we saw machine gun tracer bullets being fired toward a set of lifejacket

lights a short way off. The submarine was, at the same time, firing its deck gun at the still-floating sections of the ship. The deck load of crated aircraft and machinery caught fire, which, of course, lighted up the area. When I saw the submarine heading toward us, I ordered my men to get out of the boat and hide among the flour sacks, boxes and other debris. When the submarine rammed the lifeboat, it was light and just drifted off in the bow wave without damage. We clambered back into the boat. Later, the sub returned for a repeat, this time hitting from a different angle, and cut the sea anchor line so the boat started to drift away from us.

Fortunately, the sub concentrated on shelling the ship and apparently did not see any of my men, and we all returned

to the boat to watch the burning ship. Later, the fire reached the 1,000 tons of ammunition stowed in Number Two 'tween deck. The resulting blast sent a thin column of flame up about 20,000 feet, where it ballooned out to a huge orange flare. A Pan Am plane flying from 'Frisco to Honolulu came over to investigate, and the submarine left.

The navy weather ship, a converted yacht, the ARGUS, came over to pick us up the next afternoon to take us back into San Francisco. When we were all together on the ARGUS, we learned that ten of our crew including the young carpenter, Jim Brady, had been killed by the machine-gunning. Seven others had been wounded, all on the raft we had first seen under fire.

cont'd on next page

JOHN A. JOHNSON

Company: American Mail Line, Seattle, WA

Master: Arnold H. Beeken

Gross Tons: 7176

Built: June 1943@ Portland, OR

Dimensions: 441' x 57' x 37'

The Liberty Ship, SS JOHN A. JOHNSON, was torpedoed by the Japanese submarine 1-12 (Kudo) at 0605 GCT on October 30, 1944 in the North Pacific (29-36 North/ 141-43 West) while en route alone from San Francisco, California to Honolulu, Hawaii with a cargo of provisions, explosives and a deck cargo of crated and uncrated trucks. Her complement was 41 merchant crew, 28 Naval Armed Guard and 1 Army Security Officer. Of this number, 4 merchant crew, 5 Navy gunners and the Army Security Officer were lost when the Japanese submarine rammed the lifeboats and rafts and then machine gunned survivors in the water.

A 0605 GCT, as the ship was taking a heavy roll to port, a torpedo struck just forward of the midship house at the turn of the bilge below #3 hold. There was slow flooding in this hold. A few minutes later, a second torpedo was seen passing astern of the ship. The main engines were secured 3minutes after the attack. The ship began to split in two, forward of the midship house, and ten minutes later she broke apart. All hands were in the after section at the time of the attack because the lookout was stationed on the bridge. About half an hour after the ship was abandoned, the sub surfaced and shelled both sections of the ship which were about 1/4 mile apart. The shells set both sections on fire, and at 1025 the forward section blew up

with a violent explosion. The after section was still afloat and burning when last seen by the survivors around 1500 GCT the same day.

The Captain sounded abandon ship on the ship's whistle. All hands left without injury, getting away in #2 and #4 boats. Lifeboat #1 was damaged in the explosion and #3 boat swamped when it hit the water. Those in the water climbed aboard #2 and #4 boats. A raft got away safely. The sub surfaced and rammed #2 boat with 28 survivors in it, firing pistols and machine guns at the men swimming in the water. After the sub left, the men reboarded the boat but when the sub returned, those who were able jumped overboard again. No guns were fired this time, but the sub tried to catch the men in its screws. Five from this group were killed by gunfire. The sub then headed for the raft which held 17 men. When about 150' away, machine gunfire was directed at the occupants of the raft. The men jumped into the water and kept the raft between them and the sub until it had passed. The sub circled and again attempted to ram the raft, but a wave threw the raft clear. When the sub returned a third time, it sank the raft and directed its machine guns at the men in the water. Five more men were killed by this strafing.

At 1012 GCT, a Pan American Airways plane sighted the boats. At 2135 GCT October 30, the survivors were picked up by USS ARGUS (PY-14) and landed at San Francisco on November 3, 1944.

The 1-12 (Kudo) was not heard from again after January 5, 1945. She was a probable marine casualty somewhere in Pacific waters. ☆

Jap Raiders Rove Pacific

American Convoys Are Alerted After Ship Is Sunk, Crew Strafed.

SAN FRANCISCO, Jan. 20, (AP) Tacit admission that convoys sailing out of Pacific Coast ports have been alerted against roving Japanese submarines came today after the Navy disclosed the loss of the Liberty Ship John A. Johnson and ten of its crew in a torpedoing and lifeboat strafing attack.

The sinking and machine-gun attack came last November between the mainland of Honolulu, about 400 miles west of Hawaii.

Of the 10 American seamen killed, most of them died under sprays of bullets fired, survivors said, by frenzied Japanese who danced on the submarine's deck,

shouting banzais and cursing the Americans.

The survivors told how they spent two terrifying hours submerging themselves and hiding behind wreckage to keep out of the range of the rampaging enemy craft.

They said the submarine in its surface hide and seek hunt strafed a lifeboat with machine gun bullets and rammed a life raft.

Lieutenant Peter Chelemados, San Francisco, experiencing his eighth torpedoing, said all of the ten who perished died after abandoning the Johnson. One was crushed between a lifeboat and the sub; another was sucked into the sub's propeller.

Five men were seriously wounded in the machinegunning.

Seventy Americans survived the harrowing night. They watched the sub shell the sinking Johnson then circle the wreckage strewn water in attempts to ram rafts and boats.

Lieutenant Yates counted 18 Japanese on deck shouting gleefully and cursing survivors.

The submarine disappeared shortly before an American plane came overhead; the survivors were picked up by dawn.

The Johnson's skipper, Captain A. H. Beeken of Tacoma, Wash., was rescued after 15 hours in the water; he had escaped after his lifeboat was cut in two by the raider.

Odyssey cont'd from pg. 24

I also realized I didn't have a cold anymore, and it was at least five years before I caught another one. That cure for a cold is not one I recommend, however.

We were landed at Treasure Island and were debriefed by the Office of Naval Intelligence before being allowed a phone call. We were all wearing clothing donated by the sailors on the ARGUS, few of which were a good fit. No shoes, as we needed ration stamps for those. We were given paper slippers by the Red Cross and, after we were debriefed, we went up to the American Mail Lines office on Montgomery Street for a draw and some ration points to pick up shoes and clothing.

I placed the ship's sextant and chro-

nometer on the Port Captain's desk and said, "Okay, Captain, shall we start over?"

After calling Kay and telling her my ship had engine trouble and I would be signing on another one, I called the WAVES barracks and also told the young ladies that my ship had had engine trouble and I was back for a few days before joining another ship. They came out to the house and helped me clean the fuel oil out of my hair and ears. ☆

Author's Note: The newspaper clippings reference to "sinkings" and should read "second sinkings." I was misquoted on this, and was in India when the articles were published and unable to correct the error.

Connaughton cont'd from pg. 21

a maritime policy it is going to have to assume the leadership role.

MarEx: Okay, the way we deal with Congress has changed, so how does the industry deal with government today?

Connaughton: The maritime industry is facing a "united we stand, divided we fall" moment. The system is broken and the momentum is not in its direction.

That being said, there are opportunities to alter course with a change of mindset and approach. Congress is desperate to pass meaningful legislation, particularly those that mean jobs. Developing thoughtful pieces of maritime legislation that support job growth and creation are winners, especially when accompanied with grassroots outreach and political (not partisan) campaigning. I believe the secret to success is to approach the legislative process as if it were a political campaign.

A great example are the Water Resources development bills which have passed the House and Senate. Congress is hearing from industry, state and local governments, shippers, and the public about the need for this legislation and its impact on jobs. As a result, Congress is responding positively to a policy issue that has languished for years.

MarEx: How can we do a better job?

Connaughton: Its all about jobs, jobs, jobs. Voters want jobs and politicians like to take credit for helping create jobs for voters. It is a cause-and-effect relationship that we can't ignore. The more the maritime interests can focus on job creation and growth, the more it will receive a receptive audience in Congress.

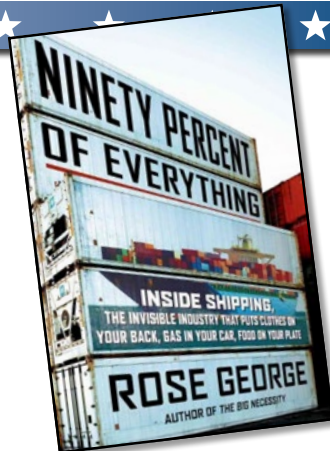
That being said, the maritime industry has a vital role in national security and the continued support of the defense establishment is essential for programs such as the Maritime Security Program. However, defense programs are under stress due to the sequester cuts and the winding down of current overseas deployments. The public has grown weary of national security issues after a decade of war. Consequently, for the foreseeable future there is less public and political appetite for increased defense-related programs.

Washington has changed and the way to advance policy has changed with it. We need to adapt and develop a new approach now to preserve our maritime heritage and promote our maritime future. We have a limited window to accomplish that because the window is quickly closing. ☆

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Ninety Percent Of Everything

— Book Review —



by Captain
John Adam Konrad
#3205-S

Great expository journalism like Michael Lewis' *Liar's Poker* or Tom Wolfe's *The Right Stuff*, dives deep into an industry and tells *Polar Express*) she might have found a compelling story but Rose chose to ride aboard a container ship, a job even the crew call "boring, opaque, blank. Stuff carrying stuff." However, George is in awe of the shipping industry and calls it "entrancing", which it is, or at least can be—the problem being that she fails to explain why the reader should be fascinated as well. This issue is quickly apparent during George's safe voyage in relatively calm seas, where frankly not much happens. Some questionable food is eaten and games of backgammon are played, interspersed with idle conversation about life on the sea.

an engaging, true story about it. In *Ninety Percent of Everything*, Rose George goes inside the shipping industry, traveling on the container ship *KENDAL* from Felixstowe, England to Singapore, telling a story that fails to measure up.

As a subject, the shipping industry is worthwhile to explore. Rarely talked about in the press unless something goes incredibly wrong, the shipping industry is the engine that keeps our interdependent economy running. The chief of the British navy claims what we suffer from "sea blindness", which after reading the book is readily apparent. Nearly 90 percent of everything we first-world humans consume is transported via ship (America obtains two-thirds of its oil from shipping). In 2011, the 360 commercial ports in the U.S. took in international goods worth \$1.73 trillion, or eighty times the value of all U.S. trade in 1960. And, according to the website gCaptain.com, there are currently 20 million containers and one hundred thousand ships at sea today.

However, it appears George may have set herself up for failure. Had she chosen a more interesting ship (perhaps a heavy-lift with enormous cargo) or even an interesting route (as Keith Gessen did in his recent and compelling article

George may have been aware that her voyage was somewhat lacking in excitement, but unaware that this fact shouldn't bleed into one's journalistic instincts. Exciting things are happening in shipping every day, you just need to know where to look.

When the events of her trip fail to bring the issues of the industry to the surface, she begins to recount tales of other voyages. At one point a story is told to George about stowaways not being allowed onto Spanish soil and sent back out to sea. The stowaways were taken back to Dakar by ship and apparently went mental, taking a steward hostage and doing tribal dances around him. George writes, "I listen greedily to these stories and I don't mind if they have gaps." She might not mind the gaps, but surely some readers do.

One interesting part of the book that was left unexplored was the stories of the Filipino crew aboard the *KENDAL*. Filipinos currently make up one third of all ship workers, mainly because they are cheap to hire and able to speak

English. But that may have been difficult when the two workers who first escorted her onto the *KENDAL* were described as, "Asian and exhausted, so they are typical crew." She also later describes a Burmese crew member eating next to her as "exotic," using language more appropriate for when Columbus was first discovering the New World. This is ironic considering George later laments the low pay of the Filipino crew onboard the *KENDAL*, even though minimum seafarer wage is \$555, almost double what a senior government bureaucrat in Manila can earn. Low ranking members of the crew on the *Kendal* were paid \$1,000 a month excluding overtime.

George deftly attempts to create controversy about an incredibly efficient industry that has evolved in the face of post-industrial globalization, but there isn't much fuss to be had. Worse is the fact she portrays many of the mariners she meets as boring and lifeless as the ships themselves.

Sending a container from Shanghai to Le Havre, France emits fewer greenhouse gases than the truck that takes the container on to Lyon, making shipping by sea one of the greenest modes of transport. Shipping makes it less expensive to ship Scottish cod 10,000 miles away to China to be filleted and then sent back to Scotland than it is to pay Scottish filleters to do the job. While it's clear in *Ninety Percent of Everything* how important the shipping industry is to the world economy, George makes some journalistic missteps, fails to uncover the many interesting sailors and ships currently navigating the high seas and comes up short in presenting a compelling story to the reader. ☆

A Really Really Bad Day at Sea



by
Captain Pat Moloney
#1829-R

In late 82/early 83 I was out in Pearl Harbor on my 2nd command, USNS CHATTAHOOCHEE, a little ice-

breaking avgas tanker built for DEW Line service in the mid-50's. The Churnin' CHAT had a cut away icebreaker bow, round bottom, twin screws angled slightly outboard and a little rudder hidden behind an ice horn for protection. When she got put back in service after a long, long layup, the bright bulbs in MSC engineering had variable pitch wheels put on her. She was 3,200 bhp and could make 14 knots in a kind of straight line. She didn't steer well at all and when you tried to maneuver alongside the pier she could not be depended on to do the same thing twice. Worst handling ship I ever had!

We had the mid-Pac supply run to all the little outposts like Midway, Wake, Johnston, etc. Midway and Wake had contract administrator/operators and the laborers on Midway were from Sri Lanka with everything you expect from a low-bid operation.

Our old oiler the TALUGA had somehow ordered a coil of 6" line. It was too small for them for mooring line and too big for anything else. It was too big for CHAT or we would have appropriated it. It was decided to take it to Midway for use with the tug operated by the contractor, so we took it out with us on one of our runs. The tug was an old YTM that had followed NODAWAY out to the island a few years before when she had the mid-Pac run.

The Navy would fly a Pearl Harbor pilot in on a P-3. The MSC master would run the ship in through the reef, pick up the pilot from the tug and then dock at the old WW II submarine piers.

With that set up, let the story begin...

We were laying alongside the pier starboard side too, with prevailing wind from SW, holding the ship on the pier. With the variable pitch wheels, we could not twist the ship up off the pier far enough to let go and back out without being blown right back on the pier.

After multiple attempts, the pilot finally had the tug come in and pass the new line we had just provided to them up to our port quarter. He told the tug to move off at a 45° to the stern and pull us into the lagoon. This must have lost something in translation, because we watched white water boil at the stern of the tug as it took off on a full bell toward the center of the lagoon, with the new 6" line whipping off the stern. Repeated

calls from the pilot were not responded to. The tug got to the end of the line and commenced to stretch it, still on a full bell. I called the third mate and told him to clear the stern. We watched as the line stretched to a remarkably thin diameter. It finally parted about ten feet from our stern. There were three people on the tug standing on the top of the house right over the fantail. I watched that line snap back to the tug and felt sick. I was sure they would be pulped. Instead, the line hit the water just astern of the tug and obscured it with the splash. As the spray came down, the pilot and I expected to see red paste, but instead, here were the three idiots dancing around shedding water, pissed that they got soaked.

The tug finally came back where the pilot carefully explained what he wanted, we took the now well-stretched line and successfully pulled the stern off the pier and made our escape. ☆

A Better Day on the Bay

In a completely unrelated situation, Captain Pat Moloney poses with America's Cup aboard the Liberty Ship JEREMIAH O'BRIEN. The JOB displayed the Cup for a few hours a few days before the final race.

When we jokingly asked Captain Moloney if he converted the JOB to a sailing/racing vessel and won the America's Cup, he promptly emailed us this photo, with one line: "Had this idea but didn't pan out."



IFSMA attendance at IMO, involved with NGOs



by
Captain John Dickie
Secretary-General

Good Day to Everyone who is reading this article.

This is the last article for 2013 and it is my intention to look back at this year

and also to look forward to what 2014 may bring. This is a double-edged sword as there are both good and bad. And I suppose you can only appreciate the good if you have experienced the bad. This applies to the shipmaster as in many cases it appears that the move in legislation is towards having decisions determined ashore by others, but if in following these decisions something goes wrong the responsibility will lie with the shipmaster.

This contradiction means that in certain cases the shipmaster will make his or her decisions and stand or fall by them. Common sense must prevail on this matter as the contradiction of someone making a decision without facing sanction if they get it wrong, but the shipmaster being held responsible is totally wrong.

At the IMO, IFSMA is becoming better known and working closely with a number of NGOs and flag administrations as well as the IMO Secretariat. Our attendance is one of the best and our interventions are made when there is something to be said, not speaking with any substance. The support of the associations is greatly appreciated and where it has been possible the personnel who have come to the IMO to sit at the

IFSMA desk is growing. This presence will strengthen with time and the work with the IMO, flag administrations and NGOs will grow.

The fight against the criminalization of the seafarer and piracy continues. The number of incidents is increasing but the lines between piracy and criminal activity is becoming blurred. Cases such as the *OCEAN CENTURION* confirm this and shipmasters need to be alert to the fact that it can happen to them. No one is in the clear and there is no place for complacency.

Next year will prove interesting in the Gulf of Aden. If the funding for warship protection is reduced and the numbers are removed then there will be a rise. This will become more complicated as Yemen descends into an unstable state and there are opportunities to strike from there. In 2013 there were a lot of probing incidents so the concept that piracy has declined is not really right.

The Gulf of Guinea will escalate. Although there are attempts to try and control this area, unlike Somalia where there is one state, there are several states involved. Nigeria needs assistance as do the other countries but where is the funding to be found? Will this be shifted to the shipowner once again or will someone take the lead?

What is escalating is that piracy is occurring in various regions of the world and is on the increase. How the civilized nations of the world react and who is prepared to finance the fight against piracy will prove to be an interesting part of the global shipping industry.

Criminalization is increasing and the cases are so varied that it is not concentrated on drug smuggling. The number

of cases while still small in number is increasing at an alarming rate and IFSMA tries to assist where possible but so far in only one case was the Master a member of IFSMA and also of a National Association. While work is done, it cannot be to the detriment of IFSMA and its members. In many cases it is requests to pay legal bills. These are not small and are often in 6 figures. It is unfortunate that this is the situation but for families they need assistance.

This year IFSMA set up and is coordinating a group of NGOs to meet twice a year to discuss matters and support each other at the IMO and in the industry. The membership is growing and there is an interest in the work being done. This is not a formal set up and IFSMA acts as coordinator and hosts the meetings but long term other members may take over these duties.

Next year it is hoped that I will attend the CAMM meeting at Mystic in June. This will be the week after the AGA in Norway and will at last mean that I can meet the membership and answer questions raised and enjoy their company over a cold beer or two.

Financially, IFSMA is surviving; it is not a rich organization and every penny is accounted for and this year has seen a new venture taken to reduce costs by sharing office space with another NGO and also sharing the office manager post. The office manager post is required to be filled as Roberta, after many years of excellent service and hard work, is retiring. And it is hoped that she will have a long and fruitful retirement doing what she wants instead of taking care of all of us and especially me.

cont'd on next page

Marine geoengineering including ocean fertilization to be regulated under amendments to international treaty



IMO Press Briefing 45
October 18, 2013

which regulates the dumping of wastes and other matter at sea.

The amendments, adopted on 18 October 2013 by Parties to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, add a new article 6bis which states that “Contracting Parties shall not allow the placement of matter into the sea from vessels, aircraft, platforms or other man-made structures at sea for marine geoengineering activities listed in Annex 4, unless the listing provides that the activity or the sub-category of an activity may be authorized under a permit”.

Marine geoengineering is defined

IFSMA cont'd from pg. 28

When the new post is filled the office will be manned Monday to Friday from 10am to 4pm UK time. This will allow more time for the intended work and projects envisaged for next year. And provide an extended service to members.

As this is the last article of the year I would wish every reader a Merry Christmas and Happy New Year and we will see what 2014 brings to us. For those who are not Christian I wish you well and that the New Year brings you what you desire most out of life. 🌍

Marine geoengineering, including ocean fertilization, will be regulated under amendments to the 1996 Protocol to the international treaty as “a deliberate intervention in the marine environment to manipulate natural processes, including to counteract anthropogenic climate change and/or its impacts, and that has the potential to result in deleterious effects, especially where those effects may be widespread, long-lasting or severe”.

A new Annex 4 on “Marine geoengineering” lists “Ocean fertilization”, defined as “any activity undertaken by humans with the principal intention of stimulating primary productivity in the oceans. Ocean fertilization does not include conventional aquaculture, or mariculture, or the creation of artificial reefs.”

The Annex provides that all ocean fertilization activities other than those referred to above shall not be permitted.

An ocean fertilization activity may only be considered for a permit if it is assessed as constituting legitimate scientific research taking into account any specific placement assessment framework.

A new annex V adds the Assessment Framework for matter that may be considered for placement under Annex 4. The Assessment framework provides that Contracting Parties should consider any advice on proposals for activities listed from independent international experts or an independent international advisory group of experts.

The amendments will enter into force 60 days after two thirds of the Contracting Parties have deposited an instrument of acceptance of the amendment with IMO. (The London Protocol currently has 43 Parties.)

Mr. Stefan Micallef, Director, Marine Environment Division, International

Maritime Organization (IMO) commended the adoption of the amendment to regulate the placement of matter for ocean fertilization and other marine geoengineering activities.

“This is a true testament to the fact that the London Protocol continues to be among the most advanced international regulatory instruments addressing human activities in the marine environment and there is no doubt that this much-awaited amendment will be appreciated by other international bodies. The amendment also reflects the scientific-based approach of the London Convention and its 1996 Protocol,” Mr. Micallef said.

Representatives of the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention) and to the 1996 Protocol thereto (London Protocol), were in London for their 35th/8th meeting, held from 14 to 18 October at the Headquarters of IMO, which hosts the Office for the London Convention and Protocol.

The London Protocol prohibits the dumping of wastes and other matter at sea except for those on a short permitted list, for which permits must be sought.

The adoption of amendments relating to marine geoengineering follows discussion on the matter in previous LC/LP meetings. An agreement issued in 2008 stated that ocean fertilization activities, other than legitimate scientific research, should not be allowed. In 2010, the Parties approved an “Assessment Framework for Scientific Research Involving Ocean Fertilization.” 🌍

The Last Voyage of the GRAN GRIFON



by
Captain Alan Knight
Company of Master
Mariners of Canada

The GRAN GRIFON was a Rostock ship, and carried as her figurehead the heraldic griffon, which was the

symbol of that rich and powerful Hanseatic League city. From this we can deduce that she was up, scattering the fleet, and adding the misery of sea-sickness to the unsanitary conditions on board. It became obvious that the Armada, composed of ships of differing design and crew competence, could sail no closer to the wind than 2 points abaft the beam. Fighting as a formation was impossible. Medina Sidonia ordered the Armada into Corunna to re-group and pick up fresh stores. The diarist wryly records that many of the religious fanatics deserted, fearing eternal damnation less than sea-sickness.

The Armada sailed again on 22nd July, moving slowly towards Ushant, the GRAN GRIFON accompanied by the other ships

...many of the religious fanatics deserted, fearing eternal damnation less than sea-sickness.

a well-found ship, of which the city was proud. In the spring of 1588, it was chartered by King Phillip II of Spain, to take part in the "Enterprise of England", the plan to invade England and return the heretic English to the Roman Catholic faith.

As the Armada gathered at Lisbon, the GRAN GRIFON was appointed Flagship of a four-ship squadron commanded by Don Gomez de Medina. Don Gomez brought with him a man whose name is lost to history, but whose meticulous diary gives a unique insight into the Spanish view of the Armada. The Diarist does not write as a seafarer, or a soldier, so it is reasonable to assume that he was a Priest. Even before the Armada sailed, the Diarist records that living conditions on board were far from comfortable, and the seamen were having a hard time with the soldiers of fortune and religious fanatics that had signed on for the voyage.

On the 30th May 1588, the Commander of the Fleet, the Duke of Medina Sidonia, ordered the Armada to sail for England. Immediately things went awry. The wind fell light, and the 130 ships were left wallowing in the swell. Several ships were damaged by collisions. Worse followed; a storm blew

of its squadron, the CASTILLO NEGRO, the BARCA DE AMBURG, and the mighty TRINIDAD VALENCERA, which was carrying the siege guns intended to smash down the walls of the City of London. Progress was painfully slow, and they did not sight the Lizard at the SW corner of England until 29th July. Medina Sidonia hoisted the Ensign of the Virgin Mary which had been blessed by the Bishop of Lisbon before their departure. But as the light faded, the Spanish crews could see fires burning on every headland. Alerted by fishermen, the English knew that the Armada was approaching.

The English fleet slipped out of

Plymouth Sound on the evening of the 29th, taking advantage of the ebb tide. When the tide turned against them, they lowered longboats and towed their ships through the night. When the sun rose, the English fleet was up-wind of the Armada, a huge tactical advantage. The first English attacks on the Armada were tentative and uncoordinated, for they had not yet learned the tactics of naval gunnery, and they wasted much shot by firing at extreme range. As the Armada drifted eastwards in the light airs, Hawkins, the commander of the English fleet, ordered his ships to attack in "line ahead", at close range, concentrating their fire on one target. It was a tactic which served the English until the Battle of Jutland 326 years later, and its probable first victim was the GRAN GRIFON. Engaged at close range by Francis Drake's squadron, the GRAN GRIFON took a severe pounding, which damaged her badly, and left 70 men wounded. Only the prompt action of Juan Martinez de Recalde in the flagship SAN JUAN, which sailed back to the aid of the GRAN GRIFON saved her from certain destruction.

After a running battle which lasted several days, as the Armada slowly moved east in the English Channel, the Armada came to anchor off the village of Gravelines on the coast of France, where it was to load the Duke of Parma's army, which had been campaigning in the Netherlands, and convey it to England. The crew of the GRAN GRIFON, with a badly damaged ship to repair, turned to with oakum, pitch, and rope, to make her



ready to cross the English Channel to the Thames. The diarist records that many of the wounded had died. However, the respite offered by the anchorage was short-lived, for on the night of 8th August, the English sent fire-ships, loaded with burning wood and pitch, into the anchored Spanish fleet, causing many to cut their cables in order to escape the flames. The *GRAN GRIFON* made a clean escape from the fire-ships, but it must have been a terrible night, as they attempted to avoid the mass of unwieldy ships maneuvering in the dark.

As dawn broke, the Armada was scattered, and among the treacherous sandbars of the coast of what is now Belgium. Worse, the wind had swung to the North; the Armada was now on a lee shore with a hostile fleet to windward. That the Battle of Gravelines was not a massacre speaks volumes for the Spanish seamen. Juan Martinez de Recalde repeatedly turned the *SAN JUAN* back towards the English in order to rescue ships which were in trouble, and Medina Sidonia placed the flag-ship *SAN MARTIN* in the thick of the rear-guard. Meanwhile, the crew of the *GRAN GRIFON* was clawing their unwieldy square-sail vessel off the Banks, and northward to the safety of open water. The diarist does not record what the crew was saying, but our own experience tells us that they were not kindly words about the King of Spain, and his "Enterprise of England".

As the Armada straggled northwards up the North Sea, it was pursued by the English, but little fighting took place, as the English ships were now short of ammunition. The Armada had failed to collect the Duke of Parma's army, and no longer posed a credible invasion threat to England. By the Latitude of Newcastle-upon-Tyne, the English abandoned the chase, leaving only scouting vessels to follow the Armada. The Armada's plight was now serious. It could not return to Spain, upwind through the English Channel, which left only the passage round the North of Scotland and Ireland. But it was perilously late in the season

for such a voyage, and none of the Spanish pilots had experience of these waters. Worse, the ships were running short of food and water, and many had sick, and badly-wounded, men on board. We can imagine the master and mate exchanging whispers out of the hearing of the soldiers.

Nonetheless, the sturdy *GRAN GRIFON* rounded the north of Scotland successfully, and began beating southwest at the head of her squadron. They were now beating up-wind, and for weeks, they were forced to pound into the head-sea. One by one, the four ships beat themselves to destruction. On the 1st September, the *BARCA DE AMBURG* fired a cannon as a distress signal; her seams had opened from the relentless pounding. Before she slipped beneath

Ominously, her seams were beginning to "spew their oakum", so that she could only sail with the wind and sea astern.

the waves, the *GRAN GRIFON* snatched 350 men to safety. On the night of the 3rd September, the *CASTILLO NEGRO* lost contact, and was never seen again. Two weeks later, the *TRINIDAD VALENCERA* ran aground on the coast of Donegal; most of her crew were killed by the natives, who were allied with England. The *GRAN GRIFON* was now alone, crammed with survivors and wounded men, short of food and water, and a long way from a safe port. Ominously, her seams were beginning to "spew their oakum", so that she could only sail with the wind and sea astern. The master ran the *GRAN GRIFON* northeast for three days, and sighted an island that was probably St. Kilda, off the Outer Hebrides. Then the wind changed, and blew the ship back down the coast of Ireland. Then the wind changed again and blew them back to the latitude of St. Kilda. By this time the men were so exhausted from pumping that they could

not keep the water level down, and it was decided to make for Scotland and run the ship aground.

On the night of 26th September 1588, they were back amongst the Orkney Islands, which they had passed six weeks earlier. Surrounded by rocky islands, and ferocious tidal streams, with an exhausted crew and a crippled ship, everyone on the *GRAN GRIFON* knew that the end of the saga was near. The diarist records that "Our one thought was that our lives were ended, and each man reconciled himself to God as well as he could, and prepared for the long journey of death. To force the ship any more would only have ended it, and our lives, sooner, so we gave up trying. The poor soldiers too, who had worked incessantly at the pumps and buckets, lost heart and let the water rise. At last when we thought that all hope was gone, save through God and his Holy Mother, we sighted an island ahead of us. It was Fair Isle, and we anchored in a sheltered spot we found, this day of our great peril, 27th September 1588".

Fair Isle is only three miles long, and by an incredible feat of seamanship, the Master of the *GRAN GRIFON* brought his crippled ship into the tiny bay named Swartz Geo, where the cliffs are so steep that the crew climbed the rigging onto the cliff top. They camped out on the island, buying sheep from the crofters, to feed themselves until they were able to take ship to Shetland, and thence to Edinburgh, where the Roman Catholic community sustained them until they were able to take ship for Spain. Fifty Spaniards died on Fair Isle, and to this day, the cemetery at the south end of the island is marked on the Admiralty chart as "Spainart's Graves".

The redoubtable *GRAN GRIFON* having served her crew so steadfastly, quickly broke up and sank to the bottom of Swartz Geo. ☆

Captain Alan Knight is Assistant Deputy Master of the Company of Master Mariners of Canada Maritimes Division.

General Average



by
Captain A.K. Bansal
Company of Master
Mariners of India

Before we can understand principles of General Average (GA) and Salvage, we have to understand legal personality of a ship, which mainly gives

rise to GA and Salvage. Earliest known laws which have been preserved for us are the 282 laws *Codex Hammurabi* published in ancient Babylon between B.C. 1795-1750. This code is inscribed on a seven foot, four inch tall basalt stone stele, discovered in 1901 in Susa, Iran, where it had been taken as plunder in BC 12th century. It is currently in Louvre, Paris, France. His Law No 240 in this code states: "If a merchantman run against a ferryboat, and wreck it, the master of the ship that was wrecked shall seek justice before God; the master of the merchantman, which wrecked the ferryboat, must compensate the owner for the boat and all that he ruined".

As per wording of this Law, it is the MASTER of the ship who must compensate the OWNER of the boat. It does not talk of Owner of the ship. This indicates legal personality of the ship in her own right, as against ownership of a small boat as a chattel.

This concept has been instrumental in structuring the entire Law of Carriage of Goods by Sea. It is the ship which carries cargoes across oceans under a contract entered into by her with the shipper, not owner or anyone else. This is reflected in known history in every Bill of Lading (B/L). Ship owners and others have been trying to nibble at this concept over centuries through conventions such as Hague Rules, Hague Visby Rules, Hamburg Rules etc., but have not yet fully succeeded.

Hereunder is text of a B/L signed in 1622 in London:

"Shipped by the grace of God, in good order and conditioned by me Francis Kerby of London in and upon the good ship called the Lion of London whereof is Master under God for this present voyage William Payice and now riding at anchor in the river of Thames and by Gods grace bound for New England, to lay two dry fats of goods being marked & numbered as in the margin, and are to be delivered in the like good order and well the conditioned at the aforesaid Port of Mattencheset bay (the dangers and adventures of the seas only excepted) unto John Winthrop the younger or to his assigns, he or they paying freight for the said goods, at four pounds per ton with primage and average accustomed. In witness whereof the Master or purser of the said ship hath affirmed to three Bills of Lading all of this tenure and date, the one of which three Bills being accomplished the other two to stand void.

And so God send the good ship to her desired port in safety Amen.

Dated in London this 22th of June. 1622".

Signed Master and Shipper

The phrase "(the dangers and adventures of the seas only excepted)," are significant. They mean that the ship undertakes to carry the cargo and deliver it to the named consignee in same good order, unless some peril of the seas intervenes over which the ship has no control. In THAT case the ship is not liable for any loss or damage that may occur to the cargo. This puts a responsibility on the

ship to do her best to avert any marine peril. But if she can't, then the loss lies where it falls. Such loss is known as 'Particular Average'.

Under this concept if a ship is confronted with a marine peril, which endangers the entire maritime adventure, and she makes a sacrifice to avert it, cost of THAT sacrifice is shared proportionally amongst all those whose property has been saved through that sacrifice. This is known as GA sacrifice. Modern definition of GA is: "Extraordinary sacrifice made voluntarily and prudently, to save a common maritime adventure from imminent peril, is GA Sacrifice".

This Principle has been developed over centuries, as part of unwritten and written International Maritime Law. In earlier times it meant that if few merchants sent a ship to sea for common gain, any sacrifice made or expense incurred for good of all, was shared between them in proportion to each merchant's stake in the common maritime adventure provided it was wholly threatened.

Lex Rhodia, a Law decreed in about B.C. 800 states, "If in order to lighten a ship merchandise is thrown overboard, that which has been given for all, shall be replaced by the contribution of all".

Phoenicians had rules governing GA recognized by merchants of Tyre and Sidon in B.C. 538.

Mediterranean Communities, including Romans, had detailed provisions to settle GA. In UK, first reported case of GA was in 1540. Jettison of cargo to save a common maritime adventure figured in a British court in 1609.

General Average also covers a mul-



titude of sins. Traditionally, it has been accepted that even ransom paid to pirates warrants GA contribution. In *Hicks v. Palington* (1590 Moore's QB R 297) the Court held that cargo given to Pirates by way of ransom was a sacrifice which could properly be subject to GA contribution. In 1840 the U.S. Supreme Court in *Peters v. The Warren Insurance Company*, deemed "the ransom a necessary means of deliverance from a peril insured against as it acts directly on the property." In *Barnard v Adams* (51 U.S. 270 1850) the Court enunciated this principle further as the loss is inevitable, and indeed actual.

The German Commercial Code provides: "when in a case of arrest of the ship by enemies or pirates, ship and cargo are ransomed, whatever is paid as ransom forms part of general average".

Rationale under English law for such practice is that payment made to hijackers to secure release of ship and cargo to complete her maritime adventure is reasonable. Payment of ransom has not been illegal per se under English law since repeal of the 1782 Ransom Act. Since sovereign laws of a country take precedence, differences in laws of many countries, created uncertainty, complications and disputes.

First set of International rules to govern GA were drawn up in 1860. Many amendments later, the 2004 version of York Antwerp Rules (YAR) is in force today, with 7 lettered and 23 numbered rules. If a numbered rule negates it, no claim can be made under lettered rules.

Definition of GA under Rule A is: "There is a general average act when, and only when any extraordinary sacrifice or expenditure is intentionally and reasonably made or incurred for common safety for the purpose of preserving from peril, property involved in a common maritime adventure."

Rule paramount says, "In no case shall there be any allowance for sacrifice or expenditure unless reasonably made or incurred." GA is payable under most charter parties (C/P) and B/Ls, in accordance with YAR Rules 1994 (now 2004). For GA to apply, there must be:

- 1) An Imminent marine peril,
- 2) An extraordinary sacrifice.
- 3) Made timely, voluntarily and prudently.
- 4) Common maritime adventure saved.

It must be sacrifice and not destruction. Throwing cargo overboard which is already destroyed and is of no commercial value, is not a sacrifice. Throwing a broken mast overboard, even if it would have otherwise caused more damage to the ship, is not GA sacrifice.

Governing factor is state of mind of the master. Did he believe that unless he made THAT sacrifice at THAT time, imminent marine peril to ship and cargo could not have been averted? If common danger arises out of default of the master or owner, GA is not payable, unless protected by exceptions and negligence clauses in contract of affreightment. The term GA includes both sacrifice and expenditure. Common maritime adventure includes value of ship plus value of cargo plus freight if not already paid. Master can exercise possessory lien on cargo for GA contribution from cargo owners.

There is no general average if:

- 1) Extraordinary sacrifice is made to save life without saving property. Sacrifice is made but common maritime adventure is not saved.
- 2) If there was no imminent marine peril to warrant the extraordinary sacrifice even if the master believed bona fide, that an imminent marine peril existed.

In *Watson v Firemen's Fund Insurance* (1922, 2KB) the master saw some fumes coming out of No. 2 hold and genuinely believed that cargo was on fire. He injected steam into the hold to extinguish the fire. When the hold was opened it was found that there was no fire. It was held that there was no imminent peril to the property and therefore no sacrifice and no GA.

A classic example of GA is when cargo in a hold catches fire, endangers the ship and the rest of the cargo, and THE master decides to flood the hold. Loss of cargo which was on fire is not GA,

but loss caused to THAT cargo which was damaged by water when hold was flooded is GA sacrifice and must be made good proportionately by value of the ship saved, plus value of REST of the cargo saved, plus value of unpaid freight, if any. Value of that part of the cargo which was damaged by water must also contribute proportionately. Principle is that if cargo damaged by water was not sacrificed, the ship and all undamaged cargo on board would have perished! But if owner of that part of cargo which was damaged by water was fully compensated, he would suffer no loss at all but contributory interests would suffer loss equal to their contribution.

Distinction between extraordinary sacrifice made for common safety in time of peril and a reasonable and precautionary action taken in the normal course is a very fine one as is illustrated by this case study:

A vessel with full cargo of grain loaded at New Orleans was sailing down the Mississippi River. The pilot saw two vessels in collision in the navigable channel a short distance ahead.

With strong down river current, a shallow patch to starboard and riverbank close to port, helm was ordered hard starboard with engines full ahead, in an effort to stem the vessel to current and anchor. Objective was achieved but with heavy damage to propeller, rudder and stern which did not fully clear the riverbank on port side during the swing. The ship was towed back to New Orleans for repairs. The owners unloaded her and completed the voyage by chartering two smaller vessels. General Average was declared. This meant that value of cargo, plus value of ship saved must bear proportional costs of:

- 1) Repairs to the ship, including cost of time lost.
- 2) Extra cost to charter substitute vessels after offsetting freight.
- 3) All other ancillary costs. Legal costs, crew wages, fees of experts and adjusters, cost of travel etc.

Crucial points were firstly, whether the ship was in imminent peril if she
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Three lesser known Navigable Canals



by
Captain A.K. Bansal
Company of Master
Mariners of India

Kiel Canal

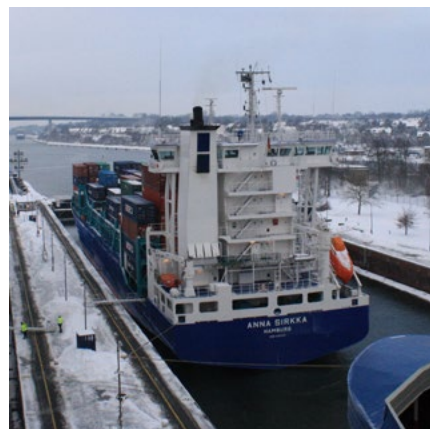
Known as Kaiser Wilhelm Kanal till 1948 and now known as the Nord-Ostsee Kanal, it is the safest, shortest and most convenient shipping route between the North Sea and the Baltic, saving an average of 280 nautical miles instead of going round Jutland. It runs for almost 100 km right through Schleswig-Holstein area of Germany, from Brunsbüttel to Kiel-Holtenau, and is one of the world's busiest artificial waterways. Nearly 35,000 ships transited this canal in 2012, with traffic peaking at over 43,000 ships in 2007. This, not only saves time, but avoids potentially dangerous storm-prone seas.

The first connection between North Sea and the Baltic was the Eider Canal, which used stretches of the Eider River

for a link between the two seas. It was completed in 1784 and was only 43 km long, part of a 175 km long waterway from Kiel to the Eider mouth at Tönning on the west coast. It was only 95 feet wide with a depth of 10 feet, which limited ships that could transit the canal to 300 tonnes displacement. The German Navy wanted to link its bases in the Baltic and North Sea without sailing round Denmark. A combination of naval interests and commercial pressures encouraged development of a new canal. Construction started at Holtenau near Kiel in June 1887. 9,000 workers took eight years to build it. The canal was officially opened by Kaiser Wilhelm II on June 20, 1895. He named it Kaiser Wilhelm-Kanal at a ceremony in Holtenau and laid the final stone.

Between 1907 and 1914 the canal width was increased to meet the increasing traffic and demands of German Navy. This enlargement included installation of two larger canal locks in Brunsbüttel and Holtenau. After World War I, the Treaty of Versailles internationalized the canal while leaving it under German administration. Adolf Hitler repudiated its international status in 1936. After the end of World War II the canal returned to being open to all traffic again.

Under detailed traffic rules for the canal, each ship is classified in one of six traffic groups according to its dimensions. Depending on their classification, ships may be obliged to accept assistance of a tug boat, or to accept pilots or specialized canal helmsmen. There are also regulations regarding the pass-



Container ship ANNA SIRKKA entering the Kiel Canal by way of its eastern lock.

PHOTO: ROBRET CUTTS / CREATIVE COMMONS

ing of oncoming ships. In some cases a ship is required to moor at the bollards provided at intervals along the canal to allow passage of oncoming traffic. Special rules apply to pleasure craft.

Most large, modern cruise ships cannot pass through this canal due to clearance limits under bridges. To cater to this, the cruise liner *NORWEGIAN DREAM* has special funnels and masts that can be lowered. A typical Baltic cruise for this ship is from Dover through Kiel Canal and across the Baltic to stops in Tallinn, Estonia; St. Petersburg, Helsinki, Stockholm Copenhagen and Oslo returning to Dover via the North Sea.

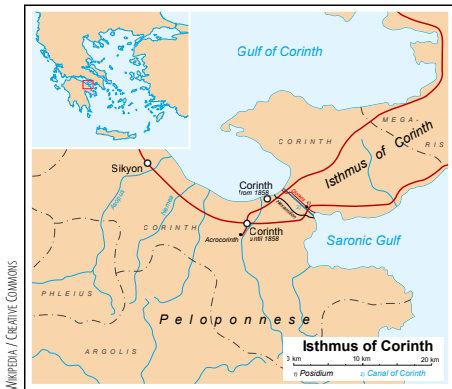
Kiel Canal



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Length: 61.3 statute miles
Width: 144 feet
Depth: 36 feet
Locks: 4
Year opened: 1895

Corinth Canal



It is an outstanding engineering achievement in Greece due to cutting of mountains to build a deep ship canal at sea level through the Isthmus of Corinth to connect the Aegean and Ionian seas. It cuts through the narrow Isthmus of Corinth and connects Gulf of Corinth with the Saronic Gulf in Aegean Sea. Thus it separates the Peloponnesian Peninsula from Greek mainland, effectively making the former an island. Periander attempted it in B.C. 7th century. He abandoned the project due to technical difficulties, and instead constructed a simpler and less costly overland portage road, named Diolkos. Remnants of the Diolkos still exist next to the modern canal. The Diadoch Demetrius, B.C. 336–283, planned to construct a canal as a means to improve

his communication lines, but dropped the plan after his surveyors miscalculated levels of the adjacent seas and feared heavy floods. Julius Caesar also projected a canal through the Isthmus. He was assassinated before he could bring the scheme to fruition.

Emperor Nero attempted this link in 54–68 A.D. He launched an excavation, personally breaking the ground with a pickaxe and removing the first basket-load of soil. 6,000 Jewish prisoners of war started digging 30-foot to 160-foot wide trenches from both sides. Another group at the ridge drilled deep shafts to probe quality of the rock. The project was abandoned when Nero died. As the

bottom increasing to 80.7 feet at surface level. Completed in 1893, it is bounded by almost vertical rock cliffs that rise to more than 259 feet above water in its mid section.

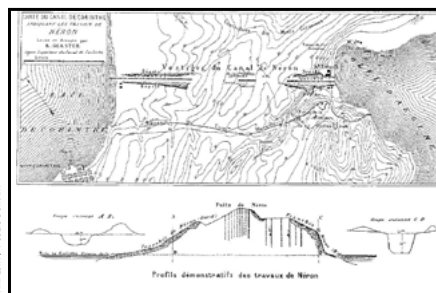
The Corinth Canal is considered a great technical achievement of its time. It saves the 700-kilometre journey around the Peloponnesus for smaller ships, but since it is only 24 metres wide it is too narrow for modern ocean freighters. Therefore it is mostly used by tourist ships these days even though about 11,000 ships sail through the waterway yearly.

Water in the canal is 8 metres deep. Its walls are 52 metres high. At each end of the canal, seashore roads cross using submersible bridges that are lowered to the canal bottom to allow maritime traffic to pass. Since the canal has been cut through heavily faulted sedimentary rock in an active seismic zone, it is closed from time to time. Between 1893 and 1940, it was closed for a total of four years for maintenance and to stabilize the walls. In 1923 alone, 41,000 cubic meters of material fell into the canal. It required two years to clear out.



Submersible bridge at the Corinth entrance to the Corinth Canal.

modern canal follows the same course as Nero's, no remains have survived. In fact, part of this work was reused in 1881 for the same purpose. Shafts sunk by him were reopened and sunk to their full depth 1800 years later. The modern attempt to construct the Corinth Canal began in 1870 following a successful opening of the Suez Canal. A French company was hired to build it, but they ceased work after only the two ends had been dug due to financial difficulties. In 1881 Hungarian architects István Türr and Béla Gerster, who had also been involved with early surveys for Panama Canal, were hired to plan a new canal. A Greek company led by Andreas Syngros ultimately took over the project and completed it in 1893. The 3.9 miles long canal has a minimum depth of 26.2 feet and a minimum width of 68.9 feet at the



Remains of Nero's aborted project to cut through the Isthmus of Corinth (67 AD). The Roman digging is indicated by the dark shaded areas. The vertical shafts in the cross section below were excavated by the Romans to probe the stone material. The map was drawn by chief engineer Béla Gerster in 1881 during his survey for the modern canal.



Length: 3.9 mi
Width: 75 ft
Depth: 26 ft
Locks: 0
Year opened: 1893

Canal du Midi

The oldest canal in Europe, known as the mother of all canals, is a landmark engineering work carried out in 17th century France. It connects the Atlantic with the Mediterranean and is a major link in the inland waterway system from Bay of Biscay through to the Mediterranean. It rises to the summit of its route, by means of 26 locks in its 32-mile journey. It runs 3 miles along the summit, then descends over 114 miles, through 74 locks. The first and perhaps the only ship tunnel ever built on its route, is 515 feet long, 22 feet wide and 27 feet high. Emperor Augustine is credited with the idea of linking the Garonne

to the Mediterranean. It was taken up again by Emperor Charlemagne (742-814), Emperor François I (1494-1547), and by Henri IV (1553-1610). But first studies were not started till 1661.

The di Midi Canal was actually built between 1665 and 1692 by Pierre-Paul Riquet, in the reign of Louis XIV of France. Seven million cubic metres of earth was excavated to build the Canal. Purpose was to allow goods to go to and from the Atlantic to the Mediterranean, by avoiding Straits of Gibraltar, saving 3,000 km., and also the heavy taxes levied by Spanish authorities to pass through the Straits. The canal cut this out and made goods cheaper. It deprived Spanish coffers of revenue, weakened Spain and avoided Spanish waters.

There were also military and political considerations. It avoided notorious pirates against whom French vessels had little defense. Its engineering is remarkable for ingenuity. The canal proper is 240 km from Toulouse to the Etang de Thau. Width between its banks is from 20 to 24 metres, but with its sides sloping, bottom width is only 5 to 10 meters. Its Depth is only 2.25 to 2.5 meters. 33 of its locks are manually operated.



The Canal adequately transferred goods for about 200 years. The last barges carrying cargo went through the canal in the 1970s. Today, it is being used only for the leisure industry. Towpaths run alongside both banks of the Canal throughout its length. Both banks of the Canal are lined with trees, planted equal distance apart, to provide shade along the way, formerly for the horses to tow the barges, and now for leisure traffic. That also cuts down evaporation losses from the Canal. Their roots help to consolidate the banks and their fallen leaves provided a carpet on the bed of the Canal to cut down water loss through infiltration. Today, they are ideal for walkers or cyclists. On December 7, 1996, the Canal du Midi was declared and classified as a World Heritage Site by UNESCO. ☆



Fonserannes Locks on the Canal du Midi.

General Average cont'd from pg. 33

continued sailing down river with the risk that she might get involved in the two ships already in collision and be in peril. And secondly, the state of mind of Master (Pilot) when full starboard helm was ordered. Was it: "My ship and cargo are in imminent peril. I must do everything possible to avert it. THIS can best be done by turning the ship round to anchor even if the stern gets damaged in the process." OR was it just an ordinary decision and an error of navigation to try and turn the ship round to anchor, without regard to the vicinity of stern to shore on port side, till the navigable channel was clear?

The master decided to declare GA. A credible case was made out with GA experts, underwriters and lawyers in India, UK and USA, to support the

deliberate and prudent act of the master to order helm hard starboard and risk damage to propeller and stern to save the ship and cargo which was in imminent marine peril. Cargo's contribution to GA was US \$1.2 Million. It was amicably settled out of court for US \$750,000.

This case narrowly divides General Average from Particular Average. Knowledge of issues involved in that decision of Master (Pilot) saved owners and insurers a lot of money.

YAR rules are not part of national legislation of any country but are mutually accepted by shippers, ship owners and insurers all over the world, by generally incorporating them into their contracts of carriage. Most general average claims are usually adjusted by internationally recognized firms of average adjusters who are specialists in this field. The

Association of Average Adjusters has strict rules of practice. They are bound to adjust GA claims in accordance with provisions of York Antwerp Rules and on the contributory values as ascertained. Salvage services under Lloyds Open Form of Salvage are GA. A form of Lloyds Average Bond is also widely used. Under Rule C of YAR, cost of pollution cleanup and third party liabilities following a discharge is excluded from GA. But cost of preventive measures incurred prior to a spill, and cost of preventing or minimizing environmental damage, is allowable under Rule 11 (d), regardless of whether a spill actually occurred. ☆

Captain A.K. Bansal is a member of the Company of Master Mariners of India and teaches Master revalidation courses.



Membership Application

The Council of American Master Mariners, Inc.

I, _____ (Print Full Name) _____, hereby apply for membership in The Council of American Master Mariners, Inc., and attest to my qualifications below.

Birthplace (city, state, country): _____ DOB: _____

	Home	Business
Address		
City, State, Zip		
Email		

Present Occupation:

- At Sea: Position: _____ Vessel: _____ Company: _____
- Ashore: Position: _____ Vessel: _____ Company: _____
- Retired: Position: _____ Date: _____ Company: _____
- Cadet: Institute: _____ Expected Graduation Date: _____

Present USCG License:

Type:	Limit:	Expiration:
Pilotage Endorsements:	Limits:	

Original USCG License:

Type:	Date Obtained:
Place/Institution obtained:	

Membership Type: All Regular, Special and Pilot members must be U.S. citizens.

- R - Regular:**
 - (RU) Unlimited Master Mariner License and commanded vessels over 5,000 GRT on ocean voyages.
 - (RP) Senior or First Class Pilot with minimum of one year experience on vessels 20,000 GRT or more.
- S - Special:**
 - (S) Valid USCG Unlimited Master's license and has not commanded a vessel(s) over 5,000 GRT on voyages.
 - (SP) Second or Third Class Pilot on vessels less than 20,000 GRT.
 - (S16) Valid USCG 1600 ton Master's license and commanded a vessel or vessels on voyages.
 - (S5) Valid USCG 500 ton Master's License and commanded vessel or vessels on voyages.
- A - Associate Membership:** I am not a U.S.C.G. licensed Master Mariner or Pilot, but do have the following maritime affiliations:
 - Military Equivalent of Master Mariner.
 - Cadet: Student at a Maritime Institute.
 - Maritime Distinction: education, training, research, regulation or government.
 - U.S. water transportation company in an executive, administrative or operational capacity

Sea-Going Qualifications: Years of Service: _____ (Check boxes that apply. See above for key)

Vessel Served	GRT	Date(s)	Route(s)	R	S

Pilotage Qualifications: Years of Service: _____ (Check boxes that apply. See above for key)

Vessel Served	GRT	Route(s) (dock/harbor/sea bouy)	License Issuing Authority	R	S

Please return this application with a copy of your Master or Pilot's license with a \$100 check (\$60 annual dues + \$40 application fee) payable to: The Council of American Master Mariners, Inc. Mail to Liz Clark, CAMM Membership Chair, 3100 N.E. 48th Court, Apt. #214, Lighthouse Point, FL 33064-7159.

To the best of my knowledge, the above information is correct and I agree, if elected member, to abide by the Constitution and By-Laws of The Council of American Master Mariners, Inc.

Signature: _____ Date: _____

Sponsored/Referred by: _____



The Council of American Master Mariners, Inc.

Registration Form

2014 Professional Development Conference & Annual General Meeting
June 11-13, 2014 ☆ Mystic, Connecticut, USA

Name: _____ CAMM Membership No. _____

Address: _____

City: _____ State: _____ Zip: _____

Best Contact Phone: _____ Alternate Phone: _____

Email address: _____

Name for ID badge: _____ CAMM Chapter Affiliation: _____

Arrival Date: _____ Departure Date: _____

Events (Put a check mark in the boxes you plan to attend)						
	Wed. Jun 11	Thursday, June 12		Friday, June 13		TOTALS
	Golf Outing \$75/person	Development Conference \$75 / person	SABINO Cruise \$50/person	General Meeting \$75 / person	Closing Dinner \$65 / person (please circle choice)	
Primary Attendee					Atlantic Salmon Filet Mignon	
Guests					Atlantic Salmon Filet Mignon	
					Atlantic Salmon Filet Mignon	
Grand Total Due						

Please check if applicable:

I require special needs and/or assistance (please explain): _____

Please return this form with check payable to "CAMM" **no later than May 1, 2014 to:**

Captain Frank Zabrocky
CAMM PDC/AGM
67 Hoyt St.
Darien, CT 06820-3116

A fillable version of this form is also available on CAMM's website:
www.mastermariner.org/2014pdc-agm



The Council of American Master Mariners, Inc.

Annual General Meeting

Professional Development Conference

June 11-13, 2014 ☆ Mystic, Conn., USA

Hosted by CAMM National

Wednesday, June 11

Golf Outing
CAMM Welcome Social
Hilton Mystic

Thursday, June 12

Professional Development
Conference
Mystic Seaport

Evening Dinner & Cruise
Steamboat SABINO

Friday, June 13

Annual General Meeting
Hilton Mystic, lunch included

Closing Dinner
Hilton Mystic

Venues:


Hilton
Group code: CAMM

Hilton Mystic
20 Coogan Blvd.
Mystic, CT 06355
www.hilton.com



Mystic Seaport
75 Greenmanville Ave.
Mystic, CT 06355
www.mysticseaport.org

Event Chairperson:

Captain RJ Klein
captklein@mastermariner.org
425-246-9814

Sponsorship Opportunities Available

Featured Speakers



Captain John Dickie
International Federation of Shipmasters' Associations (IFSMA)
Secretary-General



Dr. Captain John A.C. Cartner, #2475-R
Maritime Lawyer
Principal Author, "The International Law of the Shipmaster"



Father Sinclair Oubre, #3220-A
CAMM Chaplain; President, Apostleship of the Sea USA



Captain George Sandberg, #1919-R
Professor, Department of Marine Transportation,
United States Merchant Marine Academy

* Additional speakers TBD

CAMM Business Meeting

CAMM Election of Officers
CAMM Views and Positions
CAMM Constitution and
By-Laws Changes

Closing Dinner Black Tie Optional

Keynote Speaker (TBD)
Lalonde Spirit of the Seas Award
Presentation
Recognitions

* Registration is now open. Registration forms are available via
www.mastermariner.com or adjacent page.
Coverage and interviews from the event by Maritime TV.

 **Budget**® Receive 30% off car rental with BCD Number U303173. CAMM will receive a small kickback.

Join us for pre-meeting golf!



Shennecossett Golf Course

Wednesday, June 11, 2014
Tee Time: 1000 hrs
\$75 Registration fee includes:
golf, cart, box lunch and sleeve of CAMM balls

Golf Coordinator: Captain R.J. Klein
captklein@mastermariner.org or 425-246-9814

Register for golf via the CAMM meeting registration form.

Join us for a post-meeting New England / Canada Cruise



aboard Holland America Lines' MS VEENDAM

Depart Boston Saturday, June 14
7-Day Cruise disembark in Quebec June 21
14-Day Cruise return to Boston June 28
Halifax Port Call on June 16th:
Hosted by Company of Master Mariners of Canada

Cruise Coordinator: Captain Tom Bradley
captbradley@mastermariner.org or 360-901-1257

Express interest to Captain Tom Bradley by January 1; payments due March 1.

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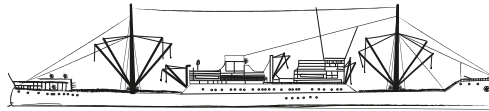
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