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Sidelights

February 2013 Vol. 43, No. 1

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Piracy and Private Navies

IOOS, NOAA Navigation

Criminalization for the New Millenium

ATB Quandary

Mission Statement

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

SEABULK ARCTIC on the calm morning waters in Tampa Bay.
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.

PUBLICATION DEADLINES

Issue	Submission	Release
February	Jan. 15	Feb. 5
April	March 1	April 1
June	May 1	June 1
October	Sept. 1	Oct. 1
December	Nov. 1	Dec. 1

View From the Bridge

7

Arctic Shipping and the Need for Emergency Response Infrastructure CAMM National President R.J. Klein points out the seemingly obvious need for safety equipment and services to support the growing Arctic shipping pushed by commercial interests.



In the Council

2013 CAMM PDC / AGM Info	4-5; 38-39
Secretary / Treasury Report	8
New Members	8
Chapter & Officer Reports	9
Dear CAMM	11
TAMUG Cadets.....	12
Chaplain's Column	14
Cross'd the Final Bar	15



In the Industry

16

<i>Piracy Daily</i>	16
Private Navies	17
NOAA Navigation Response to Sandy.....	19
IOOS® Matters to Mariners.....	22
Articulated Tug Barge Quandary.....	24



In the Membership

26

Peter, The Odyssey of a Merchant Mariner	26
Bravery: Turning Toward Danger	28
Old Ship Aficionados	29

International Perspective

30

IFSMA Secretary-General Report.....	30
IMO Press Briefing	31
CMMC: National Master John McCann.....	33
Three Shipwrecks and a Lighthouse.....	32
Criminalization for the New Millenium	34
Disasters Aided by Electronic Instruments....	35



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.



CAMM Annual Professional Development

April 24-26, 2013

Hosted by the San Francisco

Wednesday April 24

CAMM Welcome Social
Hospitality suite hosted by
SFBA CAMM Chapter

Thursday April 25

**Professional Development
Conference**
\$65 per person, lunch included
Guest Speakers

Friday April 26

Annual General Meeting
\$65 per person, lunch included
Officer Reports
Council Business
Views & Positions Discussion
CAMM Strategic Plan Discussion

Gala Dinner
\$52 per person
Keynote Speaker Rear Admiral
Thomas A. Cropper

Lalonde Spirit of the Seas Award
Presentation
Recognitions

Venue:



**WATERFRONT
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10 Washington Street
Oakland, CA 94607
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1-888-842-5333
Group Rate Code: CAMM2013

Event Chairperson:

Captain Klaus "Nick" Niem
captniem@mastermariner.org
Sponsorship Opportunities Available

Professional Development Conference Speakers



Captain Cindy Stowe
Commander, USCG Sector San Francisco
TOPIC: Vessel Traffic Control and the America's Cup



Dr. Captain John A.C. Cartner, #2475-R
Maritime Lawyer
Principal Author "The International Law of the Shipmaster"
TOPIC: Important changes to the TWIC program



**Mr. C. James Patti, President, Maritime Institute for Research
and Industrial Development (MIRAID)**
TOPIC: Congressional lobbying efforts in the maritime industry



Captain Jeff Cowan, #3070-R
Office of Spill Prevention and Response, State of California
TOPIC: North American Emission Control Areas



Ms. Jan Newton, Ph.D.
NANOOS Executive Director, Principal Investigator: Puget Sound
TOPIC: NANOOS® and Ocean Currents

Ms. Jenifer Rhoades
IOOS® Regional Focal Point, NOAA

Mr. Thomas Bethel
American Maritime Officers Union President

CAMM Business Meeting



State of CAMM Address by CAMM President Captain R.J. Klein
Officers' Reports
CAMM Views and Positions
CAMM Strategic Plan

Anyone interested may register to attend the business meeting; however, only CAMM members will have a voice.

Registration and room
Print and return the registration form today!

General Meeting ment Conference

Oakland, CA USA

Bay Area CAMM Chapter

Gala Dinner

Formal evening



Gala Dinner Keynote Speaker Rear Admiral Thomas A. Cropper

President, California Maritime Academy
TOPIC: Maritime Schools and Education

Rear Admiral Cropper began his presidency on July 1, 2012 after a 31-year career in the United States Navy. Most recently, Cropper directed education and at-sea training for Navy ships and aviation squadrons deploying to the western

Pacific and the Middle East.

Lalonde Spirit of the Seas Award Presentation

The Father Maurice Lalonde Spirit of the Seas Award is the highest honor that the Council of American Master Mariners can award a member for all of the following: humanitarianism, professionalism, seamanship, life-time achievement and noteworthy accomplishments, along with contributions to the maritime industry and the 'Spirit of the Seas' in their everyday lives.



Cash Raffle Ticket Winners Drawn & Silent Auction

Buy, sell and return the raffle tickets in your annual dues packet for a chance to win cold hard cash.

A Silent Auction will open during the PDC, continue through the AGM, and close at the Gala Dinner. Join in CAMM's only fundraisers for the year!

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Registration

Registration forms are now available on the inside back cover of this issue or on CAMM's website. Follow the links to 2013 PDC & AGM. Please be sure to register early; registrations are due **March 1, 2013.**

Accommodations

Book your room at the Waterfront Hotel **before March 1, 2013 using our group rate code CAMM2013.** CAMM has secured room rates at \$159 + tax per night. Parking is \$12/day. Complimentary continental breakfast and lunch are available for registered meeting attendees in the conference room.

Activities / Day Trips

Spouses and guests are invited to join hostesses for a ferry ride across the bay into San Francisco City on Thursday, April 25.

Sponsorship Opportunities

Corporate and organization sponsorships are available at different levels. Please contact event chairman Captain Klaus Niem for a sponsorship packet.

bookings due March 1, 2013

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North Atlantic Region

NEW YORK / NEW JERSEY

Captain Frank Zabrocky

captzabrocky@mastermariner.org
203-359-8494

Captain Zabrocky is restarting this chapter. Please contact him for more info and to help activate this chapter.

BALTIMORE / WASHINGTON D.C.

Captain Joe Hartnett, President

410-867-0556
capthartnett@mastermariner.org

Meetings at 1130 monthly, except June - August. Check website for date and location. Locations vary between Baltimore and D.C.

Mailing Address: P.O. Box 700
Edgewater, MD 21037-0400

NORFOLK / HAMPTON ROADS / TIDEWATER

Chapter Inactive

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

Gulf Coast Region

NEW ORLEANS

Captain Karl Jaskierny, President

504-737-4849

Meetings at 1200 on the 2nd Thursday of each month, except July and August at Don's Seafood Hut, 4801 Veterans Blvd., Metairie, LA.

Mailing Address: 8112 Ferrara Drive
Harahan, LA 70123

MOBILE BAY

Captain Rusty Kligore, President

251-928-9753
captkilgore@mastermariner.org

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

Mailing Address: 615 Bayshore Drive #408
Pensacola, FL 32507-3565

HOUSTON

Captain Michael J. Mc Cright, President

captmccright@mastermariner.org

Meetings monthly, September - May. Check website for specific dates. 1130 hrs, TAMUG Blue Room, Galveston, TX.

Mailing Address:
4620 Fairmont Pkwy, Suite 203
Pasadena, TX 77504

South Atlantic Region

PORT EVERGLADES / MIAMI

Captain David Goff, President

561-392-5476
captgoff@mastermariner.org

Meetings at 1200, the 3rd Wednesday of the month, except July and August. Location varies, so please call or check website for current location.

Mailing Address: 1106 S.W. 12th Road
Boca Raton, FL 33486

TAMPA BAY

Captain David H. Williams, President

352-637-1464
captwilliams@mastermariner.org

Meetings at 1130 on the 2nd Tuesday of each month, except July, August and September. Columbia Restaurant, 7th Ave. and 22nd St.

Mailing Address: 1760 E. Littleton Ct.
Inverness, FL 34453

North Pacific Region

SEATTLE / PACIFIC NORTHWEST

Captain Richard Klein, President

425-746-6475
captklein@mastermariner.org

Meetings at 1130 on the 1st Thursday of each month. Rock Salt Steaks and Seafood, Lake Union, 1232 Westlake Ave. N, Seattle.

Mailing Address: PO Box 99392
Seattle, WA 98139

COLUMBIA RIVER

Captain Vic Faulkner, President

360-798-9530
captfaulkner@mastermariner.org

Meetings are at 1200 on the 2nd Friday of each month. Red Lion Inn at the Quay in Vancouver, WA (I-5 and the Columbia River).

Mailing Address: 121 Hazel Dell View
Castle Rock, WA 98611

South Pacific Region

LOS ANGELES / LONG BEACH

Captain David Boatner, President

805-479-8461
captboatner@mastermariner.org

Meetings at 1200 on the 2nd Tuesday of each month, except August. Ante's Restaurant, 729 S. Ante Perkov Way, San Pedro, CA.

Mailing Address: 533 N. Marine Ave
Wilmington, CA 90744-5527

SAN FRANCISCO BAY AREA

Captain Klaus Niem, President

707-255-6567
captniem@mastermariner.org

Meetings on the 1st Tuesday of each month, 11:30, Sinbad's Pier 2 Restaurant in San Francisco, south of Ferry Building.

Mailing Address: 4207 Chardonnay Ct.
Napa, CA 94558-2562



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

ARCTIC SHIPPING and the need for EMERGENCY RESPONSE INFRASTRUCTURE

I recently read *Polar Express, A Voyage across the Melting Arctic*, an article in the

December 24th issue of the *New Yorker*. The article describes the voyage of a bulk carrier (the *NORDIC ODYSSEY*) loaded with iron ore sailing via the Northern Sea Route (NRS) from Murmansk, Russia to Huanghua, China. It was a well written article, especially for those who have never been to sea.

Several descriptions stood out, including the challenges of navigating the Arctic, the reduced manning aboard ships, and shore leave for seafarers. The author (Keith Gessen) stated that since 9/11 “the United States abrogated centuries of international practice by severely restricting foreign seafarers’ ability to go ashore. The crew stated, ‘The only country as restrictive as the U.S.’ they said, ‘was Saudi Arabia.’”

During our last AGM meeting, we learned that this is true, even when foreign seaman are rescuing U.S. citizens from freezing. Captain Havlik of the *HEALY* told us that the crew of the *RENDA* was not allowed ashore after their combined effort to break through the ice and deliver needed gasoline and diesel fuel to Nome. Mr. Gessen describes the crew experiencing boredom. We know this can be at least partly attributed to the reduced manning aboard ships. This reaffirms why CAMM needs to continue

its positions on ILO/IMO Guidelines for Fair Treatment of Seafarers, One Man Bridge Watch and Watch Stander’s Fatigue and Task-based Manning (go to positions at www.mastermariner.org for details).

The article was written because voyages via the NSR are uncommon and little known to the general public. A record number of ships – 46 – used the NSR in 2012. The Northwest Passage (NWP) had 21 private “yachts” transit in 2012, including the 31-foot sailing vessel *BELZEBUB II* and a 644-foot, 43,000 ton *M/V THE WORLD*, a passenger/condo ship. Mr. Gessen mentioned that the mapping in the Arctic was unreliable but did not discuss the lack of emergency response infrastructure or support along either route. We know that many shipping companies commercial needs often challenge the need for safety.

From the *Wall Street Journal’s Market Watch* 28 August, 2012:

“During this Arctic tourism season in the once-inaccessible north, the world’s largest privately owned yacht, the 200-meter-long World, is getting set to sail for the increasingly ice-free Northwest Passage with 400 passengers aboard. Alarm bells are ringing onshore about what would happen if huge yachts and cruise ships like The World hit an iceberg or a storm in the Passage and started to sink.

Canada simply isn’t prepared for such a disaster, experts are now saying. The prospect of a maritime disas-

ter in its Arctic is causing a stir in the Canadian media, and well it should.”

In August 2010 the passenger ship *CLIPPER ADVENTURE* went aground near Kugluktuk, Nunavut, Canada (near the Southeast entrance to the Arctic Ocean). Owners claimed it was on an “uncharted rock.” In fact, it was on a ledge that had been published in the NM in 2007.

An example of the need for having emergency response infrastructure in place is the grounding of the *KULLUK* off Kodiak Island. It appears a major maritime incident was avoided but only after the tug alert was sent from Prince William Sound and other assist vessels arrived from Seattle.

The requirement for emergency support along the arctic routes is obvious and it must be addressed by the boarding nations. The U.S. may have taken small steps this year by completing the overhaul of the *POLAR STAR* and by approving funds for the refurbishing of the *POLAR SEA*. The U.S. will soon have two serviceable heavy ice breakers to go along with the lighter *HEALY*.

CAMM needs to support every effort to build at least two new icebreakers as the lead time for icebreakers is eight to ten years. At the next AGM we should discuss taking a position to support the IMO 2009 Guidelines for Ships Operating in Polar Waters. ☆

RJ Klein
Captain R.J. Klein

Secretary & Treasury Report

2012 has been a year of a change of command. The change went smoothly.



by Captain
David Williams
CAMM National
Secretary/Treasurer
#2318-R

This report features financial reports for 2012. As this report is being written we are preparing to mail out our yearly appeal for dues.

In 2012 CAMM had a total of 768 members of which 663 were in good standing including 16 honoree members. This compares with 755 members of which 700 were in good standing in 2011. Membership continues to be an on going drive for more. All members are encouraged to pursue new members. The

application forms can be copied off the web site. I can send you some if you prefer. The program of one year dues free for each three new members recruited is still in effect.

The 2012 convention was held in Seattle and was well attended. The minutes of the 2012 meeting will be at the 2013 convention in San Francisco on April 25/26.

A second notice was sent out to those members who had not paid dues in 2012 and was well responded to.

Unfortunately at present we have 19 members who are being served their 90 day notice of termination.

A continuing theme of 2012 was in dealing with the shrinking resources available to CAMM and what activities to be involved in. The main activities are with IFSMA (International Federation of Ship Masters Association). The association meets in various ports of members around the world. One of this years' meeting is in Australia.

Other activities include membership drives, and publication of *Sidelights* magazine.

The financial reports shown here show we collected \$38,460 in dues, \$20,604 in advertising for *Sidelights*. Total income for 2012 was 63,882.09. In expenses the big items were \$38,556.55 for *Sidelights* and \$14,645.31 for the conventions. Total Expenses were \$69,930.25. As stated in one of my columns there was a very lively and frank discussion of these costs at the last Annual General Meeting in Seattle. They continue.

In 2012 *Sidelights* collected \$16,029.00 in revenue with \$4575.00 due, total \$20,604.

This year's appeal for dues will have a place for voluntary contributions as well as the raffle tickets. In addition I will run a silent auction at the convention for a CAMM clock.

I hope all members take these activities to raise additional monies to heart and try and support our organization

so it can continue to be relevant and effective in the industry.

The conventions provide a very good atmosphere to improve CAMM and it's mission.

I hope to see you at the convention in April. ☆

2012 Year End Financial Reports (unaudited) Current Assets

Checking / Savings		
10000	Bank Accounts	17891.66
Accounts Receivable		
11000	Accounts Receivables	4575.00
Other Assests		
12100	Inventory Assets	693.25
TOTAL ASSETS		23159.91

Liabilities & Equity

30000	Opening Balance Equity	29207.87
	Net Income	-6047.96
TOTAL LIABILITIES & EQUITY		23159.91

2012 Income

45030	Interest-Savings, Short-term CD	3.09
46200	Contributions Gifts, Grants	
46230	Membership Dues	38460.00
46260	All Other Contributions	125.00
46430	Sidelights Magazine	20604.00
46440	Web Site	750.00
46610	Gross Income from gaming activity	3420.00
46690	Application Fees	520.00
TOTAL INCOME		63882.09

2012 Expenses

62110	Management	6000.00
62130	Accounting Fees	600.00
62520	Web Site Exp	600.00
62772	Travel IFSMA	1893.00
62790	Conferences and Convention	14645.31
62792	Convention Advance to Chapter	1500.00
63020	Payments to Affiliates - IFSMA	1447.62
65120	Printing and Copying	37.230
65131	Postage, Mailing Service	1235.43
65140	Bank Charges	48.08
65150	Miscellaneous	245.48
65180	Supplies	1336.55
65230	Sidelights Magazine	38556.55
65250	Direct Expense Gaming	1785.00
TOTAL EXPENSE		69930.25
NET INCOME		-6048.16

Council Reports

Sidelights Committee

Submitted by Captain Tom Bradley
Committee Chair

We've made a few changes to the website and to *Sidelights*. Back in November, we launched the CAMM 2013 PDC / AGM website, with info on speakers, links to fill in and print the registration form, and links to book your accommodations at the Waterfront Hotel online. We also updated a few corrections on outdated pages (previous officers, old meeting dates, broken links). Please, if you come across any errors, let us know via email (webmaster@mastermariner.org) so we can correct them.

As for *Sidelights*, this is the first issue printed by our new printer. Based in Jefferson City, Missouri, we hope to have speedier mailing to the West Coast than our previous Florida-based printer. As always, we welcome feedback, comments, and suggestions for improvements; along with letters to the editor, articles, photographs, paid advertisements, and more. (sidelights@mastermariner.org).

Seattle / PNW

Submitted by Captain Douglas Subcleff
Chapter Secretary

An impressive total of 19 were in attendance at our December meeting. The guest speaker was Captain Tom Rogers, President of the Tacoma Youth Marine Foundation. Tom spoke about the new Tacoma Youth Marine Center located on the east side of the Foss Waterway, Port of Tacoma. Boats in their fleet include the 1931-built *CHARLES N. CURTIS*, the 90-ft sailing yawl *ODYSSEY* and the 38-ft sailing and rowing gig *VERITE* (replica of an 18th century French long-boat).

Captain Rogers spoke about the many years it took to develop the new Youth

Marine Center. The process included the removal of derelict, abandoned boats on Port of Tacoma donated land, as well as the reconfiguration of dock facilities. The Tacoma Sea Scout program has been highly successful, with about 250 participants at this time and up to 500 other young people from Tacoma public schools participating in associated programs throughout the year.

The funding, which is donation-based, includes a \$500 annual scholarship from YMTA. Also contributing to the success of this program are a number of dedicated volunteers, including 17 licensed masters. Tom also mentioned that, as Master of the *MV CHARLES N CURTIS*, he enjoys observing students doing their best to navigate and stay on the vessel traffic lane outer perimeter line marked on the chart!

Our January 3rd meeting was attended by a total of 14 at the Rock Salt restaurant location. Chapter member, Captain Richard Kirk, CMA 1981 graduate, gave a very interesting presentation about the Military Sealift Command. His presentation included a brief history of this organization that has evolved from the Army Transport Service to MTS, then MSTs and finally MSC. He also described the four main ship groups: Combat Logistics Force, Special Mission Program, Repositioning Program and

Service Support. His current vessel, the *USNS JOHN ERICSSON*, is part of 34 ship Combat Logistics Force (CLF). These ships provide fuel and supplies for U.S. Navy ships at sea. His ship's complement is normally 89. The *JOHN ERICSSON* is one of the Fleet Replenishment Oilers and is home-ported in Guam. Built in 1990, length 677 feet, 31,700 DWT, 34,442 HP, twin screw, speed 20 knots. All CLF ships are government owned and crewed by civil service mariners. There also can be a small contingent of Navy personnel for operational support including helicopter operations. Captain Kirk has been working for MSC for 32 years. He noted that, for mariners starting out, MSC is a great way to get a lot of sea time. Another benefit is the amount invested into the training and certification of new officers, which is something getting more difficult for a mariner to do independently these days. The final part of the presentation was a very impressive description of underway replenishment operations. Kudos to Captain Kirk on a job well done!

Our next meeting on February 7th will

Continued on next page >>>



PHOTO: DOUG SUBCLEFF



PHOTO: DOUG SUBCLEFF

Left: Captain Tom Rogers, President of Tacoma Youth Marine Foundation.

Above: SPNW Chapter member Captain Richard Kirk, Master of the *USNS JOHN ERICSSON*, gives a presentation on the Military Sealift Command.

Council >>>Continued from page 9

be our special Valentine's Month theme with special gifts for the ladies in attendance. Our guest speaker will be Connie Buhl, 1981 graduate of USMMA. She will be speaking on the topic of women in the Merchant Marine.

Columbia River

*Submitted by Captain Tom Bradley
Chapter Member*

For the 2013 slate of officers, the Columbia River chapter re-elected Captain Vic Faulkner as its President, Captain Dan Jordan as VP, and Captain Bill Good as Secretary/Treasurer. We are pleased to say all members are paid up for the 2013 year and welcome new chapter member CE Paul Siracusa.

Luncheon meetings continue on the 2nd Friday of the month at the Red Lion Inn at the Quay, Vancouver, WA.

San Francisco Bay Area

*Submitted by Captain Klaus Niem
Chapter President*

The December meeting finalized the PDC & AGM. All guest speakers have accepted our invitations. The chapter passed a motion by Captain Niem to send a condolence card to the USCG and USCG Chief Petty Officer Terrell Horne III, who was killed by Mexican drug smugglers of the Southern California Coast. Captain Dave Boatner of the L.A. Chapter graciously accepted to do this in the name of CAMM.

Another motion was made, M/S/A for all Chapter members in arrears in their chapter dues for more than two years, and to remain in good standing, to pay the annual dues starting 2013.

The January meeting was attended

by the usual suspects. A motion was made, M/S/A to accept the invitation of the USMMAAA Chapter to attend their luncheon on the *SS JEREMIAH O'BRIEN* on February 12. The guest speaker will be Col. James Helis (U.S. Army, Ret.), the new Kings Point Superintendent.

Los Angeles / Long Beach

*Submitted by Captain Dave Boatner,
Chapter President*

The Los Angeles / Long Beach Chapter meets at noon the second Tuesday of the month [except August] at Ante's restaurant 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 profession and encourage all Masters living or visiting in the area to participate in our monthly meetings.

Houston

*Submitted by Captain Michael Mc Cright
Chapter President*

On Nov. 27, 2012 we held a meeting with CAMM members at 1200 hrs. and watched a Petrobras Americas presentation of the Cascade and Chinook Offshore Development, the first floating production, storage and offloading (FPSO) in operation here in the Gulf of Mexico (GOM). The *BW PIONEER*, as the FPSO is called, is serviced by two Jones Act tankers appropriately named the *OVERSEAS CASCADE* and *OVERSEAS CHINOOK*. We had approximately 10 members in attendance at this meeting on the TAMUG campus.

At 1600 hrs. same day we held a campus wide TAMUG ZOPT, and the

same as above was presented and discussed with the campus and cadets. Mr. Jan Flores, FSO manager for OSG, the operator of the tankers made a nice presentation of those shuttle tankers. Presentation was well received by faculty, staff and cadets.

Our many thanks to Petrobras Americas (<http://www.petrobras.com/en/countries/u-s-a/>) for their presentation, and OSG's Jan Flores for their Jones Act shuttle tanker demonstration and display (www.OSG.com).

December 13, 2012 The Houston and Texas Chapter (one in the same) of CAMM attended the MM&P holiday party at Brady's Landing. A pleasant afternoon was had by all. It was good to catch up with old shipmates, shake hands and say hello. Many thanks to MM&P for hosting such a nice party (www.bridgedeck.org).

The Chapter has changed meeting times and dates for the remainder of the season to Feb. 21, March 21, April 18, and May 9, followed by a summer break. Meeting times change to 1130 hours; location remains the Mary Moody Northen Student Services Center, Private dining room.

Mobile Bay

*Submitted by Captain Mark Robinson
Chapter Secretary*

The chapter elected Captain Rusty Kilgore as its new president. Chapter meetings are now taking place at Felix's Fish Camp Grill on the Causeway in Mobile: 1530 Battleship Parkway in Spanish Ft, Alabama. Meetings continue to be the 2nd Tuesday of the month at 1300 hours.

New Members

- 3331-RP Captain **Nicholas J. Warmouth** of Feasterville, PA
Docking Pilot Delaware River
Sponsored by Captain Joe Hartnett, #2193-R
- 3332-R Captain **Albert Earl Bergeron** of Harrison, ME
Master of USNS SEAY, USNS SHUGHART
Sponsored by Captain Liz Clark #997-L

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Baltimore / Washington, D.C.

Submitted by Captain Joe Hartnett
Chapter President

The chapter members who attended the last meeting approved two donations for the holiday season. The first was to the Maritime Industries Academy High School in Baltimore. We have recently partnered with the Baltimore City Public School system to assist at the academy as needed. Our second donation was to the Apostleship Of The Sea Ministry. We have committed to support Rev. Msgr. John L. Fitzgerald in his efforts to assist visiting seafarers in the Port Of Baltimore.

Chapter members attended the Baltimore Port Alliance (BPA) Annual Bull and Oyster Roast at the Museum of Industry in Baltimore in January. The BPA is a non-profit group of maritime business representatives who share a common concern about maritime commerce in the Port Of Baltimore.

Chapter members also attended the Washington, D.C. Propeller Club luncheon in January. The guest speaker was Major General Michael Walsh; Deputy Commanding General for Civil and Emergency Operations; U.S. Army Corps of Engineers.

Our chapter welcomes national mem-

bers in Baltimore/Washington, D.C. and the surrounding states to join our chapter and assist in promoting CAMM in the mid-Atlantic.

Our chapter would like to welcome Captain Nick Warmouth, Docking Pilot, Moran Towing of Philadelphia who was recently approved for membership in CAMM.

New Orleans Tampa Bay Port Everglades / Miami New York / New Jersey

No report submitted. ☆

Dear CAMM,

Titanic

I refer to the letter submitted by Captin A.K. Bansal of the Company of Master Mariners of India in the December Edition of *Sidelights*. This letter referred to some thoughts regarding the loss of the *TITANIC* and *COSTA CONCORDIA*, one in 1912, the other in 2012. I will address only the *TITANIC*.

Captain Bansal states that there was general gossip among seafarers around 1912 that it was the intention of the White Star Line to build vessels which could compete with others on the busy Europe to New York service and win the Atlantic Blue Ribbon. Well the two Cunarders, *MAURETANIA* and *LUSITANIA*, both of 37,938 gross tons and 27.4 knots had, in 1904, already captured that prize and the *MAURETANIA* retained it for 22 years. However the White Star Line did not propose to challenge Cunard on the basis of speed, they decided to build three new vessels, each of 52,000 gross tons, making them then the largest vessels in the world and the most luxurious, and with a moderate speed of 22-23 knots they expected to capture the majority of the passengers on the above named run.

The first of these new vessels was the *OLYMPIC*, launched, fitted out and trading seven months before the *TITANIC* was ready, this latter vessel was an exact copy of the *OLYMPIC*, but slightly more luxurious. The third vessel, the *BRITTANIC*, launched in 1914, was in many respects different, having the advantage of adapting to new Regulations brought about by the sinking of the *TITANIC*.

Yes, there were too few lifeboats for the number of crew and passengers, but I take issue with Captain Bansal about the ability of the 885 crew to carry out their duties. After all, the *OLYMPIC*, an exact sister, had made several voyages on the

same Europe to New York route over a 7 month period, and it is inconceivable that the White Star Marine Superintendent would not have transferred some of the experienced and/or Senior men from the various trades on the *OLYMPIC* and placed them on the *TITANIC*. These men would have been placed on the *TITANIC* as outfitting proceeded. It should also be noted that the majority of the crew would have been drawn from the two ports, Liverpool and Southampton, these were the ports from which the majority of the liners crews were recruited as they were experienced passenger liners crews.

Therefore I doubt there was any confusion regarding the crews, there was confusion among the passengers, who refused to believe the ship was sinking, and despite urging of officers and crew, would not board the lifeboats. The warmth and lighting on board the vessel looked to be far more comforting than the black and probably freezing waters of the North Atlantic. It would appear that the majority of the crew remained at their posts, only 214 were rescued out of 885, and some, if not all, would have been employed as crew manning the lifeboats.

Captain Geoffrey S. Vale, MA.
Company of Master Mariners of Canada

PS. The oak panelling from the first class smoking room of the *OLYMPIC* may still be seen in the ballroom of the White Swan Hotel in Alnwick, Northumberland, England, which I have personally seen and was impressed with the quality of the workmanship. ☆

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.

CAMM Cadet sails on commercial vessel



by Cadet
Kevin Wakefield
CAMM TAMUG
Cadet Chapter
President

As a deck cadet attending the Texas Maritime Academy, I had the opportunity in the summer of

2012 to sail with Hornbeck Offshore Services (HOS). The U.S. Federal Code allows cadets at the state maritime academies to sail on a commercial vessel for 90 days in place of sailing for 60 days on a school training vessel. When the cadets at Texas Maritime Academy (TMA) had the annual “ship call” day in the spring, I chose to HOS as the company that I wanted to sail with.

Living and studying in Galveston, Texas, I first became cognizant of HOS when I would see their vessels around in the docks near Pelican Island, where TMA is located. Their trademark black and orange boats caught my attention, and I soon developed a keen interest with the company. I soon heard other cadets talk about their positive experience sailing with their HOS vessels on their commercial cruise, and became determined to sail with them.

I was soon flown to New Orleans by HOS and put up in nice hotel located next to their home office in Covington, La. The following day, the other cadets and I were given a presentation on the history of the company, as well as their policy and rules. One particular subject which was stressed was the company’s safety policy and how a Job Safety Analysis (JSA) must be completed before every job. In the event that someone does that the job being performed is not safe or up to HOS’s standards, anyone

(including cadets) can use a Stop Work Authority. The company even went as far as to issue each cadet their own PPE.

At the conclusion of the orientation, myself and the other cadets were shuttled down to Fourchon, La. to join our respective vessels. Since my vessel had not yet arrived, I spent the night on a different HOS vessel. I was awakened at 0800 by the mate on watch and told that my vessel, the *HOS RIDGEWIND*, had just arrived. I grabbed my seabag and sextant and boarded the *RIDGEWIND*.

The *RIDGEWIND* is a 265-foot OSV that recently been converted from a fracking boat to a supply vessel. She seemed very new (having just come out of the shipyard) and the crew accommodations were also in excellent condition. I shared a room with another cadet, and was assigned the 1200-0000 watch, while my roommate had the 0000-1200. I soon met Captain Billy, and was given a safety briefing by the mate on my watch. Just as evening came, the *RIDGEWIND* received orders from the charterer to set sail for the drill ship.

The *RIDGEWIND* is a busy vessel, and we never spent more than two days in port. During my 92 days on the *RIDGEWIND*, I worked with and was mentored by two masters, Captain Billy and Captain Johnny. Each captain works a 14/14 schedule, and proved excellent mentors to a green deck cadet who had never worked in the Gulf before. Both masters taught me how to operate bridge equipment such as the RADAR and Noble Tec chart plotter. Prior to joining the *RIDGEWIND*, I took my DP induction course and was able to receive instruction from the masters on the DP system

(the vessel has a DP-2 system), and even got my 30 days of familiarization signed off and completed. While on the open sea, I was shown certain boat handling maneuvers and was even allowed to steer the vessel. Captain Billy and Captain Johnny are natural teachers and were always willing to answer any question



PHOTO: COURTESY KEVIN WAKEFIELD

HOS RIDGEWIND in dock.

that I had.

While the *RIDGEWIND* has all of the modern bridge equipment available, she still maintains the use of paper charts. I assisted the mates on chart corrections and learned how important charts can be in an age where there is an over reliance on electronic equipment.

HOS has a Streamlined Inspection Program (SIP) with the Coast Guard, and I was able to shadow the mates and engineers while they did their regular SIP inspections. This proved to be invaluable, and showed me what is expected of an officer employed by HOS. However, the training did not stop with the licensed officers. The ABs taught me how to start the FRC and how to oper-

ate the davit that launches it. I spent time working on deck with the ABs and learned the type of work and maintenance that is required to keep a vessel like the *RIDGEWIND* in pristine condition.

One side of the offshore business that made an impression on me was how the master communicated with the vessel's charterer. Both captains were always professional and courteous with the oil company and ensured that all rules and guidelines were followed and enforced. These men could answer any question about cargo space, liquid mud, and the deck cargo that was onboard. In short, Captain Billy and Captain Johnny knew *RIDGEWIND* inside and out.

I saw firsthand of the company's safe-

ty standards, and witnessed JSA being completed for every job on board. The crew always wore PPE and every week the crew participated in safety meetings and weekly drills. The vessel group manager visited the vessel every week and made it a point to talk to each crew member (including the cadets).

At the end of my summer commercial cruise, the other cadets and I reported back to the home office in Covington, and were again put up in hotel rooms and provided meal vouchers. We were organized in small groups and told to put together a Power Point presentation for CEO Todd Hornbeck and the other senior officers of the company. While presenting, Mr. Hornbeck and the other officers listened to us talk about our

summer experience with HOS. They even wanted feedback on what could be better, but I had no complaints. I was paid as an employee, was fed well, and received first rate training on a state of the art supply vessel. Upon the completion of the presentation, the folks at HOS took us out to a nice dinner to celebrate the end of our cruise.

I found my summer with Hornbeck Offshore Services to be an excellent opportunity to see how the offshore industry operates and what life on a work boat entails. I wish cadets could earn more than 90 days on a working vessel like the *RIDGEWIND*, and receive the type of mentoring that my captains gave me. With this type of training, perhaps cadets will be more adept to the demanding life at sea that we face upon graduation. ☆



PHOTO: COURTESY KEVIN WAKEFIELD
 Captain Johnny with CAMM Cadet Kevin Wakefield.

CAMM in Action

Bulgarian Master jailed in Panama

Captain Svetlozar Lyubomirov Sobadzhiev remains in Panamanian jail after drugs were found in the bow thruster compartment in March 2011. Details can be found in *Sidelights* February and December 2012. CAMM aided in arranging legal counsel, and the Bulgarian Shipmaster Association continues to raise funds for his defense.

Views & Positions

CAMM is working on three views to be voted into Positions Statements at the national meeting in April:

- **Flag State Responsibilities in Incidents of Piracy.**
- **Regulatory Burdens** (encompassing those driven by STCW, Low Sulfur Fuel, Whale Strike Mitigation and numerous other regulations).
- **Safety Infrastructure and Safety Guidelines for Arctic Navigation.**

If you would like to add a view to this list, please email committee chair Ms. Lyn McClelland at positions@mastermariner.org.

Constitution and Bylaws Amendments

The committee is working on a few changes. Ballots will be mailed prior to the AGM.

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Passing the buck: Ten years on, the *PRESTIGE* trial is more about money and blame than about finding answers



by Father
Sinclair Oubre
CAMM Chaplain
#3220-A

Reprinted with permission, and originally published in Lloyd's List, January 7, 2013

Preface by Father Oubre: The growing use of criminal laws by nations to prosecute seafarers is a great concern to CAMM

Ten years is the passage of time since the tanker *PRESTIGE* suffered structural damage off the Spanish coast, breaking up after having been denied a place of refuge and forced into the stormy Atlantic by the authorities.

It took almost 10 years for the trial to begin in October. That itself, if you believe that justice deferred is justice denied, is nonsense and a disgrace. We are promised months more of this farce in which the sorry saga will be replayed ad infinitum before 70 lawyers who represent the various parties.

Is it about justice... or money? Is it about blame? Is it about the truth, or the lessons that might be learned from the sequence of events that took place over six November days in the stormy Atlantic?

If the latter, surely we know every conceivable thing that occurred during this period and were long ago able to draw conclusions about the ship and its handling during the emergency; the abandonment, reboarding and the role of the salvors, the authorities' orders to the tugs to take the ship away from the coast, into the worsening weather.

I would suggest that it is all about money and blame, the two closely connected in what has become an over-politicised effort to blame everyone but the Spanish government and land the insurers of the ship with a bill for around \$5bn.

Conveniently available for the largest part of the blame is 79-year-old master mariner Apostolos Mangouras, who faces, if found guilty, a prison sentence of 12 years.

The chief officer and chief engineer of

the ship, who with Captain Mangouras distinguished themselves in the emergency, have probably wisely elected not to appear at the Spanish trial. There is obviously a great deal at stake.

What there is, even 10 years after these events, is a powerful memory in the minds of all marine professionals of the disgraceful way that the Spanish authorities treated the elderly shipmaster after he was brought ashore, a survivor from his sunken ship.

He was incarcerated like a common criminal, denied legal advice, denied a return to his Greek homeland for months and treated as though he had wilfully wrecked his vessel.

It was hard, sometimes, during this period, to remember that we were dealing with a major European industrialised state that subscribes to human rights legislation, not some third-world dictatorship.

Whatever happens in this long-delayed trial, it will be impossible to forget the appalling official treatment of this survivor from a shipwreck.

Mind you, the treatment of Captain Mangouras is mirrored in other places and other incidents around the world during these past 10 years. Such behaviour, with the master of a ship regarded as easy meat by authorities looking for somebody to blame, is almost institutionalised.

International Federation of Shipmasters' Associations general secretary John Dickie has suggested that in this trend towards criminalising the master, the common rule of English law that holds one innocent until proved guilty no longer applies.

and the Apostleship of the Sea. This concern was noted in the Pontifical Council for the Pastoral Care of Migrants and Itinerants' 2012 Sea Sunday Message. There they noted: "We see seafarers working in substandard conditions on board old and rusted vessels, victims of criminalization, abandoned and often with their salary not paid on time or not paid at all." In the following article, Michael Grey of Lloyd's List decries the criminalization of Captain Apostolos Mangouras. Since the shipowner, the flag state and the classification society could not be held responsible by the Spanish government, they have turned their attention to placing all the responsibility on the captain.

WHAT were you doing 10 years ago; could you go into a witness box and provide a factual, convincing record of events that took place in November 2002?

Talk to our friends at the UK Marine Accident Investigation Branch and they will tell you that people's recollection of events just days after an incident often bears little resemblance to what really happened, as evidenced by the vessel data recorder.

That is why, they say, VDRs have revolutionised accident investigation.



The master is held responsible these days for so many things over which he has little or no control, whether it is the weight and contents of sealed containers to the torpedo of cocaine that has been clamped by criminal frogmen to his ship's bilge keel in a foreign port.

He is expected to operate his ship with inadequate crew numbers, at the beck and call of chartering clerks who demand that he sails into the teeth of a gale with his deck cargo unlashd and threaten him when he tries to stick to his loading plan in the bulk terminal.

Small wonder that a growing number of professionals are leaving the sea, or refusing promotion with the apparent risks it brings.

It was a couple of years ago that a very senior shipmaster noted that he had been at sea for more than 40 years, nearly 30 in command, and *"every b**** on the end of a telephone or email thinks they know more about running my ship than I do"*.

The irate shipmaster was, I thought then, on to something. But let us keep a very close eye on that Spanish trial and what develops there over the next few months.

Captain Mangouras has become, whether he likes it or not, something of symbol. ☆

CROSS'D THE FINAL BAR

CAPTAIN WILLIAM T. LYONS #599-R

Captain William T. Lyons, retired Panama Canal Pilot, died on January 6, 2013 in Jacksonville Florida, age 86.

Born in San Francisco on May 8, 1926, Captain Lyons first shipped out in the U.S. Merchant Marine at the age of 17. He attended the last wartime class at the Maritime Service Officers Training School, Alameda, California where he earned his Third Mate's license.

He received his Unlimited Master's license in 1952, and sailed as Master with the Military Sea Transportation Service (now Military Sealift Command) in Far Eastern waters.

Captain Lyons joined the Panama Canal Company in 1961 where he served as Pilot, Assistant Port Captain, Pilot Training Officer and Marine Administrative Officer.

After retirement from the Panama Canal Company in 1976, he attended Florida State University College of Law, graduating and being admitted to the Florida Bar in 1979. He was employed as a consultant in navigation, ship handling and marine licensing by law firms and government agencies. He assisted in preparing course material and teaching ship handling to the first classes at the Ship Handling Simulator at the Maritime Institute of Technology and Graduate Studies at Linthicum, Maryland, and piloted cruise ships in Southeastern Alaska during summers from 1983 to 1991.

He was predeceased by his wife, the former Virginia N. Keller.

CAPTAIN FRANCIS HAGGERTY #1615-R

Francis M. Haggerty crossed the bar on August 17, 2013. He was a resident of Sciota, Pa., who last sailed for Sealand Services Inc. as master of the *MV SEALAND PACER*. He served in the Merchant Marine during World War II and performed two years of active duty as a commissioned officer in the Navy in the 1950s. In addition to CAMM, he was a member of the Marine Society of the City of New York and the Boston Marine Society. In his free time, he enjoyed gardening and amateur radio. He is survived by his wife and two children.

CAPTAIN CLIFFORD O. BERGSTROM #2773-R

Clifford O. Bergstrom, 93, of Seattle, Wash., crossed the bar on August 30, 2012. He last sailed for Matson Navigation Co. as second mate aboard the *SS MANULANI*.

He enjoyed his 1961 Metropolitan classic car, spending time with family and friends, and collecting posters. His wife of 44 years, Helen, survives him as well as three children, two step-children, and eleven grandchildren. ☆

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— Hal Roth

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Piracy Daily: The latest news on piracy and attacks against vessels, seafarers



by William H. Watson
#3256-A

Among the many problems the maritime world still faces day-to-day in this Information Age is the lack

of reporting on the scourge of piracy.

But now, *Piracy Daily* (www.pira-

cydaily.com), a new online publication created in the United States, seeks to pull together both real-time news and opinion about a scourge that arguably has come to represent “the gravest threat to world trade in decades,” while serving “as a catalyst for those in the fight against a phenomenon that once again appears to have ‘metastasized’ globally.”

While only officially launched in January 2013, *Piracy Daily* seems to be making good on its promise to pull together real-time news gathering from around the world, together with commentary and analysis from some of the world’s leading experts and people who, it notes, work today on maritime front lines.

AdvanFort was the sponsor of *Piracy Daily’s* inaugural event. Held in early January at the National Press Club in Washington, D.C., RADM (ret.) Terry McKnight, the first commander of multinational Task Force 151, two other well-known maritime security experts and myself addressed the subject of “Maritime Security: Today’s Victories and Tomorrow’s Challenges.”

Perhaps indicative of just how important the issue is becoming, particularly with new threats arising now in West Africa, Maritime TV (www.MaritimeTV.

com), part of the Internet TV Channel on the TV Worldwide Network, not only used the occasion as the latest Webcast in its Piracy Mitigation Strategies series, but later reported that panelist commentary had meant its program was attracting “significant international traffic.”

In his keynote address, McKnight, the author of *Pirate Alley: Commanding Task Force 151 off Somalia*, underlined the fact that “the people who have paid for the armed security teams have not been hijacked.”

“We cannot afford to have the contagion of the violation of the rule of law spread with piracy and I fully agree with Admiral Knight that we’ve got to have Navies doing this, Navies who can afford to do this,” stated another speaker, Dr. John A.C. Cartner, the designated Proctor in Admiralty by the Maritime

Law Association of the United States and a fellow CAMM member. “But I also think that those must be supplemented very strongly with private armed guards, because this is where the suppression occurs, the tactical suppression, right there, right then at the spot.”

“If governments of legitimately constituted states are not going to be governing the ocean then it will be governed by whoever has the most firepower to be there at the time,” added Charles N. Dragonette, a recently-retired senior advisor on piracy at the U.S. Office of Naval Intelligence. “It was the Somali pirates for a while... It will now be the private maritime security companies.”

Martin Edwin Andersen, editor of both *Piracy Daily* and the *Piracy Daily Bulletin*, moderated the event. Andersen, a veteran foreign correspon-



PHOTO: COURTESY WILLIAM H. WATSON

Charles Dragonette, retired after over four decades at the US Office of Naval Intelligence, describes challenges for both the world’s navies and the maritime industry in combatting piracy during a panel discussion in January at the National Press Club. Also on the panel are (left to right): Martin Edwin Anderson, editor of Piracy Daily and moderator; RADM Terry McKnight, U.S. Navy, Retired; John A.C. Cartner, a CAMM member and noted maritime attorney and author; and William H. Watson, a CAMM member, president of AdvanFort and a noted expert on piracy.

dent and a former professor at the National Defense University, underscored the fact that the publications had been created as a critical resource for understanding a centuries-old (and the first recognized) international crime against humanity. He later reported that, "We're excited about the strong interest level in our content since we've launched."

"The mission of *Piracy Daily* is to keep government officials, security professionals and others 'in the loop' about the starkly contrasting worlds of piracy and counter-piracy," Andersen added. "It will put specific stories into a needed larger context about where the threats are, how they are changing, and what counter-piracy efforts can do and need to be done to anticipate and defeat these deadly challenges."

"Although admittedly an over-used phrase, 'lessons learned' are key here and are part of our news mix."

One attendee of the conference later reported that she quickly had become a critical fan, noting that the publications' launch began by its panel of participants offering, "different and unique viewpoints based on their individual experience in the maritime industry."

Danielle DiBruno, managing director of Mobile Defense Systems, noted that "piracy, if left unfettered, will continue to plague the international economy" and therefore solutions such as those involving public and private sector cooperation were needed to play a vital role.

"*Piracy Daily* is a must read online publication for anyone who cares about the global problem of piracy and until now, the unreported impact it has on our American way of life," DiBruno added. "Kudos to *Piracy Daily* for understanding the need to draw public attention to the piracy problem and the trickle down effect it has on our global economy!" ☆

William H. Watson is a member of CAMM and is president of AdvanFort.

The Problems with Private Navies



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

The notion that a private navy can be effective against pirates is alluring.

The reasons it is hard to do are daunting. This is notwithstanding that for

long periods of history our ships sailed armed to protect against marauders or to attach them. Nowadays, the notion that violence of this sort is a monopoly of the state tends to prevail. Thus, navies under international law are run by states or recognized political entities. Private entities are neither. Hence, under the rubrics of international law there is no such thing as a private navy. This does not stop some from trying, especially for purposes of the suppression of pirates.

A private navy then is not an armed vessel or group of vessels authorized by a state. That requires a letter or letters to each vessel of marque and reprisal. Those ancient and hoary documents allow private vessels – not persons – to be licensed by a sovereign to do its bidding in projecting state power at sea. Edward III issued the first ones in 1354. They were preceded by Henry III's more limited privateering licenses issued personally in 1243. That concept merged after a time until the modern letters of marque and reprisal arose in late Tudor England. Grotius averred that letters of marque and reprisal were analogous to private war. A reprisal involved seeking the sovereign's permission to exact private retribution against some foreign prince or subject. The earliest instance of

a licensed reprisal recorded in England was in the year 1295 under the reign of Edward I.

This is all a nice way of saying that vessels under letters of marque may rob, steal, plunder and take vessels of other designated states in lieu of the issuing state's naval actions. The reprisal is the part that allows the lettered vessel to take actions against the foreign state for woes it has inflicted on the issuing state and to cross borders to do so.

Things and vessels taken under letters are adjudicated in a prize court. The taker gets a cut and the state gets a cut. This is roughly analogous to cross between licensed mercenaries at sea authorized by a state and proper salvors who use force to salvage whether the salvaged wishes to be salvaged or not.

Unfortunately, while letters of marque have a long past and a curious history, the last one was issued by the Crown in the nineteenth century. It is doubtful that will be done again. This is because the Congress of Paris at the end of the Crimean War produced the Paris Declaration of 1856 renouncing privateering worldwide. Eventually 45 states signed on not including, as one might expect, the United States.

What does this mean? Aside from there being no lawful way to have a private navy absent a sovereign to sponsor one, private navies are none other than privateers without license. Hence, they are pirates. What a fine kettle of fish — pirates suppressing pirates.

Continued on next page >>>

Private Navies>>>Cont'd from page 17

How can this be? The law tends overtime to be seamless. It is a fairly well settled rule of international law that within that seamlessness comprising understandings among and within states that the private killing of a private person with intent to kill is unlawful. There are defenses such as self-defense, however, that act is defined in its worst context as murder. In lesser degrees such killing is voluntary manslaughter. It does not matter whether it is on the high seas, nowadays called international waters, or not. Flag state law prevails on every vessel properly flagged. Hence, under flag state law, with no apparent exceptions, private killing is private killing and that is unlawful.

This historically did not stop privateers under letters. For example, the state of Texas when it pretended to be a sovereign issued letters in a flag-of-convenience play to pirates such as Jeanne Lafitte. The Confederate States of America issued them to their blockade runners. The United States declined to recognize them until after a capture. President Jefferson Davis advised that his government would hang one United States officer for every Confederate privateer hanged as a pirate. Thereafter,

the United States recognized the letters. Letters of marque and reprisal do not contemplate interesting and safe indoor work.

Modernly, privateers by the terms of their letters were required to obey the laws of war and defer to treaty obligations and to treat captives courteously and kindly. Failure would result in the admiralty court's revocation of the letters and refusal to award prize money or permit the forfeiture of bonds or award damages in tort against the privateer's master, officers and ratings.

What if the vessel were not flagged? That kind of vessel is a stateless vessel and is open prey to any state wishing to declare it so and seize it. A stateless vessel is similar to a stateless person – no flag is a real problem. No passport, by analogy, is a real problem. Therefore, one must have a flag the way the system works.

How do the armed guards get around this? Armed guards carry small arms. That is different than arming a vessel with naval gunnery. There is no law that says one cannot have armed guards on a commercial vessel in international waters if flag state law allows it. The rules against premeditated contract killing still prevail. However, if an armed

guard merely lets the word out that the vessel is armed and shows its arms to those who might wish to board and the putative boarders are thereby deterred, then there is no killing. If the putative boarders commence fire and endanger those aboard, return of fire is defensible as self-defense although the killing, if one occurs, must be defended after the fact because it is not allowed before the fact.

Rep. Ron Paul submitted a bill to Congress in 2001 and again in 2011 to authorize letters of marque and reprisal. Each failed to pass committee. So if one wishes to be a private navy he or she must as if that hard-earned capital should be put there. It is a perhaps romantic bet which would make good movies but it is not a sure bet — and one should never believe everything in a press release. ☆

© 2013 John A C Cartner, all rights reserved. John A C Cartner is an unrestricted master mariner (US) and maritime lawyer practicing in Washington, D.C. and practising in London and is the principal author of *The International Law of the Shipmaster (2009): Informa Lloyds and works on piracy*. He can be reached at jacc@cflaw.net.



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NOAA's Navigation Response to Sandy Speeds Resumption of Port Operations



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

In October 2012, the hybrid cyclone-nor'easter known as Hurricane Sandy roared onto the mid-Atlantic Coast.

The reach of the storm was astonishing, with rain and high winds from the East Coast to the Great Lakes and snow across the Appalachia. Wind, waves, and storm surge from Hurricane Sandy wreaked havoc especially along the coasts of New York, New Jersey and Connecticut.

The men and women in NOAA's National Ocean Service helped ports and coastal communities prepare for, and recover from, Sandy's devastation.

Preparing for the Historic Storm

As Sandy approached, the entire East Coast needed to know, with as much precision as possible, what to expect from storm surge. Observations of water levels, currents, and real-time weather information are always essential to preparations for response to storm tides and coastal flooding. But Sandy was different. Forecasters use models to analyze a storm's impact, but limitations in existing storm surge systems challenged the forecasters. Sandy exceeded the size of operational hurricane surge models and its large, complex wind field was hard to reproduce. In addition, tides contribute to flooding but they were not explicitly included in many surge predictions.

To address Sandy's unprecedented challenges, scientists with the Coast Survey Development Laboratory quickly

developed physically realistic models that captured the large scale of the system, giving forecasters more realistic scenarios of the storm's devastation. As a result, forecasters could better assess how tides and Sandy's complex winds would affect flooding.

To provide situational awareness on water, the Center for Operational Oceanographic Products and Services (CO-OPS) maintains a network of oceanographic and meteorological stations along the U.S. coastlines and Great Lakes to monitor water levels, winds, barometric pressure and air/water temperature. As Sandy approached, CO-OPS regularly updated a "Storm QuickLook" so the public and emergency responders had web access to observations and tidal predications.

The National Ocean Service also coordinates the U.S. Integrated Ocean Observing System (IOOS), which provided hourly updates from wind, wave, visibility, and air and water temperature sensors. IOOS partners along the East Coast also supplied high-frequency radar ocean current data and coastal wave forecasts.

Deploying for Rapid Maritime Response

The Office of Coast Survey used this information, and more from NOAA's National Hurricane Center and the National Weather Service, to pre-position navigation assets so they could move quickly into port areas that would need surveys in order to resume operations. Coast Survey regularly responds to requests for quick navigation surveys

after storms and other damaging events, pulling high-tech survey vessels from their normal schedules and deploying them to ports that need help. In addition to four survey ships and additional research vessels, NOAA has six three-man navigation response teams, strategically positioned along America's coasts, which use 28' Sea Arks equipped with multibeam and side scan sonar systems.

When it looked like Hurricane Sandy was going to threaten America's ships, ports, and mariners, Coast Survey launched into rapid maritime response, working in close coordination with the U.S. Coast Guard. Two objectives stood out: move navigation response personnel and assets into position to move quickly once Sandy moved out; and batten down survey vessels, to protect them from storm damage.

On October 26, when Sandy struck Cuba, Coast Survey assessed the readiness of its navigation response teams, survey vessels, and equipment available to search for underwater dangers to navigation and to detect shifting sea-floor bottoms. As Sandy turned to the northeast off the coast of Florida, and conditions went downhill, Coast Survey deployed personnel and hydrographic survey assets. In the early days of the approaching event, a Coast Survey navigation manager embedded with the Incident Command Center in northern Florida. When the storms' trajectory started indicating a more northerly route, Coast Survey quickly pivoted and embedded navigation managers at U.S. Coast Guard Incident Command

Continued on page 20 >>>

NOAA >>>Continued from page 19

Centers for New York – New Jersey and for Delaware Bay. They also worked with Coast Guard Captains of the Port for Virginia, Baltimore, and New England.

Reopening Ports—the Lifeline of Recovery Chesapeake Bay

On October 29, while the storm was battering New York and New Jersey, Coast Survey focused on navigation surveys to restore maritime commerce in the Chesapeake Bay. The need for hydrographic surveying was critical, as there were 78 large vessels, including portions of the U.S. Navy’s Atlantic Fleet, waiting to transit through the Bay’s entrance. Ships carrying coal exports were waiting

maintenance, and the crew worked feverishly to complete the work and test systems: they were able to get underway once the storm passed. *BAY HYDRO II* surveyed in the Hampton Roads area, checking channels needed by coal shipments and aircraft carriers at Norfolk, while *HASSLER* surveyed the deeper channels.

The timely resumption of port operations proved vital for East Coast shipping, as the port began receiving cargo diverted from the Port of New York and New Jersey, with more than a thousand containers offloaded on the first day of full operations.

Delaware Bay and Delaware River

The Coast Guard Sector Delaware Bay asked for a survey of Marcus Hook anchorage on the Delaware River, and one of NOAA’s six navigation response teams was able to conduct after completing their surveys in the Port of New York and New Jersey. The Research Vessel *POTAWAUGH* surveyed for shoaling that could pose a risk to safe navigation for the Cape May – Lewes ferries and other vessels. By comparing new depths with previous depths, NOAA discovered some

extensive shoaling, which was promptly reported to the Coast Guard for their decision process.

Port of New York and New Jersey

After Sandy cleared out, restoring fuel flow into the New York area was a top priority, as people were waiting for hours to buy a small ration of gasoline. Tank barges and ships carry tens of millions of tons of petroleum products through the Port of New York and New Jersey, but barge deliveries were hampered by

water borne obstructions that forced a partial closure of the port. Working with the U.S. Coast Guard Maritime Transportation System Recovery Unit, NOAA navigation managers and surveyors needed to provide near-real time updates on underwater object detection.

NOAA Ship *THOMAS JEFFERSON* broke away from their regularly scheduled survey in Long Island Sound and started out for New York Harbor. *THOMAS JEFFERSON* transited through the night to New York Harbor, where they began surveying at 3:12 in the morning of November 1, looking for the sunken containers, debris, and shoaling. In the darkness, using high tech side scan sonar, *THOMAS JEFFERSON* conducted the hydrographic survey of the designated areas on the Hudson River.

Earlier, one of NOAA’s navigation response teams mobilized from Connecticut and got underway in New York at first light on October 31, surveying Anchorage Channel. With the information provided by the *THOMAS JEFFERSON*’s survey, combined with earlier work conducted by the navigation response team, the U.S. Coast Guard Captain of the Port opened the port to fuel barge traffic early on the morning of November 1.

THOMAS JEFFERSON then moved to the Anchorage Channel, and two of her smaller vessels – also equipped with high-tech survey equipment – started surveying at daybreak; one conducting a reconnaissance survey in the Buttermilk Channel, to locate sunken containers; and the other checking for shoaling in Sandy Hook Channel. The navigation team turned their attention to the next priority: the route up to the Manhattan cruise ship terminal, where two cruise ships needed to depart.

Meanwhile, another navigation response team broke off their regularly scheduled surveying off Florida’s coast, and headed north to help in NY/NJ. The team arrived late at night on October 31, and started their first surveying at daybreak on November 1. They searched for dangers to navigation between Global

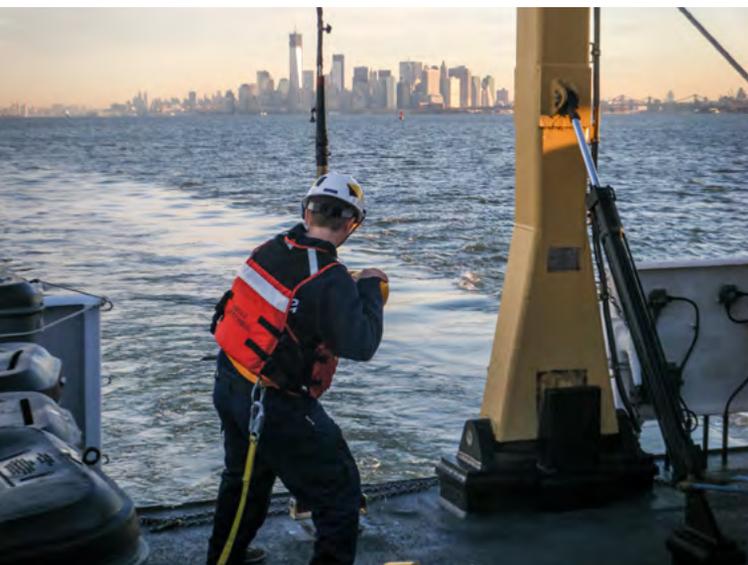


PHOTO: COURTESY NOAA

THOMAS JEFFERSON retrieves SSS after surveying Hudson River for resumption of fuel barge traffic.

for clearance. The Coast Guard Captain of the Port for Hampton Roads asked NOAA to survey critical portions of Thimble Shoal Channel and Chesapeake Channel, the deep draft routes to the ports of Hampton Roads and Baltimore.

Coast Survey had deployed *R/V BAY HYDRO II* to Norfolk in preparation for response, and the vessel was ready to begin surveys as soon as the storm passed and water conditions were appropriate. NOAA’s newest survey ship, the *FERDINAND R. HASSLER*, was in port for



Marine Terminal and Port Newark.

In the following days, NOAA surveyed the East River, Church Hill Channel, Gravesend Bay, Kill Van Kull, Author Kill, and Port Elizabeth and Port Newark in Newark Bay.

NOAA's surveys comprised 82% of the total survey requests for the port. They searched approximately 20 square nautical miles – representing about 70 miles of shipping lanes, channels, and terminals – to find hazards to navigation. The surveys detected numerous hazards to navigation and located lost containers throughout New York Harbor and her approaches, on which the Coast Guard was able to act.

Capturing Devastation Imagery to Help Recovery and Rebuilding

As soon as they could fly, the National Geodetic Survey conducted aerial photographic surveys of the battered coast. Crews flying in NOAA's King Air and Twin Otter turboprop aircraft surveyed over 3,000 miles of coastline, and collected and processed over 10,000 images to document coastal damage and impacts to navigation. (See images at <http://storms.ngs.noaa.gov/storms/sandy/>).

FEMA uses NOAA's imagery to assess damages, expedite claims from the public, and project temporary housing needs. The imagery also helps emergency and coastal managers develop recovery strategies, facilitate search-and-rescue efforts, identify hazards to navigation and HAZMAT spills, and locate errant vessels. By comparing before-and-after imagery, the public can assess damage to properties in their community.

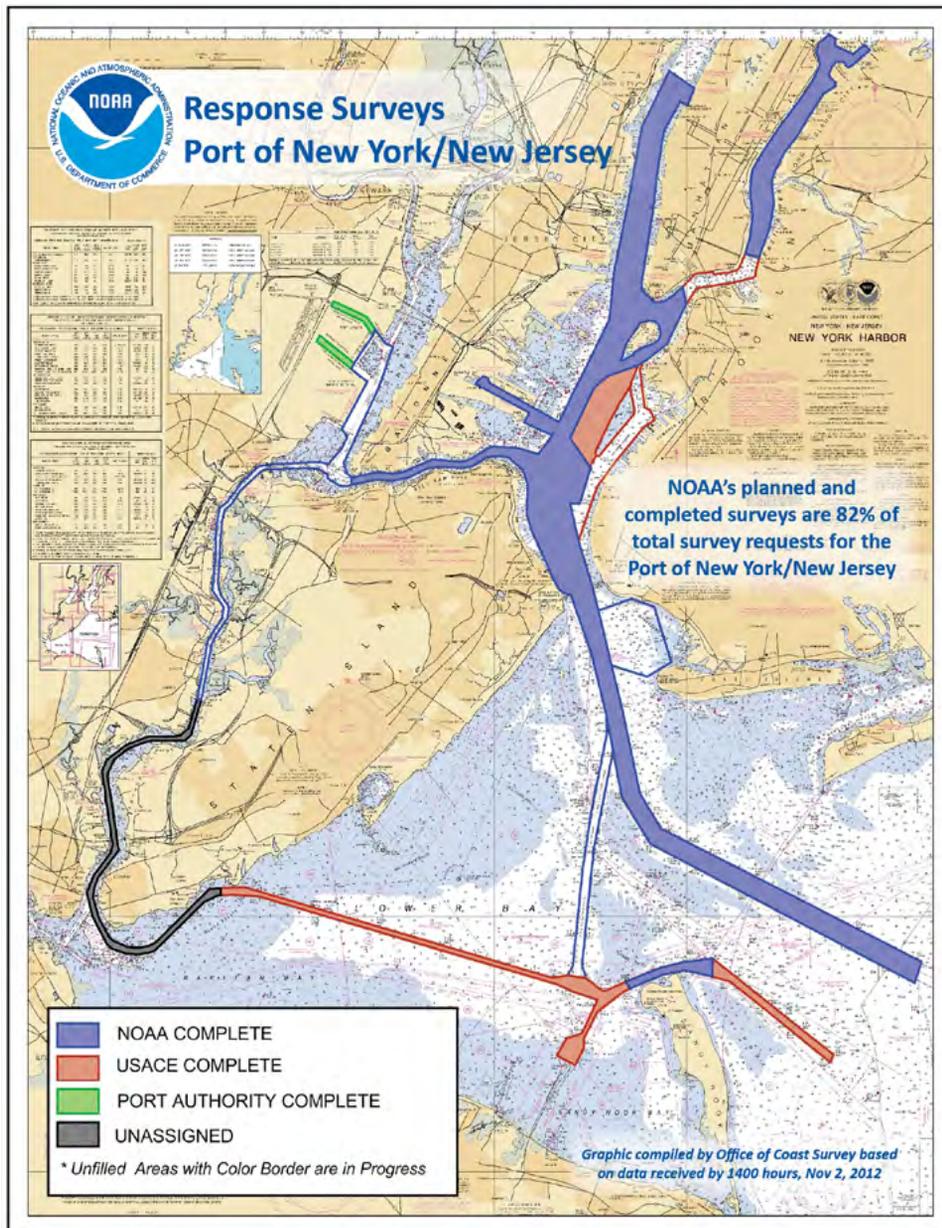
The imagery, combined with Coast Survey's hydrographic survey information, will help NOAA prioritize future nautical chart

updates. Surveying after hurricanes is largely a search for dangers to navigation — wrecks, debris, shoaling — in high commercial transit areas. The surveys are done quickly, often under less-than-perfect ocean conditions. The surveyors look for changes that would affect maritime traffic. If one of the survey teams detects changes that may necessitate a chart change, they inform the Coast Guard through a notice to mariners. They will also provide high-quality document documentation to Coast Survey cartographers or, if neces-

sary, Coast Survey will follow up with further surveying. Remote photographic assessments taken after the hurricane are factors, along with local requests, in prioritizing surveys for chart updates. ☆

For more on NOAA National Ocean Survey response to Hurricane Sandy, go to <http://oceanservice.noaa.gov/news/weeklynews/oct12/nos-response-sandy.html>

Check out the NOAA Coast Survey blog for continuing updates on surveys and charting. <http://noaacoastsurvey.wordpress.com>.



How Integrated Ocean Observations Matter for Mariners



submitted by
Jennie Lyons
U.S. IOOS Program
Communications
Specialist

You use charts to navigate. You check the weather forecast to know when conditions are safe.

about the stage of the tide, or obtain sea surface temperature before heading out on the water or into port. No matter what sector of the maritime industry you are in, you rely on ocean and coastal data and information.

The U.S. Integrated Ocean Observing System (IOOS®) is expanding the amount of ocean observing data available in our nation's waters, testing and making new technologies operational, creating standards and protocols so different types of data are compatible, and then turning all that data into useful tools and products that we as a maritime community need every day.

For starters, ocean and coastal data are turned into the tools and products that are critical for the safe passage of vessels and efficient harbor navigation for port managers and the maritime community. For example, IOOS paired currents data collected by radar systems with existing wave data to create a user-friendly website providing vessels with up-to-date sea conditions as they approach the Port of Long Beach, California. This information can reduce the risk of accidents in high-traffic areas. Knowing the latest sea conditions will become more important as climate change increases the number and severity of coastal storms and as

You may visit a website to find out what ocean currents are doing, learn

larger ships with deeper drafts approach ports.

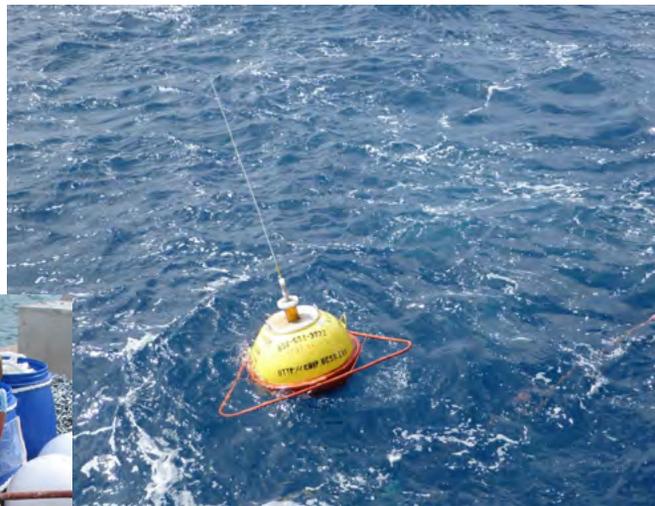
Another example comes out of Hawai'i, where IOOS data delivered from a buoy located outside Kaunalapau Harbor, the main harbor of Lāna'i, is saving mariners time and money. The Kaunalapau Harbor is the most exposed harbor in the State of Hawai'i. The Lanai Oil Company authorized fuel barges to enter the harbor to discharge 24 hours prior to arrival (Young Brothers, Limited now owns the delivery portion of the company). Knowing expected surge con-



ditions in the harbor for the barge's arrival is critical. In years past, 2–3 fully-laden barges per year returned to Honolulu because ocean conditions were too rough for the barge to safely enter the Harbor to discharge. Each time a full barge returned to Honolulu, it cost about \$22,000, a large expense to the small fuel

operator and the people of Lāna'i.

In response, the Pacific Islands Ocean Observing System (PacIOOS, an IOOS region) and the University of Hawai'i deployed a wave buoy just outside the harbor in 2007. Since the deployment, barge operators know ahead of time



PHOTOS: COURTESY THE PACIFIC ISLANDS OCEAN OBSERVING SYSTEM

PacIOOS wave buoy pre and post deployment off Lāna'i Island in Hawai'i.

when they can safely make the trip and no barges have returned without making the drop-off. In addition to saving the barge companies money and time, there is the benefit of increased safety and efficiency and reduced threats of damage to the barge and risk of oil spill.

IOOS data is also serving mariners in the Arctic. One good example is a new weather sensor on Portland Island. The Marine Exchange of Alaska recently installed the sensor in support of an

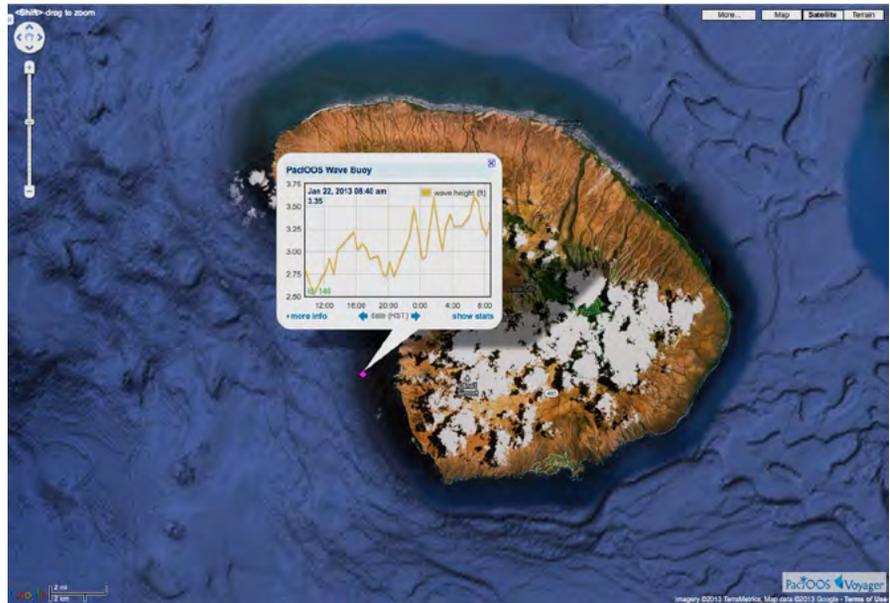


Alaska Ocean Observing System (an IOOS region) initiative to expand weather sensors and enhance the dissemination of weather data to mariners using the Alaska Automatic Identification System. The new weather station, located in the vicinity of Juneau, is the fourth such weather station installed in support of the initiative. The others are located at Homer, Mary Island, and Marmion Island. The weather data feeds to the National Weather Service network. Mariners can access the data to decide when conditions are safe to head out on the water.

The U.S. IOOS is a coordinated national, international, regional and local network of observations, modeling, data management and communications. IOOS may not be a word in your everyday vocabulary. But we are providing the knowledge society needs to protect life and property, sustain a growing economy, safeguard ecosystems, and advance quality of life for all people.

The range of ocean data products has dramatically increased and they are available through informative portals customized to meet user needs, such as those from the IOOS Regions. These portals provide access to thousands of coastal and ocean data sources and regularly experience up to tenfold increases in site visits during extreme events, such as Hurricane Sandy, demonstrating they are now trusted sources of ocean, coastal, and Great Lakes information.

The Gulf of Mexico Coastal Ocean Observing System (an IOOS region), for example, recently repackaged real-time data into a website that includes seven-day oceanographic and meteorological conditions and forecasts. The product concept emerged during stakeholder workshops targeting boating and fishing communities. Incorporating information from GCOOS data providers and several NOAA offices, the suite of information offered includes near real-time weather radar, satellite cloud coverage, sea surface and air temperature, wind speed and direction, surface current speed and direction, and water depth.



PACIOOS wave buoy data.

Users can select map layers to show nautical charts, marine hazard warnings, and habitat maps such as Essential Fish Habitat and Marine Protected Areas. The site addresses a request from the community to provide this information in one place, helping users plan safe, productive, and efficient voyages.

Another example comes from the Central and Northern California Ocean Observing System (an IOOS region), where scientists added more than a dozen upgrades to a mobile data portal last year. Changes include locations and links to real-time data for 32 high-frequency radar stations that measure ocean surface currents from the shoreline, four new National Weather Service wind stations, and a link to the data portal's mobile iPhone and Android apps. Visitors can obtain regularly updating views of the coast from six mapped webcams, utilize a new graphing system with quicker data plots and depth measurements, and differentiate among real-time (within 24 hours), inactive, and non-real-time data. Users can also apply two new map filter drop-down menus or a new option to display the name, measurements, and organization responsible for an asset. The portal provides easy access to information data users need to

make decisions to improve safety, economic performance, and environmental protections.

Before, during, and after Hurricane Sandy, U.S. IOOS partners — including NOAA's National Data Buoy Center, U.S. Army Corps of Engineers, NASA, and the IOOS Regional Associations — provided vital information to help coastal authorities prepare for, mitigate, and respond to storm tides and coastal flooding. During the storm, IOOS sensors recorded near real-time information by both land and sea, monitoring the Hurricane to deliver the latest information on surface conditions via a new website.

No matter what part of the maritime industry you are in, you rely on the ocean and coastal data collected from our nation's waters for safe navigation and to inform your business operations. IOOS is working to collect more information to develop additional tools and products specifically geared towards your needs. Help us make IOOS work for you by getting in touch with your local IOOS region and getting involved. Find out more on our website at www.ioos.gov. ☆

The Articulated Tug Barge (ATB) Quandary



by Captain Jeff Cowan
#3070-R

Oil tankers and cargo vessels face a number of oil spill prevention regulations, especially along the U.S. coast.

Surprisingly, many of the regulations governing T-2 and T-3 sized tankers which carry between 120,000 and 146,000 bbls of oil do not apply to the new Articulated Tug Barges (ATBs) that may carry as much if not more (400,000 bbls). The ATB tug has a “hinged” connection system which allows movement in the fore and aft (pitch) as compared to an Integrated Tug Barge (ITB) that locks together in formation, essentially making one unit.

The most popular ATB system is the Intercon system that uses large rams (pins) embedded into the hull of the tug that come out to engage the sides of the barge notch, allowing the tug to pitch at a different rate than the fully laden barge.

In the not too distant past, the U.S. coastwise trade was handled by tugs with barges towed on a long tow line. The quarters were cramped and the motion very uncomfortable. Not to mention, they were slow and subject to weather delays. One advantage these traditional tugs had over ships involved within the U.S. coastwise trade was lower operation costs, mostly due to fuel consumption and manning, but they had the disadvantage of the inability to maintain schedule due to weather. As an example, imagine shortening a tow to make the barge more manageable for going into

port with the wind blowing 25+ knots accompanied with 10+ foot seas. These are not the safest conditions for crew or the environment if the barge grounded.

An advantage an ATB has over a regular tug and tow barge is that it can take weather better allowing for a tighter schedule (though weather is still a great concern). Since the tug for an ATB is notched (secured) to the barge while pushing and the tug is lighter than the barge, the motion of the tug and barge is much different. The barge could be going up a swell or sea while the tug is going down.

But the cost advantage is mitigated because as one industry insider said, they add an additional one to two days into the schedule when chartering an ATB. If the ATB exceeds the physical limits of the pins, and it comes out of the notch due to breakage, etc., it creates a rolling motion or pendulum effect in quartering and beam seas. Some ATBs do not have a lower wheelhouse but do have an emergency steering station to keep the poor souls out of the higher wheelhouse pendulum. If out of the notch, an ATB must then try to control the barge via the traditional towing arrangement or tow wire, except the newer ATB tugs do not have the towline reels.

On some tugs, the insurance wire would already be attached if they became unnotched. Except for the lack of a tow reel with wire, there would be no category to absorb the shock of barge move-

ment and inclement weather, so it would most likely break the tow couplings. If another sizable tow boat were not enroute, the U.S. could have a replay of the 1996 *NORTH CAPE* barge incident that resulted in the release of 828,000 gallons of home heating oil.

Another advantage to ITB/ATBs is cost savings from a reduced crew complement. Crewing aboard an ITB/ATB ranges from eight to twelve depending upon routing compared to the 25 to 30 for a typical coastal tanker. Most of the ATB tugs are less than 500 gross registered tons so when compared to ships, they allegedly do not need to carry the same number of crew and in some instances do not have space for additional crew. Interestingly, ATBs claim to be able to do all the things a coastwise tank ship can but with fewer people, and usually only one engineer.

The lack of crew aboard an ATB compared to a tanker raises the question: If an ATB can do all a tanker can, what tasks are not done that allow for fewer crew? Industry consensus says these “ships” (when connected) are constructed to take advantage of a loophole in the law.

Since these boats do not travel more than 200 miles from the U.S. coast and not engaged in international voyages, they are not subject to the International Standards of Training, Certification and Watchkeeping (STCW) nor will they be subject to the upcoming Maritime Labor

Convention 2006 (MLC 2006) guidelines coming into effect 20 August 2013. But, since most of these ATBs transport oil, they fall under the auspices of the Oil Pollution Act of 1990 (OPA 90). OPA 90 requires the crew have 36 hours rest in any 72-hour period but may work longer. Crew may work up to 15 hours in one day but must have compensatory rest within the remaining two days (i.e., Day one, work 15 hours rest 9 hours; day two, work 9 hours, rest 15; day three, work 12 hours rest 12 hours, etc.). This raises the question: Who works in place of the hypothetical crewman on Day two? Remember, this all transpires aboard a vessel carrying a limited crew size and transporting between 120,000 barrels to 400,000 barrels of oil. Do these vessels sit idly alongside the dock or at anchor to allow the crew rest? What work is not being done if no one is assigned to cover during rest hours?

In California, there are berths that require some ATBs to tie-up with 16 mooring lines. Luckily, most of these lines are stored on reels but it takes people to lead out these lines, throw the heaving line, bend the heaving line onto the mooring line, slacken the line reel and finally tighten that line on the reel. Depending upon personnel available, the process could take hours depending upon type of line (Spectra type, regular synthetic, wire) which would impact the rest period for some crew.

Onboard, ships engaging international routes must use the International Safety Management System (SMS). Procedures must be documented; records maintained for inspections; maintenance kept and used in the spirit of safety. The SMS works if used as set down in the International Safety Management Code. Besides performing required inspections and maintenance, these iterations must be documented by someone. On a ship with 23 crew it can be done effectively. Given the perceived need to administer SMS in the as yet unreleased 46 Code of Federal Regulations (CFR) Subchapter M, how does a tug with a crew of eight accomplish the same documentation

level when involved in coastwise trade with numerous port calls/evolutions?

In addition, due the limited size of these boats, they do not have the capacity to carry enough spare parts or sustain an effective machine shop, so shore crews perform most of the maintenance and repairs. What happens at sea when one of the generators is lost and a cargo/ballast pump ceases function simultaneously? Keep in mind that an ATB usually only carries one engineer among the crew. A ship carrying the same amount of cargo as the tug/barge will typically have seven: one Chief Engineer, a minimum of three licensed engineers, at least three unlicensed crew in the engine department, a sizable machine shop and spare parts inventory.

Since 2001, ships engaged in international voyages follow the International Ship and Port Facility Security Code (ISPS) and every ship must have security measures in place or risk losing trading privileges if their International Ship Security Certification (ISSC) is pulled. Domestic vessels must adhere to U.S. 33 CFR 104 which mimics the ISPS and states among other requirements *“that vessel access, including the embarkation of persons and their effects, is controlled.”* With a limited crew, pumping cargo, tying up/letting go, performing sea watches, routine maintenance and inspections, ATB crews have a lot on their plates.

The U.K. and Maritime and Coastguard Agency (MCA) recently published a study on fatigue and stated that *“if the numbers of people fall short of what is required to carry out a task, then workload, fatigue, stress levels and sickness are increased; short-cuts are taken, and the safety culture is compromised by demotivation, low morale and absenteeism. Management efficiencies (in the form of staff cuts) often result in unsafe working efficiencies (in the form of short-cuts), a decrease in thoroughness and an increase in the number of mistakes – all made worse due to fewer people having less time to prevent those mistakes developing into something worse.”* To maintain

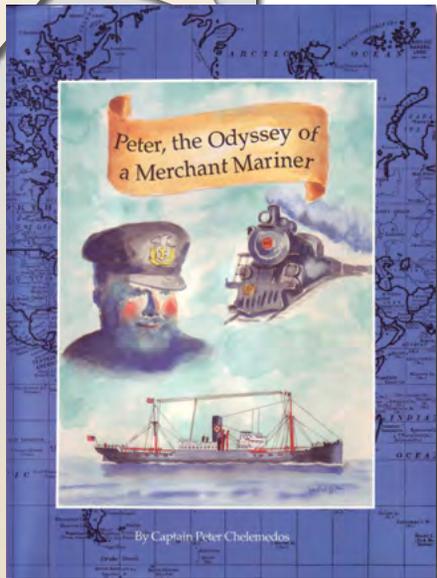
operations with a small crew (8), what shortcuts must ITB/ATB operators take?

In the 1990s, the State of Washington tried to mandate as part of their Best Achievable Protection Regulations that two licensed deck officers be on duty with a helmsmen and lookout while navigating or at anchor in state waters (among other practices). The Independent Tanker Owners (Intertanko) brought suit citing conflicts with the Commerce Clause among other facets of law. Under *United States vs. Locke*, the Supreme Court struck down the Washington mandate for watchkeeping since Federal law supersedes State law when the vessel is involved in interstate commerce.

While attending several different meetings with individuals from the U.S. Federal government, conversations drifted toward the operation of ATBs, and they often expressed reservations regarding the crewing aboard these boats and the amount of oil they transport. These individuals separately, at different times stated, *“Something will have to happen for the regulations to change for ITB/ATBs.”* Taken in perspective, the tankship *EXXON VALDEZ* spilled 11 million gallons of oil in Prince William Sound; the container ship *COSCO BUSAN* spilled 53,000 gallons of oil in San Francisco Bay; and one of these ATBs has the potential to spill 12 million gallons (400,000 bbls) and with only eight crew. With that risk, why will it take an oil spill of a magnitude in the millions of gallons to change regulation?

One colleague with ATB experience and presently sailing as a ship Master expressed his dismay and frustration regarding the ATB quandary. *“Yeah, Port State Control comes aboard my ship then proceeds to give me grief over a piece of paper when they allow these ATBs to operate with impunity.”* ☆

Captain Jeff Cowan sailed aboard various containerhips as Master, capping a 35-year sea-going career.



by Captain
Peter Chelemedos
#1671-R

Peter, the Odyssey of a Merchant Mariner

**Chapter 14: JOHN ERICSSON
November 1941 – April 1942**

After leaving the *WEST JAFFREY* at Baltimore in early November, I made a trip out to San Francisco to visit my parents for Thanksgiving, hoping things would have changed at home.

As my bus traveled toward Denver, two girls, one with pepper-colored hair and the other with red, got on at Fort Collins, Colorado, to ride into Denver. I was seated with a young fellow in Marine Corps uniform, but we split up and joined these newcomers in the large rear seat and made efforts to become acquainted. The girls were on a weekend pass from their National Youth Administration program at Fort Collins.

Since the Marine was under travel orders, he had to proceed west. But I was in no hurry, so I changed my ticket and laid over to enjoy dinner with Fern Canham and Esther Palmer at Denver. I enrolled them in my growing list of pen pals before they saw me off on my bus to San Francisco.

After spending Thanksgiving at my parents' home, I felt our relationship hadn't improved. I painted the outside of their house, but even that didn't ease the tension.

On my way back to New York, I stopped at Davenport, Iowa, and was having lunch with my pen pal, Beverly,

when we heard the radio report of the bombing of Pearl Harbor.

I returned to New York and sat for my Able Seaman's and Lifeboat certificates. I visited the British Apprentices Club and got to thinking about Kay, the girl I had met the previous year. On a hunch, I called Preston House, the residence hall where she had been staying. Mrs. Garrison, the house supervisor, gave me Kay's forwarding address at Fall River, Massachusetts. I sent Kay a Christmas card and was overjoyed to receive one in return.

On January 2, I met Al Rosse again, and together we threw in our cards for jobs as able seamen on the Swedish ship *KUNGS HOLM*, which had been taken over by the War Shipping Administration and renamed the *JOHN ERICSSON*. She was being converted to carry troops; as part of our duties, we stood on a staging in a snowstorm, wiping snow off with one hand and painting her once-white hull gray with a brush in the other.

The Swedes, before they left, had locked all the doors to the passenger quarters and thrown the keys into a barrel. The key tags and door identifications were marked in Swedish. We spent a couple of days wheeling the barrel down the passageways trying keys one by one

to unlock all the doors.

The weekend of January 17, I took a Friday night train up to Fall River and spent Saturday and Sunday morning with Kay at her home, I met her family and some of her friends up there. It was a pleasant weekend, brightened by the likely promise of adding Kay's name to my list of pen pals. I returned to the ship Monday morning and was logged for missing work Saturday morning.

We sailed from the Brooklyn Army Base with troops of the 132nd Infantry and the Illinois National Guard. They had been on maneuvers in Louisiana when Pearl Harbor was bombed. They were brought from the warmth of the South to the snows of New York by troop train, and now were heading for another part of the world. At least our small convoy was headed South.

At the Panama Canal, we were again over the side touching up the hull where the gray paint had washed off, so didn't get to look around the area.

On the trip toward Melbourne, Australia, the troops lined up in the passageways outside our crew rooms for their own chow line. I made friends with several of the MPs and, on the long night watches, shared sandwiches with some of them.



We arrived at Melbourne on March 7, 1942. We lay at a dock there for a few days, during which time I did more painting on the hull. My watch partner, Al Rosse, and I would draw our paint from the storekeeper and head for the area under the pier to paint the lower part of the sides. When our paint was gone, we would head up the beach under the pier for a couple of hours. Return for lunch. Draw another pot of paint for the afternoon and repeat the process.

I met a young lady at Melbourne whose father was a member of Parliament. He gave me a copy of the minutes of the Australian Parliament from December 8, 1941, to January 1942. It contained copies of the speeches in Parliament summarizing the events leading up to the Japanese expansion in the Southwest Pacific and copies of the telegrams sent to and from the various governments announcing the declaration of hostilities between the various countries on the

Allied side and the German-Japan-Italy Axis powers.

In Melbourne one day, Al and I sat on the verandah of a hotel cafe and watched the American troops march by. The band as it passed was playing "Elmer's Tune" and the GIs were whistling it as they marched. It was quite impressive. Following them was a troop of Aussies; their band was playing "Waltzing Matilda" and their cadence was in stride with the music.

When we sailed from Melbourne, it was for "somewhere in the South Pacific."

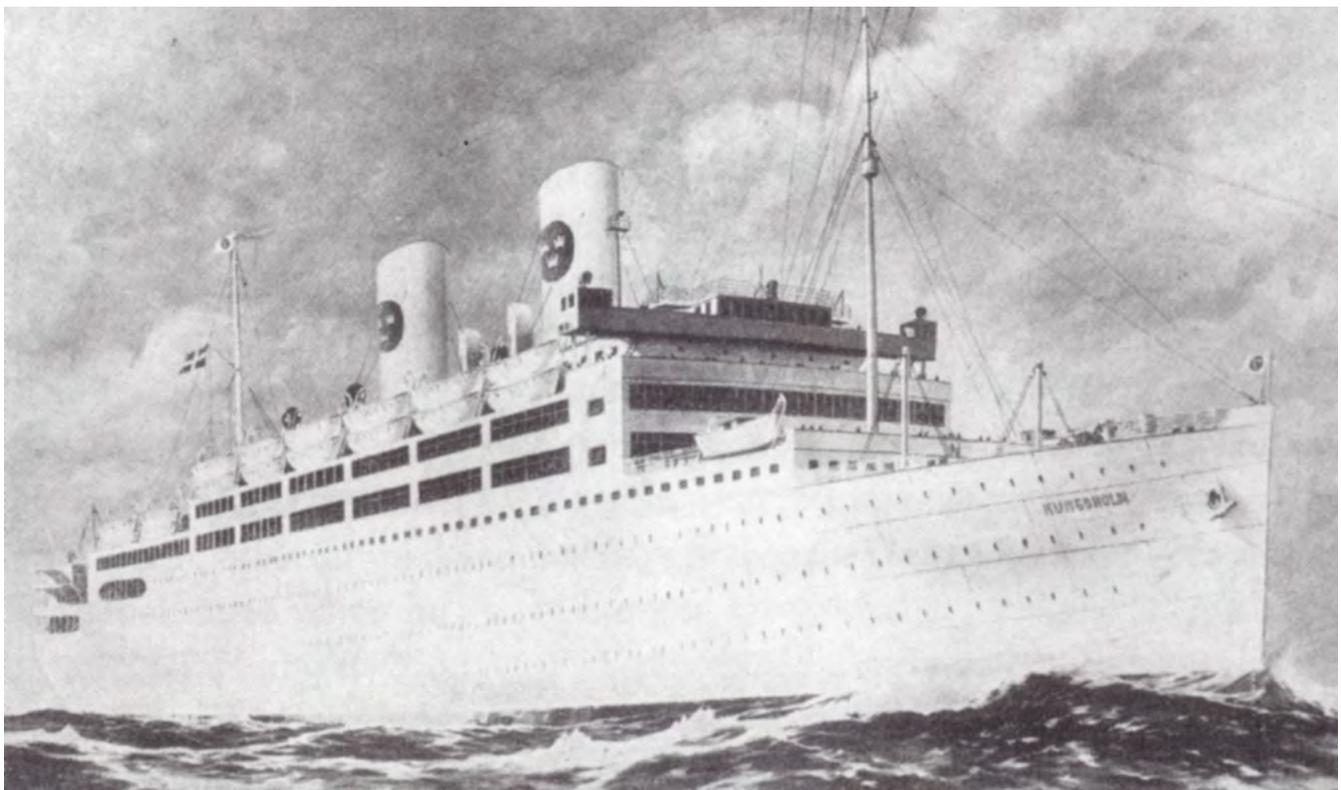
We arrived at Noumea, New Caledonia, on March 17. As an able seaman, I was put in charge of a lifeboat used to ferry the first American troops ashore. When I got to the dock, I went up to a drugstore and bought some picture postcards, then to the post office to buy stamps and have the cards postmarked before the Army shut the civilian post office down.

Since I had to wait for another boat

back to the ship's anchorage, I walked around the town to look it over. I heard singing coming from one of the houses, and the words were in English, not French, so I knocked on the door. An Australian schoolteacher was living there with a French family. I was invited in and was introduced to the family of Lucien Baumier. After a bowl of potato soup and some conversation, I headed back to the ship.

After disembarking the troops and discharging the small cargo of guns and ammunition from the baggage holds into lifeboats to ferry ashore, the *ERICSSON* sailed from Noumea direct to San Francisco.

By April 1942, the *ERICSSON* was in need of some voyage repairs and would be in 'Frisco for a while, so I paid off with the rest of the crew. ☆



MS JOHN ERICSSON

Bravery: Turning Towards The Dangerous and Unexpected



by Captain
John Adam Konrad
#3205-S

Southern California brings images of convertibles twisting along coastal highways, miles of superb beaches and near perfect weather.

two of my favorite places, the serene and enchanting fishing town of Morro Bay, California, a place I call home, and the city of Santa Barbara's Mediterranean-like climate has provided the nickname "The American Riviera."

The Pacific Coast Highway, arguably America's most scenic road, attracts visitors from around the world. The route runs right along the coastline, for most of the distance, giving visitors majestic views of the Pacific Ocean. But in the area between Morro Bay and Santa Barbara the road turns several miles inland, avoiding the coast entirely. The official reason for the detour is to avoid Vandenberg Air Force Base, a missile testing facility, but locals know that the road turns inland to avoid the desolate and wind swept coast at Point Conception.

If Santa Barbara is the *American Riviera*, then Point Conception is *California's Cape Horn*. Alternately lashed with ferocious wind and short periods of pea-soup fog, exposed to large ocean waves and encrusted with jagged rocks, this small stretch of coast has been the setting of countless shipwrecks. This section of coastline is so dangerous in fact that its most infamous story is not that an entire squadron of navy

ships wrecked here, but that the wrecks were abandoned; any salvage attempt was considered too dangerous and futile.

I mention this because last year I joined the crew of a 43' sailboat on a voyage south, past Point Conception, to Santa Barbara. Departure was scenic and ideal with whale spouts dotting the horizon. Then Point Conception hit like sledgehammer. During that short 24-hr trip, I went from the pinnacle of joy to the desperate misery only a sailor on a small boat in bad weather can relate to. Twenty foot seas came seemingly out of nowhere and winds stood steady at 45 knots, peaking much higher, for hours. Then, once we had rounded the point, calm and serenity returned.

With the sun still low on the horizon we entered Santa Barbara limping, the boom lashed to the deck after having been ripped from the mast. We checked in with Harbor Patrol and were soon greeted by a few members of the U.S. Coast Guard. I don't remember his name but one shook my hand, asking "Looks like you've been around the point?"

"Yes and she almost got the better of me. I'm not sure what happened, I wasn't expecting such high winds. The weather report showed clear sailing yesterday," I replied.

"Point Conception happened," he said with a knowing smile.

We were then introduced to the crew of the *USCGC HALIBUT* and my questions were met with smiles and adept answers. Then we were warned not to

head back north for a few days, that the weather was getting much worse. Four hours later the cutter set sail in that very direction and my heart was reminded, for the hundredth time in my career, of the reasons I am thankful for each Coast Guardsman... when someone is, or even might be in danger, they willingly ignore their own advice.

Last week the *USCGC HALIBUT* lost a crew member. Terrell Horne III, a 14-year career Senior Chief, was killed in the line of duty on Dec. 2, 2012, while carrying out law enforcement operations near Santa Cruz Island. During the remembrance ceremony, many talked of his distinguished career, the dangers of the job and his unquestionable bravery at sea. To this I want to add another point...

Bravery is not in the unexpected, it's in turning towards it.

And this is being a mariner, the profession we love every day, except during those rare, unexpected moments when our hearts fill with fear and hate. Like salt in the water, it's part of the job, but along with the joy of life at sea comes the responsibility to be prepared for the unexpected. We sailors face occasional hardships for the reward of a perfect day at sea. This is not brave because bravery is not facing remote dangers with honor when they arrive unexpectedly. No, bravery is seeking out unexpected danger with honor. As masters of large vessels, we look at the Coast Guard as saviors from an angry sea, but the dan-



PHOTO: COURTESY JOHN KONRAD / GCAPTAIN

gers they face are unexpected and wide in scope. Few in my local community expected drug smugglers to come so far north. What we did expect were lives to be lost to nature and the merciless coast near Point Conception. While I was working in the Gulf Of Mexico, few expected USCG rescue helicopters would be forced to land on rooftops among an apocalyptic urban setting, but we did expect that the hurricane named Katrina would wreak havoc at sea. Few among the *HALIBUT* crew expected Horne would be lost to a reckless smuggler, but each knew with full confidence that, in the course of his career, Horne would save many lives.

Senior Chief Horne did not sign up in peacetime and find himself, years later, in an unexpected war. He faced it everyday. Horne was not brave because he acted honorably when the smuggler turned toward his crew... he was Brave, a hero, because he was the one who turned first. He, like the Coast Guard itself, turned towards danger on a daily basis. He is brave because his crewmates expected him to be ready to willingly trade his life for theirs each time the *HALIBUT* cast off her lines.

Bravery is ignoring your own advice and turning towards danger. Bravery is Horne and his crew.

As 2012 comes to a close it's impossible to predict the most dangerous missions the Coast Guard will face next year, but it's easy to be thankful of their preparation and bravery. Easy only because of men like Horne. ☆



by Captain
Pat Moloney
#1829-R

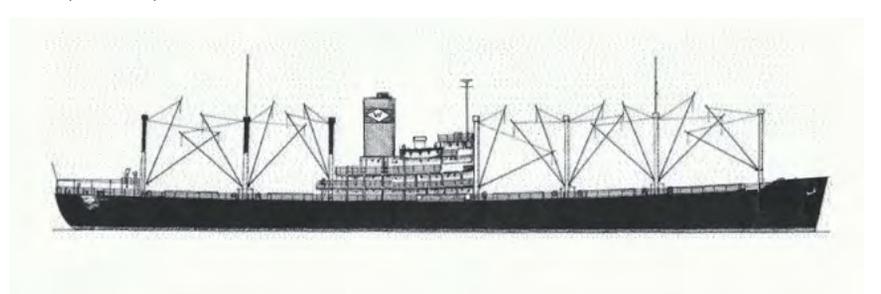
For all you old ship aficionados

Using drawings of a number of C-3 variations and some fill in of my own, I have brought one of my old sea-year ships back to life.

She is a non-standard C-3; one of the originals built by Federal Shipbuilding and Drydock, Kearny, NJ, in 1941 as the *HAWAIIAN SHIPPER* for Matson. She was flush deck and originally had her bridge on the boat deck (02 level); sidelights were still down there. She

was lend-leased to England in '42 (*EMPIRE FULMAR*), but they found her too complicated to run and gave her back. She was converted to a troopship as *HAWAIIAN SHIPPER* again and picked up the bridge deck (03 level).

After the war she was laid up, then bought by Pacific Transport Line and became the *AMERICA TRANSPORT* and got a series of passenger cabins installed on the boat deck and a "grand staircase" down to the dining facilities on the cabin deck (01 level).



PTL laid her up eventually and she was pulled back out mothballs, painted white and became the *MICHIGAN* for State's Line. After they laid her up, Waterman bought her for \$100K, patched her up, renamed her *MORNING LIGHT* and chartered her to MSC for \$10K/day to haul gov't goods (ammo) to Viet Nam and other Far East pleasure spots. I was on her then in early '72. She was scrapped in Japan in 73 or 74. My favorite ship as a cadet. She had character. ☆

BALLAST:

Heavy material carried in a ship's hold to increase stability in the absence of cargo. Ballast originates from the Old Danish word "baglast." "Last" meant burden, and "bag" referred to rear. Taken together, baglast meant "to stow in the rear of a ship to tilt up the bow."



GRAPHIC: COURTESY SEAFARERS LOG / 1965

A Warm Welcome to Everyone for 2013



by
Captain John Dickie
Secretary-General
IFSMA

There has been so much going on and there is even more to come this year.

IFSMA will not be sitting still but progressing its agenda and expanding globally to ensure that the message

is being broadcast loud and clear. The main concerns are in respect of unwarranted criminalization of the seafarer and piracy issues. There is a lot more than these two topics but they affect all seafarers, but in particular masters of ships trading to certain areas.

On 24 December 2012 the news that the crew of the *ICEBERG 1* had been released was warmly met, but there are still too many seafarers detained. The case of *ALBEDO* where 7 crewmembers were released because the ransom was paid from their home country by a business man is one to note. The other crewmembers were left hostage of the pirates but more importantly the media reported that there had been fighting between the pirates and their investors over the ransom paid and who would retain control of the remaining hostages. This negates the illusion that the piracy model in place is a simple one. Where there are large sums of money being exchanged various groups will be found behind the scenes pulling the strings.

On the back of this, as the Horn of Africa piracy is declining in the number of successful pirate attacks, there is a surge in the Gulf of Guinea which is a far more violent model with regrettably the state of Nigeria being at its center.

This Government is taking strong steps to tackle this but its resources are being stretched in trying to cope with this increasing threat.

The relevance of all of this is that on 30 and 31 January I will be chairing the 4th Maritime Security and Piracy Summit in London, representing IFSMA. The speakers represent all sectors of the industry.

Criminalization of the seafarer has seen an increase during 2012. I hold the belief that all seafarers are innocent until proven guilty and not the other way around. All too often, crew and in certain cases masters have been sacrificed to flag states to ensure the release of the ship. Cases can take years to come to court and crew are being held in terrible conditions with no salary, cast adrift to survive as best they can. In dealing with a number of cases it has become readily apparent that the costs spiral to astronomical amounts which cannot be met by masters and crew alike. What has become apparent is the perception by seafarers that the P&I Club lawyers have their interests to the forefront. This is often not the case. It must be stated that in many cases the P&I Club and ship-owners have gone beyond their responsibilities to assist masters and crews, but the first responsibility of the P&I is to protect the interests of their members, not the crews unless the interests coincide.

In times of austerity it is extremely difficult to raise funds for the defence costs of individuals. Everyone must be aware of their exposure and all that I would ask is that they look at taking

out professional indemnity insurance. MasterMarinerProtect can be used as a yardstick to measure others by. But take a good look around the market for what is available out there.

At the end of January IFSMA will host the first meeting of NGOs and other interested parties dealing with seafarers and other personnel employed in the maritime industry. This has taken a lot of time and effort to bring together the right people and a report will be made on how this meeting went and its potential development for the future. Credit must go to Captain Hans Sande, Vice President IFSMA from Norway who voiced the initial concept and his support throughout the process.

The IMO have front loaded this year with the majority of the committees and sub-committees having their meeting in the first half of this year. January has Fire Protection and COMSAR. Reports can be found at the end of the month on the IFSMA website.

It is with regret that I could not accept the invitation to attend a meeting in the USA. It is in conflict with the AGA and planned visits to other Member Associations. But I will make sure that I do attend in the future.

Here is to a successful forthcoming year and hopefully we will see a reduction in criminality, piracy and all forms of maritime accidents. 🌐

Lives lost at sea halved and piracy eradicated should be targets



IMO Press Briefing 03
January 8, 2013

Speaking at the opening of the IMO's first meeting of the year, the Subcommittee on Fire Protection, IMO Secretary-General Koji Sekimizu told

sel safety.

- IMO's Technical Cooperation activities in the field of domestic ferry safety.
- The Secretary-General's own initiative for an "Accident Zero" campaign, in conjunction with the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA).

He added that, in the first instance, IMO should consider establishing a mechanism for the collection and collation of statistics on lives lost to enable formal, official figures to be produced.

With regard to piracy attacks and hostage taking, Mr. Sekimizu said that 2012 had been an encouraging year, having witnessed a sharp reduction in successful piracy incidents off the coast of Somalia and in the Indian Ocean. However, 12 ships and 159 people were, at the time of speaking, still in the hands of Somali pirates.

He said that complete eradication of piracy off the coast of Somalia and the release of all hostages would be more ambitious targets, but, nevertheless, should be the aim. He identified continuous protection by navies in the Gulf of Aden, consistent application of Best Management Practices (BMP), and proper handling of armed security guards under national policies, taking into account discussions at IMO and the International Organization for Standardization (ISO), as key factors in achieving the first of these.

With regard to the release of hostages, Mr. Sekimizu welcomed the action taken by the Somali authority in Puntland to secure the release of the crew members of the *MV ICEBERG*. But, he added, that the release of all hostages as soon as possible

should be a clear target and that more should be done towards this end.

He also said he would accelerate capacity building under the Djibouti Code of Conduct. He urged IMO Member Governments that had been active in providing naval vessels to maintain naval protection forces until the risk of piracy attack had been sufficiently eliminated from the Indian Ocean and the Gulf of Aden, and to urge shipping industry leaders to ensure continuous implementation of the BMP.

On a wider front, he confirmed his support for the initiatives of the UN and the international community to help Somalis re-establish law and order and revive their own livelihood and economy, and for countries in western Africa to enhance their maritime security and aim for piracy-free waters in that region, too. 🌐

2013 World Maritime Day theme: "Sustainable Development: IMO's contribution beyond Rio+20"

Speaking at a reception to mark the launch of the theme, Mr. Sekimizu said that, as the United Nations' international regulatory body for shipping, IMO has been, and continues to be, the focal point for, and the driving force behind, efforts to ensure that the industry becomes greener and cleaner.

Mr. Sekimizu said that it was his intention to launch consultations on sustainable maritime development goals early this year, with a view to preparing a final policy document, which should include a clear concept of sustainable development for the maritime industries and realistic but ambitious goals. 🌐

delegates that it was his vision that halving lives lost at sea and eradicating pirate attacks, as well as ensuring the release of all hostages can, and should, be legitimate targets, for the Organization and for shipping in the years to come.

Mr. Sekimizu said that the number of lives lost annually at sea has been over 1,000 for each of the past five years. Despite the difficulty in obtaining precise and reliable data for such losses, he said that approximate figures for 2012 included approximately 100 lives lost in the fishing sector, 400 in domestic operations, and around 500 in other categories, including international shipping¹.

An ambitious, but achievable target, he said, would be to aim for a 50 per cent reduction, to no more than 500 lives lost annually, by 2015. He said that the matter could be addressed at the IMO Symposium on Future Ship Safety in June, and went on to identify a number of mechanisms that could help the target to be reached, specifically:

- Implementation of the Torremolinos Protocol through the Cape Town Agreement, to improve fishing ves-

¹ These figures are from statistics generated by the Secretariat based on reported casualties collected from various sources, including non-official reporting. They are neither accurate, nor comprehensive.



Three Shipwrecks and a Lighthouse

by
Captain Alan Knight
CMMC Maritimes
Division

Cape Otway, in the Australian state of Victoria, is the southernmost point of the mainland of Australia. It is a rocky cliff, overlooking the western approaches to

the Bass Strait, which separates Tasmania from the mainland, and Port Phillip Bay, Melbourne's magnificent harbour. In these latitudes, the air is extremely pure, for there is nothing upwind for thousands of miles. The near-constant Westerly winds push fierce currents into the Bass Strait, and frequent low-pressure systems roar in off the Great Southern Ocean. The British Admiralty sailing directions caution that *"following the passage of a frontal system, the prevailing Westerly wind rapidly backs to the South East. A sailing ship would, under these circumstances, be in grave peril on a lee shore"*.

It is not known which European nation's seafarers first traversed these waters. Portugal, the Netherlands, and Great Britain all have a viable claim. However, the visit of Captain James Cook, accompanied by the botanist Joseph Banks, in *H.M.S. ENDEAVOUR*, paved the way for British settlement in

S.E. Australia. Prior to the American Revolution, the British had shipped their criminals to their American colonies, but with the Declaration of Independence, the infant republic chose not to accept the choice offerings of Britain's jails, and His Majesty's Government was forced to find alternative destinations for them. At the recommendation of Joseph Banks, the British Government decided that Australia was distant enough to make criminals think twice before committing a crime, and organized the so-called "First Fleet", which sailed from Portsmouth on 17th May 1787, carrying 780 convicts, some with their children, a contingent of Royal Marines, and what was believed to be enough supplies to establish the new colony. After a voyage of 15,000 miles, the eleven-ship convoy arrived at Botany Bay on 18th January 1788. At first the colony made little progress. Botany Bay (site of the present-day Sydney Airport) was unsuitable for settlement and farming, and the European crops failed. Labor was in short supply, but ship-owners, doubtless motivated solely by patriotism, offered their ships as transport convicts, and a thriving trade was born.

In 1835, the Convict ship *NEVA*, bound for Sydney from Cork, and carrying 241 people, including 150 women convicts and their 33 children, 9 free women and their 22 children, was approaching the Bass Strait at the end of the voyage from England. At 1600 on 14th May, when

Captain Peck considered that the *NEVA* was well clear of King Island, which partly blocks the western entrance to the Bass Strait, the dreaded cry *"Breakers ahead!"* rang out. *NEVA* was running before a stiff breeze, and though the helm was put hard down, it was too late. Failing to clear the breakers, *NEVA* grounded in a heavy swell. The Master ordered the boats lowered, but they were quickly swept away. *NEVA* quickly broke up in the pounding swell, and many of the women convicts drowned, chained in their jail cells. Only 22 people reached the shore. Two had become mentally deranged and wandered into the bush, where they died. Five died of exposure, leaving only 15 survivors of the 241 who had sailed from Cork.

As was common in the 1830's, the
Continued on next page >>>



PHOTO: STEPHEN BAIN / COPYLEFT GFDL



PHOTO: MIKE LEHMANN / COPYLEFT GFDL

Above: Cape Otway Lighthouse on the southern coast of Australia.
Left: View from atop Cape Otway Lighthouse overlooking Bass Strait.



Company of Master Mariners of Canada

The Company of Master Mariners of Canada is a professional association for those qualified to command. It was established to encourage and maintain high and honourable standards within the nautical profession, further the efficiency of the Sea Service, and uphold the status, dignity and prestige of Master Mariners.

From the Master's Desk



by
Captain John McCann
CMMC National
Master

The National Council would like to thank the Fundy division for hosting the 1012 Annual Meeting in Saint John, New Brunswick.

industry.

The panel was made up of distinguished lawyers as well as Mr. Sylvan Lachance, Executive Director, Regulatory Services and Quality Assurance with Transport Canada (CMMC Capital Division member) and Mr. J. Richard W. Hall, Chairman of the Transportation Appeals Tribunal of Canada. Mr. Lachance gave an overview of the new regime and the goals of the program and the panelists has the opportunity to speak about real case studies under the new code followed up by Mr. Hall who was able to speak on the appeals process under the AMP's regime.

The feedback was excellent on the quality of the seminar and panelists.

Again, this was another excellent example of the division's initiative to raise the profile of the Company of Mater Mariners of Canada.

During the AGM, the Company dealt with a number of issues that will be further outlined in the minutes coming out of the AGM.

Of particular note was the update

from the treasurer. His diligent management of the Company's finances enables up to hold the dues to the current 2012 levels, therefore there will be no increase to dues in 2013.

The current slate of officers remain the same and Captain Ivan Lantz was appointed National Secretary on an ongoing basis.

Some key priorities for 2013 will be:

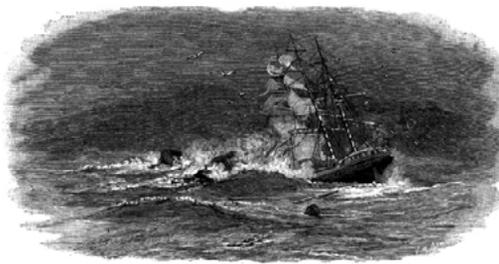
- Revamping our requirements and subsequent implementation of the amendments under the new Corporations Act and we now have an ad hoc committee working on this.
- Review and updating our strategic plan under the leadership of Captain Jim Calvesbert.
- Appointment of Captain Peter Turner as the Chair of the Views and Positions Committee.
- Recruitment of new members.

The next AGM is scheduled to be hosted by the Vancouver Division on October 5, 2013. 🍁

Shipwrecks >>>Continued from page 32

CATARAQUI was built in Canada, loaded with timber, and sailed to England, where she was auctioned, and became an Immigrant ship, making several successful trips from England to Australia. The 1840's were a desperate time in Britain and Ireland, and thousands decided to try their luck in Australia. In August 1845, nearing Cape Otway with 370 passengers and 38 crew, the heavy cloud-cover prevented Captain Findley from fixing his position. Reluctant to attempt the Bass Straits without a reliable fix, he ordered CATARAQUI turned head-to-wind

to ride out the storm, but immediately the ship began to plunge into the huge swell, and suffer damage. The screaming wind had just torn the last card out of



Captain Findley's hand, and he ordered the ship to be turned downwind. We can imagine the faces of the crew as

they wore ship, and took up their lookout stations as CATARAQUI resumed running downwind toward the Bass Strait. In the darkness of 03rd August 1845,

CATARAQUI smashed into King Island, and quickly broke up, scattering her human cargo into the raging sea. Daylight presented a horrible scene; two miles of the beach were strewn with corpses, mainly women and children, for the ship was carrying a large number of married women and their families to join their menfolk.

Mr. Guthrie, the First Mate, survived by clinging to a spar which washed over the

Continued on page 37 >>>

The Criminalisation of the Ship's Master: A new approach for the new Millennium

The criminalisation of seafarers has been observed as a growing phenomenon for more than thirty years,

by *Simon Daniels,*
Ph.D.
Senior Lecturer in
Maritime Law
Warsash Maritime
Academy,
Southampton Solent
University

unchanged in generations of maritime law. Over the same period, the structure of the maritime environment in which they work has changed dramatically, as evidenced by the complex evolution of fleet ownership and management and the resultant challenges in identifying the party liable in a potential action. Paradoxically, the person least able to influence such changes has been the Master, who has seen the key features of their traditional relationship with the ship operator blurring, as the structure of maritime operations has evolved with the demands of social and economic change. The effect of these changes has left the Master with diminishing management influence without losing responsibility. They remain Master Under God, but without God's authority over the management of the ship's affairs.

Faced with an increasing amount of criminal prosecutions globally in recent decades, the shipping industry has met the phenomenon with growing dismay, the downstream consequence of which has raised questions challenging the proportionality and, indeed, the fairness, of criminal accountability, in what is perceived by the maritime community to be a disharmonized system worldwide.

The purpose of this work is to exam-

ine the many facets of the mischief with which the phenomenon confronts the Master in their professional conduct, both in terms of Flag State and Port State obligations. But the purpose goes further than that, for upon this foundation we must synthesise options for a solution. The Master would identify their priority in a solution which removes the scourge of criminal negligence and restores the Master-Owner relationship to give them the protection which vicarious liability affords any employee. But what about the States Parties? If ever there were an intractable dispute, it is here.

The most forceful argument calls for a combination which brings the priorities of the Port State and Flag State together, as the keystone to a compromise solution, without any fresh treaty to contemplate (or pay for). The Master remains the organ of the Flag State, and the Convention obligations under UNCLOS underline the Flag State's obligations. As such, no new body of international law is necessary if the Port and Flag States are to resolve the issues arising out of a casualty. So much of the responsibility lays at the feet of the Flag State, which must be held accountable for the breach of treaty obligations to the Port State occasioned by its ships (the emphasis on the noun 'ships' rather than 'Masters' in UNCLOS is noteworthy), that dispute resolution between States Parties has a compelling attraction, and it would be for the Flag State to prosecute the Master for the breach of the international obligations for which the State has made its Master directly accountable. What the Flag State does in terms of its own regulation process can be achieved by its own domestic

criminal justice process. The approach which underlines the obligation of the Flag State to the Port State for the acts or omissions of its vessels will also encourage the Flag State to regulate its shipowners to the standards acceptable to the global community of Port States. Those Flag States which fail to do so, may find themselves black-flagged and, thus, may lose their attraction for registration, if shipowners find their risk profiles compromised too far to make them financially viable for modern trading.

Ultimately, this work is all about the perception of justice in a globalized maritime community in the twenty-first century; but the real challenge is to rationalise a new approach to criminalization, which would meet the interests of justice both for the Master and the State. In the harsh reality of intractable disputes in the twenty-first century, that new approach might mean a compromise, which may not be ideal for the Master or for the State, but would be something which both can live with.

But, in the final analysis, unless the strange new crime of criminal negligence, the foundation stone of the criminalization phenomenon, is removed against the Master, any option, any new approach, will simply shift the way in which the mischief is applied. They might as well shift the deck-chairs on the *TITANIC*. ☆

The full work is available from Southampton Solent University and may be accessed via the library link: www.solent.ac.uk/library. Mr. Daniels was awarded a Ph.D. for this paper.

Recent disasters aided by electronic instruments



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

On June 9, 1995, the cruise liner *ROYAL MAJESTY* sailed from Bermuda with 1509 persons on board, equipped with every modern navigational instrument including an integrated bridge system (IBS) connected to GPS, three radars, an autopilot, a radar-map, Loran C, an echo sounder plus a fathometer.

The ship was connected to her autopilot for the first 500-mile straight run to the entrance of approach to the Boston traffic separation scheme. Her normal watch routine was that the second officer took over from the chief officer at 8 p.m. till midnight. The navigator did the middle watch. All was uneventful during the first 24 hours. The ship apparently followed her set course of 336 degrees. Her GPS could provide accurate position data to the NACOS 25 autopilot within 100 meters. In turn, the autopilot was to automatically correct the effect of set and drift to keep the ship on her programmed track. At 14.1 knots, all fixes during the voyage were with position data from GPS.

Six lighted buoys named BA, BB, BC, BD, BE and BF, with radar reflectors define traffic lanes for ships going in and out of Boston. The chief officer saw a radar blip at 6:45 p.m. seven nautical miles away to port. Depending on the wrong GPS display of ship's position, he concluded that this blip was the BA buoy they should have seen at about that time.

In fact it was a wreck marking buoy, 17 miles inland of where the ship should have been. When she passed this buoy 1.5 miles to port, he made a log book entry about it. But he did not see what light the buoy was flashing to verify if it was indeed BA buoy. When the master asked him if BA buoy had been sighted, the chief officer confirmed it, but did not tell the master that he had not visually affirmed that it was indeed BA buoy.

At 8 p.m. when the second officer (2/O) took over watch, the chief officer informed him that the ship was well inside the traffic lane. The second officer reduced radar range to six miles to give the traffic lanes his full attention but did not switch on a second radar to monitor long range. Soon the lookout reported seeing a yellow light on port side! Several minutes later, both lookouts reported seeing high red lights on port side. Radio towers with flashing red lights are located on the eastern end of Nantucket about 30 miles from traffic lanes and are generally not visible to vessels transiting the traffic lanes. But since the ship was 17 miles nearer, they were visible to the lookout men. Nantucket Island was out of his six-mile radar range. Therefore the second officer could see nothing and did nothing.

Press reports highlighted that two Portuguese fishing vessels called the ship on VHF and warned the officer on watch (OOW) that his ship was off course.

At 2145 the master asked the 2/O whether he had seen the BB buoy. The 2/O replied that he had. But in fact he had not seen it. Soon after this, the lookout informed him of "Blue and white water ahead." The 2/O looked at his chart and did nothing?!

The *ROYAL MAJESTY* grounded on Rose



PHOTO: MAERSK MEDIA RELEASE

and Crown shoal, about 10 miles east of Nantucket Island, at 1051 p.m. on June 10, 1995, 17 miles off course causing heavy bottom damage and lost revenue. Fortunately she did not take in any water and did not leak fuel, thanks to her double bottom. Thankfully there were no deaths or injuries. A passenger with a cell phone alerted the U.S. Coast Guard. The ship was pulled out about 24 hours later by the use of five tugs.

Only after she grounded it was found that her GPS antenna had come off from its socket 52 minutes after sailing. Her Atlas 481 echo sounder with digital readout was not turned on. Her fathometer alarm, normally set to go off at less than 3 meters below the keel, was set at 0 in port. If it had been set to 3 meters before sailing from Bermuda, the OOW would have been alerted 40 minutes before the grounding. Had the duty officer taken note of the VHF warning reportedly given to him by the fishing boats, he would have known that his ship was off course.

All this suggests that the navigating officers were over-relying on their electronic navigation equipment without appreciating their limitations. Perhaps it was due to the euphoria created by

Continued on next page >>>

Electronic >>>Continued from page 35

the fact that these very instruments had never let them down over many previous voyages. One wonders if it was good seafaring practice not to give their navigation a second independent check, especially when she was nearing land. Loran C was readily available, which does not rely on electronic signals from satellites but takes radio signals from shore-based stations. It provides good accuracy along the U.S. coast and as the vessel approached closer, the positions would have been within about 500 meters of each other. Ordinary practice of seafarers requires us to recheck our position with auxiliary equipment provided on ships.

Rule 5 (a) of COLREGS stipulates that "Every vessel shall at all times maintain a proper lookout by sight and hearing as well as by all available means..." So how have the duty officers of the *ROYAL MAJESTY* complied with these international requirements, especially when they ignored warnings from their own lookout men?

Above all, what about 'ordinary practice of seamen' to recheck everything we do on the navigation bridge and position we fix with an alternate system? There was a time when even gyro compass was checked with magnetic compass *after* magnetic compass error was ascertained!?

KARIBA, TRICOLOR, and CLARY

On December 14, 2002, the *M.V. KARIBA* collided into and sank the *M.V. TRICOLOR* in the Traffic Separation Scheme (TSS) of the English Channel, with visibility less than half mile. *KARIBA* at 16 knots had *TRICOLOR* overtaking her on her starboard side in the same NW part of TSS.

Even though this ship was fitted with two radars and ARPA, and the master was on the bridge monitoring navigation of his ship, he did not know that *TRICOLOR* was overtaking from under the stern of his ship at 17.9 knots!

A third ship, the *M.V. CLARY*, approaching the North East part of TSS from the Atlantic, was on a collision course with

KARIBA. All three ships were navigating in thick fog, only on radar at full speeds and none were sounding fog signals. The master of the *KARIBA* wrongly believed that the *CLARY* was the give way vessel under Rule 15. In fact, Rule 19 applied in thick fog. Thinking that the *CLARY* did not give way, he altered *KARIBA* 30 degrees to starboard, colliding with and sinking *TRICOLOR*. It is to be noted that ships navigating in TSS are not relieved of their obligations under COLREGS. Hence following violations of COLREGS:

All three ships violated Rules 2(a), 6, 6(a), 19(b) and 19(d). They did not follow ordinary practice of seamen, proceeded at high speeds in TSS with visibility of 0.5 mile, in vicinity of other ships and did not take suitable action in ample time to avoid collision. They also violated Rule 35(a) as none sounded fog signals in restricted visibility and did not observe principles of safe navigation watch as per Part 3 Section A-VIII/2 of STCW Code. The *CLARY* and *KARIBA* altered course instead of reducing speed. *KARIBA* also violated Rule 5 by not detecting *TRICOLOR* on her starboard quarter and by altering course without proper appraisal. *TRICOLOR* also violated rule 19(e) by not reducing speed in thick fog when in close quarters situation with *KARIBA*.

A U.S. District Court judge blamed the master of the *KARIBA* for the "logic-defying" navigation causing the collision which could have been avoided if the master had simply held *KARIBA*'s course and cut speed under COLREGS. The case went on appeal and it was reported that in view of above violations by all three ships, it was held that all three ships were liable. *KARIBA* was held 63% liable, *CLARY* 20% and *TRICOLOR* 17% liable.

COSCO BUSAN

On November 7, 2007, about 0830 local time, the outbound container ship *M/V COSCO BUSAN*, allided with San Francisco-Oakland Bay Bridge Delta Tower in dense fog. It caused a deep gash

in her forward port side, breached No 2 port ballast tank and 3 and 4 port fuel tanks spilling 53,500 gallons of oil in San Francisco Bay. Damage was estimated at \$2.1 million for the ship, \$1.5 million for the bridge, and over 70 million for cleanup of pollution caused.

As per the harbor safety plan, vessels safely moored at a dock within the bay should not move out if visibility is less than 0.5 nautical mile. On that morning, visibility was reported at 1/8 to 1/4 miles. Rather than "talking" with the master about visibility, the pilot told the master on boarding at 0651 that 'this looks good' and that he could "single up". He told investigators that it was common to operate outbound voyages in fog.

In compliance with STCW, the company's SMS stated that pilot "acts only as an advisor. Should Master consider the Pilot to be endangering the ship or contravening any law, rule or regulation, he shall reject the Pilot's advice and relieve him of his duties and assume control of the ship himself." The master was unaware of how the pilot intended to proceed with his ship. He should have exercised his prime authority to refuse to cast off from a safe berth in thick fog when her bow could not be seen from the bridge.

The pilot was reported to have told investigators that at about 0825, when the ship was turning to port to approach the Bay Bridge at more than 10 knots, the "radar picture of the bridge got distorted". Also that minutes before the collision, VTS gave the pilot incorrect confusing navigational information about the ship's heading. The master was reported to have told investigators that his previous experience led him to assume that controlling authorities would close the port in such weather. He reportedly stated, "It is not for me to decide whether to set sail or not under such condition... Basically, I have to follow the pilot's direction. Even though I realize that the master has full responsibility."

Claims against owners and managers of the ship for causing pollution with spillage of 53,500 gallons of oil in San Francisco Bay were reportedly settled

at \$44.4 million. Pilot John J. Cota was reported jailed for ten months.

SAMCO EUROPE, MSC PRESTIGE

Exactly a month later, after midnight, on December 7, 2007, *SAMCO EUROPE* and *MSC PRESTIGE* collided 16 miles southeast of Bab El Mandeb traffic separation scheme at the entrance to the Red Sea, at almost a 90 degree angle, in visibility of 10 miles. Total structural damage was over \$50 million. *SAMCO EUROPE* was loaded with 284,844 tons crude, speed 16 knots. *MSC PRESTIGE* had a speed of 26 knots. Both ships were equipped with two ARPA radars, AIS, ECDIS and VDR and had each other on radar. Press reports indicated that navigators on both ships were not keeping visual lookout in clear visibility but depended on VHF and ARPA.

At 40 knots relative speed of both ships, even if radar echo of *SAMCO EUROPE* was observed 9 miles away, total time available to avoid collision was less than 14 minutes. It was widely reported that both navigating officers were glued to their radar sets and talking to each other on VHF. Had the officers been observing their approaches to each other in such clear visibility they would have seen the sidelights of the ships clearly to take appropriate action under ROR instead of depending on radar observations and talking to each other on VHF. *MSC PRESTIGE* was the give way vessel. Under Rule 17, *SAMCO EUROPE*'s duty was to maintain her course and speed. But under Rule 17(a) (ii) she was required to act to avoid collision when it became apparent that the other vessel was not taking appropriate action. Rule 17(c) also provides that stand on vessel shall not alter course to port for a vessel on her port side.

It was also reported that no sound signals were given while altering course. Action agreed between ships on VHF cannot be against COLREGS. Therefore direct cause of collision can only be attributed to navigational action or inaction against Collision Regulations.

Extensive navigational aids now avail-

able to mariners provide them much information. But Rule 5 mandates a proper lookout "by all available means," This is notwithstanding assistance of electronic instruments. In this case, a good visual lookout would have been safer.

Neither vessel took correct action to avoid a dangerous close quarters situation. Failures by both vessels to indicate their course alterations by sound and light signals under Rule 34 also contributed. VHF conversations achieved

3 Shipwrecks>>>Cont'd from page 36

reef, to the shore. There he found one passenger, and one crew member. Later, six other crew members washed ashore. Just 9 people survived.

In the aftermath of the disaster, there was a public outcry for the establishment of a lighthouse on Cape Otway, so as to give mariners warning of the off-laying Otway Reef, and also to give them a position fix before attempting the passage of the Bass Strait. District Superintendent Charles (later Governor) Latrobe gave orders, in 1846, for the lighthouse to be built. Progress was slow in the remote location, and the government foreclosed on the builder, completing the lighthouse in August 1848. The 21 parabolic reflectors were made in Birmingham, England, and shipped to Parker River Inlet, six miles from Cape Otway, where they were landed through the surf, and carried overland. Soon the doggerel *Last sight the Mersey, next sight the Otway* was recited by seafarers as they followed the prevailing winds from England to Brazil, to the Cape of Good Hope, and across the Southern Ocean to Australia.

In 1880 the U.S.-flag barque *ERIC THE RED*, built at Bath, Maine, for E. & A. Sewall, was chartered to carry U.S. trade goods to the Melbourne International Exhibition. Eighty-five days out of New York with 23 crew and 2 passengers, *ERIC THE RED* was approaching Cape Otway after an uneventful 85-day passage. The weather was hazy with a moderate NW wind. Captain Jacques Allen had all sail set, except for the mizzen-royal.

nothing and only increased culpability of both. *MSC PRESTIGE* was found 60% liable and *SAMCO EUROPE* 40% liable.

So, what about visual lookout from sunset to sunrise under ROR provisions, STCW stipulations and ordinary practice of seafarers? ☆

Captain A.K. Bansal is a Past Master of the Company of Master Mariners of India. He is a practising Bar-at-Law in India and the U.K.

He was aiming to pass 5-6 miles off the lighthouse, and thus clear the Otway Reef. Returning to the deck after consulting his charts, Captain Allen felt the ship touch bottom. Instantly, the rudder was torn off, and the wheelman was washed overboard. With terrifying speed, *ERIC THE RED* broke up. Captain Allen recounted that "*The mizzen topmast fell with all the rigging, but strange to say, not a man was hurt by it, although they were all standing about. As soon as I found out that there was no hope, I said to Ned Sewall, the owner's son, and the Third Mate, "Stick to me, and hang on to the mizzen mast" I peeled off everything I had on except my drawers, thinking I would be able to swim better without my clothes; and Sewall and myself, clinging to the mast, were washed overboard....It was a fearful sea; I have never seen anything like it*". Attempting to swim to a more substantial raft of wreckage, and losing touch with young Sewall in the process, Captain Allen became entangled in ropes and was dragged under. He managed to get free and surfaced near some floating timber, and was able to regain the detached deck, where he lay paralyzed with cold. Shortly after, the lights of the steamer *DAWN* were sighted. *DAWN* lowered boats, and searched for survivors, recovering all except three crew members and one passenger. One body washed ashore at Cape Otway, and was buried at the lighthouse. The Master of the *DAWN* was given a letter of thanks by the U.S. government. ★



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Professional Development Conference Speakers



Captain Cindy Stowe

Commander, USCG Sector San Francisco

TOPIC: Vessel Traffic Control and the America's Cup



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

Maritime Lawyer

Principal Author "The International Law of the Shipmaster"

TOPIC: Important changes to the TWIC program



Mr. C. James Patti, President, Maritime Institute for Research and Industrial Development (MIRAID)

TOPIC: Congressional lobbying efforts in the maritime industry



Captain Jeff Cowan, #3070-R

Office of Spill Prevention and Response, State of California

TOPIC: North American Emission Control Area



Ms. Jan Newton, Ph.D.

NANOOS Executive Director, Principal Investigator: Puget Sound

TOPIC: NANOOS® and Ocean Currents

Ms. Jenifer Rhoades

IOOS® Regional Focal Point, NOAA

Mr. Thomas Bethel

American Maritime Officers Union President

CAMM Business Meeting

CAMM Views and Positions & CAMM Strategic Plan

Gala Dinner



Keynote Speaker

Rear Admiral Thomas A. Cropper

President, California Maritime Academy

TOPIC: Maritime Schools and Education

Rear Admiral Cropper began his presidency on July 1, 2012 after a 31-year career in the United States Navy. Most recently, Cropper directed education and at-sea training for Navy ships and aviation squadrons deploying to the western Pacific and the Middle East.

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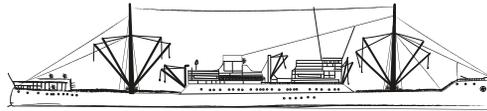
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