

Casualties: Vehicle carrier catches fire, burns for more than a week in Jacksonville

PROFESSIONAL MARINER

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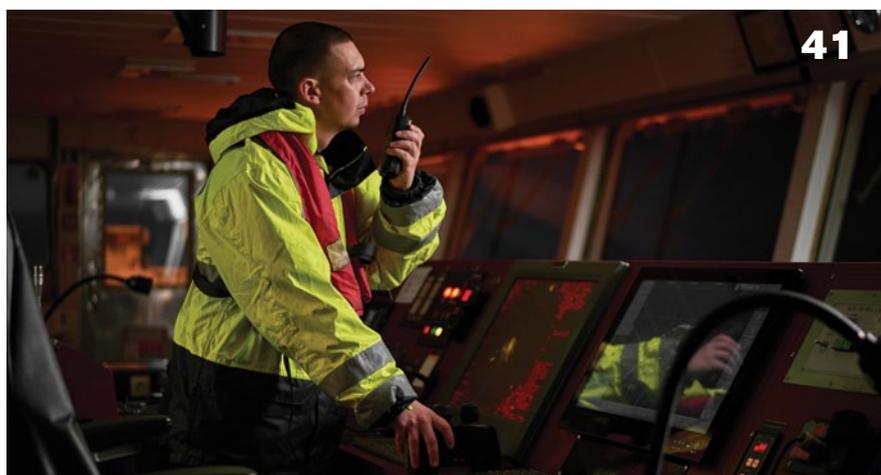
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BY BRIAN GAUVIN

ON THE COVER

The Hong Kong-flagged *Santos Express* transfers cargo in April at the Napoleon Avenue Container Terminal at the Port of New Orleans. Despite global supply chain disruptions and new safety protocols due to the pandemic, commerce continued to flow through Port NOLA this spring with only minor setbacks. See story, page 24. Brian Gauvin photo



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Signals



Fleet replenishment oiler *USNS Leroy Grumman* participates in Operation Unified Response off the coast of Haiti in 2010. In May, 52 people aboard the oiler, including 22 merchant mariners, were infected by the coronavirus and were quarantined on the ship in Boston.

U.S. Navy photo

Civilian mariners barred from leaving MSC ships during pandemic

While the world embraced social distancing and self-isolating amid the spread of the coronavirus, the Military Sealift Command (MSC) required thousands of civilian mariners, or “civmars,” to stay on U.S. Navy ships, sharing tight quarters and cramped workspaces.

Many of the mariners complained of a lack of personal protective equipment, like masks and gloves, and feared that the Navy

personnel and Defense Department contractors — who embarked and disembarked freely — could come aboard with an infection that would spread COVID-19 and recreate the misery that befell some cruise ships and military vessels at the beginning of the outbreak.

The “gangway up” order that stranded the civmars was issued on March 21 by Rear Adm. Michael Wettlaufer, commander of the MSC, and as of press time an end

date had not been announced. According to accounts from social media and civmars who spoke to *Professional Mariner*, those affected had no chance to prepare for the extended time away from home. Some were on ships docked a few miles from their homes in port cities and were not even able to move their cars from parking garages.

The order has driven a wedge into the 50-year partnership between the Navy and the civilian

workforce that labors within the MSC to replenish U.S. military vessels around the world. Three mariners' unions have filed grievances with the command over the order, but to no avail.

"We are looking for some rationalization as for how an order just restricting civmars to ships is fair," said Tracy Burke, a branch agent for the Marine Engineers' Beneficial Association (MEBA). "They are civilians and they have many constitutional rights that military members give up."

The MSC did not respond to requests for comment for this story. In an email relaying Wetlaufer's order, MSC Capt. Gabe Varela cited "the threat posed by the spread of COVID-19." He called on ship captains to "cancel all current leave, and that liberty for your crew be restricted to the ship for all current and future port visits until the threat has been diminished or defeated."

As weeks have passed into months, some frustrated civmars have resigned but can't leave their jobs or ships without permission.

The MSC, a branch of the Navy, employs about 5,400 civilians. Since 1972, the Navy has relied on professional mariners to move cargo and personnel, a relationship that traditionally has been cozy, according to Dr. Sal Mercogliano, an associate professor of history at Campbell University.

"The Navy uses civilians because it frees up Navy (enlisted personnel) to be on combatant ships," he said. Plus, it's easier to rely on profession-

al mariners than to train military personnel for some tasks.

Generally, civmars and Navy personnel work side by side with little friction, Mercogliano said, which is one reason the singling out of civmars for confinement on their ships has been such a shock.

"They wanted to be treated the same," he said. "There is difference

“Their free will has been taken away from them because other DOD (Department of Defense) employees can come and go and infect these mariners trapped on these vessels.”

Tracy Burke,
Marine Engineers' Beneficial
Association

in pay and other things, but when it comes to safety, they don't like to be treated differently."

One confined civmar, who spoke on condition of anonymity due to concern that speaking out would affect his career, is communicating with other mariners online. The civmar said that those stuck on MSC ships have tied rags around their faces and pulled T-shirts over their noses as makeshift masks.

They share cramped living quarters

where social distancing is impossible. Many are anxious and uncertain about when they will be able to return home.

Another civmar said she quit in frustration after two years on the job, but her resignation has not been accepted, leaving her stranded and consigned to her work duties.

"I was planning on being there for my mom's birthday," she said. "I have not been there for her past four birthdays because of work. I blame myself for giving the Navy another chance to screw me over, but it's life lessons. I'm done after this."

The situation has created anxiety because of ships that became coronavirus hot spots in the early stages of the pandemic. Sailors of every type are aware of crises like those on *USS Theodore Roosevelt*, sidelined in Guam with 1,000 cases of COVID-19, and *USNS Leroy Grumman*, an MSC vessel in Boston with 30 contractors and 22 crewmembers infected. As positive tests mounted on these ships, the crews were stuck in quarantine, waiting and helpless. Civmars feel resigned to the situation, Burke said.

"Their free will has been taken away from them because other DOD (Department of Defense) employees can come and go and infect these mariners trapped on these vessels," he said. "That's what's so frightening about incarcerating these folks on these ships."

On May 15, Wetlaufer issued a letter denying the unions' grievances, almost ensuring the matter will be decided in court.

Nick Keppler



Courtesy Fire Island Ferries

With ridership down 90 percent, US ferries endure pandemic pause

Most U.S. ferry operators saw ridership declines of more than 90 percent during certain weeks of the COVID-19 pandemic, according to the Passenger Vessel Association. Going into the summer months, ferry systems from coast to coast are retaining as many crewmembers as they can while waiting for passengers to return.

Compared to last year, NYC Ferry ridership was down 87 percent for the two months beginning March 23. During that same period, the ferry operator reduced service by about half, including reconfiguring three routes and temporarily ending all service at 9 p.m. Even so, staff reductions have been needed, beginning with voluntary furloughs.

“Once New York starts to slowly open back up, we will carefully add service to meet demand,” said Chris Singleton, a spokesman for New York City Economic Development Corp.

The story is much the same on the West Coast.

San Francisco Bay Ferry saw its biggest year in 2019, carrying 3.2 million passengers on five routes. Then, when California’s shelter-in-place order was put in effect at the end of March 2020, ridership dropped 80 percent nearly overnight.

“Everyone’s staying home,” said public information manager Thomas Hall in late May. “We’re down more than 95 percent now.”

Because there were land transit options for essential workers, the

San Francisco Water Emergency Transportation Authority was able to suspend three commuter ferry routes — Richmond, Harbor Bay and South San Francisco.

“We’re still looking at a massive budget hole of about \$20 million going into next fiscal year,” Hall said. “And that’s after we received \$12 million from the federal CARES Act.”



Courtesy Washington State Ferries

“No mask, no ride” is a common policy on U.S. ferries during the COVID-19 pandemic, including on New York’s Fire Island Ferries, above left. The operator depends on tourists rather than commuters. Another industry protocol is sanitizing frequently touched surfaces between sailings, as shown aboard a Washington State Ferries vessel, above.

Washington State Ferries dropped sailings on the Seattle-to-Bainbridge route by half and suspended the route between Anacortes, Wash., and Sidney, British Columbia, due to the international border closure.

“Ridership declined about 70 percent on average through much

of March and April,” said public information officer Ian Sterling. “Walk-on ridership saw declines in the 90 percent range some days, with vehicle ticket sales declining to a lesser degree.”

Across the nation, ferry systems are taking the same precautions as other public transit options and businesses, including offering touchless payment, sanitizing frequently touched surfaces, requiring masks and ensuring that physical distancing is possible. Ventilation is paramount in slowing the spread of COVID-19, and open decks and windows make ferry travel an appealing choice as people go back to commuting.

The ferry industry’s major players in New York, San Francisco and Washington state are publicly funded, positioning them to ride out the passenger pause. At press time, San Francisco and Washington reported no major staffing cuts.

In contrast, privately held Fire Island Ferries — which transports tourists to eight beach communities on a barrier island 50 miles from New York City — was looking to Memorial Day weekend for a turnaround. The 27-vessel ferry system was operating at 25 percent capacity and 25 percent of its pre-pandemic crew.

“Then we took a 90 percent hit in our ridership from previous Memorial Day weekends, Friday to Sunday,” said Dave Anderson, the ferry line’s general manager. “Without the influx of day-trip traffic, there’s very little cash coming in.”

On the West Coast, Washington State Ferries’ Memorial Day weekend passenger counts were down by half compared to 2019 — but that was still an uptick compared to previous weeks.

“It’s difficult to forecast what recovery looks like right now,” Sterling said. “But we expect demand to increase to an unknown degree as stay-at-home orders are lifted.”

Amy Paradysz

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Philly Shipyard wins MarAd contract for academy training ships



Courtesy Herbert Engineering

Philly Shipyard will build the first national security multi-mission vessels (NSMVs) to serve America’s state maritime academies and provide disaster and humanitarian response.

TOTE Services, the vessel construction manager for the U.S. Maritime Administration (MarAd) NSMV program, awarded the \$630 million contract for two lead ships in April. Options for three additional vessels would bring the total contract value to \$1.5 billion for Philly Shipyard, which has struggled to find enough work to keep its doors open.

“Investing in maritime education creates more American jobs,” said Maritime Administrator Mark Buzby. “By the selection of Philly Shipyard as the construction shipyard for the NSMV, this effort is not only bolstering the U.S. merchant marine but the U.S. economy and vital transportation infrastructure as well.”

The nation’s first two NSMVs are slated for delivery to SUNY Maritime College and Massachusetts Maritime Academy in 2023. TOTE Services will oversee construction at Philly Shipyard.

“Securing this award is a major milestone in our strategy to reposition the yard for government and commercial projects,” said Steinar Nerbovik, Philly Shipyard’s president and CEO.

In addition to providing a facility for training maritime cadets, the 524-foot vessels will have broad disaster response and humanitarian assistance capabilities. Before the COVID-19 shut-downs, the first two NSMVs were expected to be delivered in 2023.

The first ship in the class, designed by Herbert Engineering Corp. of Annapolis, Md., will be allocated to the State University of New York (SUNY) Maritime College to replace the steam turbine-powered *Empire State VI*. It’s the oldest in the fleet of MarAd-

NSMV at a glance

Dimensions

- Length: 524’ 5”
- Beam: 88’ 7”
- Depth: 55’ 1.5”
- Design draft: 21’ 4”

Propulsion

- Four diesel-electric main engines divided between two engine rooms
- Total installed power: 14,280 kW
- Full speed: 18 knots (four engines)
- Cruising speed: 12 knots with two main engines in one engine room
- Range: 11,000-plus miles at 18 knots

Maneuverability

- Azimuthing bow thruster for “take home” power
- Stern thruster
- Flap-type rudder

Accommodations

- Training ship mode: 600 cadets, 100 officers, faculty, staff and crew
- Surge capacity for humanitarian assistance/disaster response missions
- Food storage for 60 days
- Freshwater storage for 14 days

U.S. Maritime Administration

owned training ships assigned to the six maritime academies in California, Maine, Massachusetts, Michigan, New York and Texas.

The NSMVs are designed to accommodate up to 600 officer cadets and 100 instructors and other personnel with classrooms,

auditoriums, simulators, laboratories and additional instructional spaces. Students will use a full training bridge located below the main navigation bridge. Dual engine rooms will support education and provide operational redundancy.

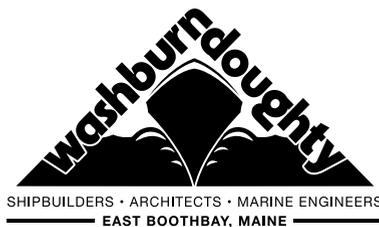
Besides operating as a platform for education, the ships will support the federal government's response to national and international disasters. Each ship will have a helicopter pad, medical facilities and berthing for up to 1,000 first responders and recovery workers. The design features roll-on/roll-off vehicle garaging and container storage, with refrigerated and dry-goods spaces to store 60 days' worth of food for 700 people.

The vessels will be propelled by four diesel-electric power plants and two 6,000-horsepower propulsion motors delivering a top speed of 18 knots. Bow and stern thrusters will allow the ships to dock without the assistance of tugs.

Philly Shipyard finished its last vessel construction project in 2019 with the completion of *Kaimana Hila*, the second of two 3,600-TEU containerships for Matson Navigation. After delivering the Matson vessels, the company laid off hundreds of workers.

To remain viable, the shipyard has transitioned to repair, maintenance and conversion work on U.S. government and Jones Act vessels. At full capacity, the shipyard employs about 1,200 people.

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High court's safe-berth ruling favors shipowner over charterer

The U.S. Supreme Court has ruled that charterer Citgo is liable, not the shipowner, for the cost of cleaning up the 15-year-old *Athos I* oil spill in the Delaware River, deciding that the safe-berth clause in the charter contract should be interpreted as a safety warranty.

The tanker, chartered by Citgo Asphalt Refining Co. and other parties, hit an abandoned 9-ton anchor on Nov. 26, 2004, resulting in a spill of 264,000 gallons of heavy crude oil. The incident occurred as the 750-foot Cyprus-flagged and Tsakos-managed ship was approaching its berth at a Citgo refinery in Paulsboro, N.J. The tanker was carrying

325,000 barrels, or about 13.6 million gallons, of Venezuelan crude.

After *Athos I* hit the anchor, crewmembers aboard two assisting tugboats noticed an oil slick coming from the 21-year-old, single-hull ship. It began to list 8 degrees to port and lost power. After tracing the leak, the crew transferred the oil to other tanks to avoid further spillage.

The next day, divers found a 6-foot gash in the No. 7 center cargo tank. Another underwater inspection on Nov. 28 revealed a smaller puncture near the gash. The No. 7 ballast tank also was breached.

The U.S. Coast Guard concluded there was no negligence or violation

on the part of the ship's crew or its pilot. Oil from the tanker drifted 115 miles downriver, impacting 280 miles of shoreline in Pennsylvania, New Jersey and Delaware.

The shipowner, Frescati Shipping Co. Ltd., paid \$133 million to clean up the spill, of which \$88 million was reimbursed by the U.S. Oil Spill Liability Trust Fund. Frescati and the federal government eventually sued Citgo and other parties involved in the charter to recoup the costs, arguing they had breached the safe-berth clause by failing to provide a suitable docking site.

In a 7-2 vote on March 30, the Supreme Court affirmed an earlier decision by the 3rd Circuit Court of Appeals, with Justice Sonia Sotomayor writing the majority opinion. Conservative Justices Clarence Thomas and Samuel Alito wrote in their dissent that the contract's safe-berth clause did not constitute a safety guarantee. They added that more information was needed on whether industry standards establish such a warranty.

In a prepared statement, Citgo President and CEO Carlos Jorda expressed disappointment with the ruling but said "we respect the court's interpretation and can finally close this chapter on the (*Athos I*) case."

Holland & Knight, the law firm representing *Athos I*'s owner, said the decision clarifies that "the form clause commonly used in the industry must be construed as an express warranty of safety and imposes on



Spill responders check containment boom on the Delaware River after the tanker *Athos I* was breached by an abandoned anchor on Nov. 26, 2004, spilling 264,000 gallons of crude oil. The accident led to a protracted legal dispute about responsibility for providing a safe berth for ships.

Courtesy: Rand Corp.

the charterer an absolute duty to select and provide safe berth.”

Kathy Metcalf, president and CEO of the Chamber of Shipping of America, applauded the ruling. The group represents U.S.-based companies that own, operate or charter oceangoing cargo vessels.

“Shipowners should be able to rely on the safe-berth clause,” she said. “And when local conditions result in damage to the ship and the environment beyond the control and knowledge of the ship’s owner and crew, the liability should be placed on those in the best position to have that local knowledge.”

Metcalf’s reaction mirrors that of the international trade organizations BIMCO, Intercargo and Intertanko, which said in a joint statement that “the U.S. Supreme Court has made a sound and robust decision consistent with the shipping industry’s long-held understanding.”

The standard safe-berth language

in many charter contracts states that the vessel “shall load and discharge at any safe place or wharf ... which shall be designated and procured by the charterer, provided the vessel can proceed thereto, lie at and depart therefrom always safely afloat.”

Maritime attorney Michael Chalos, best known for his defense of Capt. Joseph Hazelwood in the *Exxon Valdez* oil spill case, said the question now for the maritime industry “is whether safe-berth clauses of future charter parties will be revised to specifically state that the clause is not a warranty of safety, but merely one that only requires due diligence on the part of the charterer to make the berth and its approaches safe.”

“As the clause is a matter of contract negotiation and interpretation, the language of the clause can be revised to mitigate or even eliminate the holding of the Supreme Court in this case,” Chalos said. “Obviously,

lawyers for charterers will push for the due-diligence language, while lawyers for vessel owners would counsel against any such change in light of the Supreme Court holding in this case.”

Chalos said that the ultimate result of the decision “will depend for the most part on market forces. That is, if the market is strong for owners, then the current language of the clause will remain in place. If the market favors the charterers, there may be revisions to the clause that favor the charterers’ position.”

Maritime attorney James Mercante said that contracting parties “will be sharpening their pencils to make appropriate additions or deletions to the safe-berth clause. Indeed, the most telling impact will likely be that brokers, owners and charterers will now diligently read all of the traditional clauses contained in form contracts.”

Bill Bleyer



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Seaway's delayed opening renews push for high-water solutions

After a nearly two-week delay, water levels normalized enough this spring along the Montreal to Lake Ontario (MLO) section of the St. Lawrence Seaway to allow the navigation season to open. Lost time and limitations imposed on transits, however, meant lost money for ship operators.

Requiring tug assists, reduced speeds, less cargo and other restrictions meant millions of dollars in additional operating costs. Such measures and delaying the season for 12 days were prompted by above-normal precipitation that resulted in record-high water levels — and thus fast-moving currents that make navigation more challenging — across the Great Lakes. This was an especially devastating problem in 2017 and 2019.

Shipping interests say they recognize the need to ensure safe navigation, but that the season delay to April 1 was a poorly timed hit. More than 100 expected ship transits supporting over \$80 million in economic activity did not happen, according to the Chamber of Marine Commerce, an Ottawa-based association that represents ship operators, ports, marine suppliers and marine transport customers operating along the Seaway.

Record flooding has led to calls by residential groups and politicians for the International Lake Ontario-St. Lawrence River Board to increase the outflow at the Moses-Saunders Power Dam, the only point along the Seaway where water levels can be



Wikipedia photo

manually controlled. But even competing interests acknowledge that the dam, which straddles the border between Massena, N.Y., and Cornwall, Ontario, is a limited tool.

In theory, increasing outflow can help lower the level of Lake Ontario to alleviate flooding. But the reality is that the lake can only be lowered a few centimeters before it risks draining upstream municipal water supplies, flooding downstream communities around Montreal, and creating dangerously fast-moving currents.

The river board considered keeping the outflow levels higher, delaying the season opening until April 15, a move the Chamber of Marine Commerce and others successfully rallied against.

“Analysis demonstrated delaying the shipping opening another two weeks would have accelerated economic activity losses in the U.S. and Canada to \$445 million (USD \$326

The Moses-Saunders Power Dam between Massena, N.Y., and Cornwall, Ontario, is the only point along the St. Lawrence Seaway where the level of the waterway can be manually controlled. Increasing outflow at the dam lowers the level of Lake Ontario but can make navigation downstream more difficult.

million) and adversely affected over 5,000 jobs,” said Bruce Burrows, the chamber’s president and CEO.

By the end of May, shipping regulations on the waterway had returned to normal.

“So, we are expecting normal navigation conditions on the St. Lawrence Seaway for the time being,” Burrows said. “But this was really achieved due to more favorable dry weather conditions than anything else.”

Mother Nature — including the amount of precipitation, evaporation and ice formation — is what primarily determines water levels on the pivotal Seaway, stakeholders agree.

“The science clearly demonstrates that one single dam is not the solution to high water levels and flooding,” Burrows said. “We have been advocating to all levels of government in the U.S. and Canada that we need more holistic, effective solutions that don’t damage other parts of the economy for the sake of political expediency.”

The chamber’s recommendations include investing in technology that better informs commercial shipping interests when outflows are high, urging the International Joint Commission (IJC) and governments to partner with scientific and engineering experts to study options, and consulting with stakeholders.

Quebec has set a good example for other jurisdictions by taking steps to identify and map floodplains and limit construction in these zones. It also has implemented buy-back programs for residents with property in flood zones. Another example would be looking at ways to shore up critical infrastructure and protect the shoreline from erosion. And some scientific experts have suggested restoring wetlands as a natural way to buffer the effects of flooding.

Moderating competing Seaway interests has always been tricky, said David Fay, engineering adviser for the IJC, which sets rules for the Moses-Saunders Power Dam. The interests of officials who manage the waterway may not always align with

Mother Nature is what primarily determines levels on the pivotal waterway, stakeholders agree.

those of the commission, “but we try to understand everyone and their needs,” he said.

It’s always a delicate situation balancing safety and costs, said Chad Allen, director of marine operations for the Shipping Federation of Canada, which advocates for the country’s ocean shipping industry.

“Our members understand it is a balancing act,” he said. “Having mitigation measures in place means an additional cost to operate, but at least we’re still moving. We managed

to operate last year in extreme conditions and really pushed the limits of safety. I’m not sure we want to go back down that road again.”

Restrictions didn’t spell economic pain for all parties this spring. High water meant some ships were able to load deeper than usual, said James Weakley, president of the Lake Carriers’ Association, which represents U.S.-flag operators on the Great Lakes. He said output levels at Moses-Saunders had no impact on LCA members.

“Our ships primarily stay in the upper Great Lakes, seldom sailing into Lake Ontario and the St. Lawrence Seaway,” he said. “If anything, the delayed opening of the Seaway on April 1 had an indirect benefit. It put less of a strain on the limited Coast Guard icebreaking assets on the Great Lakes.”

Patricia McCarthy

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Towing

by David A. Tyler

Pandemic leads to remote inspections, extensions for Subchapter M

There were numerous obstacles during the decade-long period in which Subchapter M, the new regulatory framework for the towing industry, was created. Now, in the second year of the rollout, there is another challenge: COVID-19.

Social distancing requirements due to the coronavirus have made in-person inspections and audits of vessels extremely

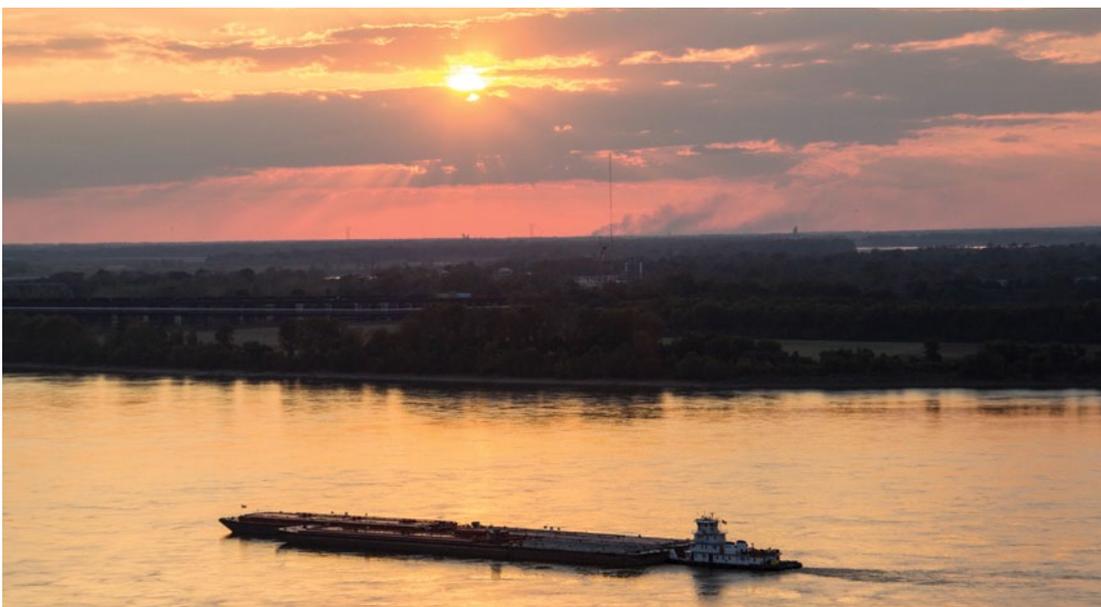
difficult. To help companies meet Subchapter M requirements, the U.S. Coast Guard has approved remote inspections and audits. In addition, companies can ask for a 90-day extension from their July due date if necessary. Companies should contact their officer in charge, marine inspection (OCMI) to apply for an extension, which will be approved on a case-by-case basis.

Remote methods can include video conferencing and electronic submission of photos, audit reports, recent classification surveys and vessel logs. The Coast Guard also has the option to board a vessel following protective guidelines from the federal Centers for Disease Control and Prevention. The Coast Guard's Marine Safety Information Bulletin

09-20 contains the specifics for remote work.

Towing companies have two options to comply with Subchapter M: annual Coast Guard inspections, or the use of a towing safety management system (TSMS) approved and verified by a third-party organization (TPO).

Subchapter M requires that companies get a certificate of inspection (COI) for 50 percent of



Subchapter M requires the 5,500 towing vessels on the Mississippi River and other waterways across the United States to undergo inspections and oversight as mandated by the U.S. Coast Guard. The COVID-19 outbreak has made it more difficult for many operators to comply with deadlines, with the Coast Guard taking steps to mitigate the uncertainty.

Courtesy: Geoff Alexander

vessels in their fleet by July 20, 2020. COIs must be obtained for 75 percent of the fleet by July 19, 2021, and the entire fleet has to be inspected by July 19, 2022. The COI is good for five years, but vessels must be re-inspected by the Coast Guard or re-

(AWO), who testified in May before the House Committee on Transportation and Infrastructure on how the maritime industry has continued to function during the COVID-19 crisis.

Caitlyn Stewart, the AWO's director of regu-

the American Bureau of Shipping (ABS). "TPOs need to be flexible, and the Coast Guard has certainly proven themselves to be flexible here, which we appreciate. I just want to make sure we're not cutting any corners developing these procedures,



Coast Guard marine inspectors examine the tugboat *Washington* at Diversified Marine in Portland, Ore., in March 2019. Coronavirus protocols have led to fewer in-person inspections and surveys and more remote work.

surveyed by a TPO each year. There are about 5,500 towing vessels in the domestic industry.

Remotely checking on compliance with Subchapter M requirements has never been done before, however, so companies are facing a new set of challenges in addition to the difficulties of operating during the pandemic.

"This is going to be with us for a long time and we need to figure out how to do business safely," said Jennifer Carpenter, president of the American Waterways Operators

latory affairs, echoed these concerns. "There are a lot of things that need to be considered that don't have to be considered when someone can be on the vessel," she said. "We talked about situational awareness issues, connectivity issues, all of those things. For example, safety drills that would have been performed directly pre-COVID are done remotely as tabletop exercises."

"These are extraordinary times," said Paul Hite, Subchapter M operations coordinator for

because these audits are very important." Hite spoke during a May 12 webinar on remote audits and inspections hosted by the AWO.

Cmdr. Andrew Bender, supervisor at the Coast Guard's Towing Vessel National Center of Expertise, said companies should work directly with their TPO or OCMI to come up with procedures to show compliance with Subchapter M during the pandemic. "The scope and compliance objectives of an audit and survey do not change based on remote

Subchapter M at a glance

Subchapter M became law on June 20, 2016, creating a comprehensive towing vessel safety system that includes company compliance, vessel compliance, vessel standards and oversight.

The rule, with exceptions, applies to all U.S.-flag towing vessels 26 feet or more and those less than 26 feet moving a barge carrying oil or hazardous material in bulk. It lays out inspection criteria as well as new equipment, construction and operational requirements for towing vessels.

The rule affects approximately 5,500 towing vessels engaged in pushing, pulling or hauling, and the 1,096 companies that own or operate them. Towing vessels not covered by the rule include those inspected under Subchapter I, workboats and recreational towing vessels.

The annual cost to the towing industry for Subchapter M compliance will be \$32.7 million, according to the final rule published in the Federal Register. Government costs are expected to be \$8.8 million per year.

Based on the mitigation of risks from towing vessel accidents in terms of lives lost, injuries, oil spilled and property damage, the rule is expected to yield an annual net benefit of \$4.9 million.



A tow moves through Pickwick Lock on the Tennessee River system. Subchapter M requires 50 percent of each operator's fleet to have a certificate of inspection by July 20, 2020, but towing group officials have reported problems meeting that target due to the pandemic.

U.S. Army Corps of Engineers photo

versus physical presence,” he said.

Fortunately, access to the technology needed for remote inspections and surveys is not a problem. “I think the challenges are more related to time, to personnel availability, and all the other things they are asking crew to focus on,” Stewart said.

Bender said he appreciates the work that operators are doing to keep cargoes moving during these difficult times. But he urged companies to try to keep up with Subchapter M deadlines if at all possible. “Extensions are just that,” he said. “You’re exempt from the compliance activity, but it will compress the timeline of the extended activity, and this, of course, can make

things more difficult for you.”

And the industry is not keeping up with deadlines. “Nationally, we’re below 32 percent compliance for COI issuance, when we need to be at 50 percent for July,” Bender said. “Although we’re operating in a unique environment ... we still have a responsibility to ensure that compliance oversight activities continue.”

At the end of May, the Towing Vessel Inspection Bureau (TVIB) had seen just 40 percent of the volume of surveys and audits compared to the same time last year, according to Tava Foret, the bureau’s executive vice president. She said that 386 members of TVIB, or about 38 percent of companies, had received the

required number of COIs. Twenty-three percent of companies had achieved 50 percent compliance.

Foret also said that just because a survey or audit is done remotely, it does not mean that it is less significant. “It’s still expected and anticipated to be a

“This is going to be with us for a long time and we need to figure out how to do business safely.”

Jennifer Carpenter, president, American Waterways Operators

live event,” she said. “You don’t get to phone this one in. You are still putting your name on that report — I don’t care if it’s virtual.”

Auditors and surveyors did not receive special training for this remote work, Foret said. But her regular surveyor, for example, decided not to conduct virtual activities, which may be true for other auditors and surveyors as well.

The remote work also raises a larger question: Will this method of conducting inspections and audits continue after the threat of COVID-19 has diminished?

Subchapter M does not address whether inspectors or auditors need to be physically present on a vessel. “That said, the Coast Guard does not find remote activities to be an equal to physical presence,” Bender said. “Although the Coast Guard will leverage what we learn during this time to minimize boots on deck during future Coast Guard inspections, remote work without any physical presence should only be used as a temporary compliance verification measure.”

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Courtesy Vinik Marine

Vinik answers call, clears hurdles with seasoned offshore fleet

by Will Van Dorp

Daunting is a good word to describe the process of getting some older tugboats into compliance with Subchapter M, said Capt. Mike Vinik, a 2003 SUNY Maritime graduate and owner of Vinik Marine, a New Jersey-based towing company founded in 2005. He then brought up the case of his largest current tugboat, *Vinik No. 6*, which is 50 years old.

“It’s always been in the oil service and therefore has had all sorts of upgrades over the years, has always been inspected, and it’s insured to the max,” he said.

Vinik No. 6 is massive. Its registered dimensions are

141 feet by 35 feet, with a draft of 18.7 feet. The vessel is powered by twin EMD 16-645E5 diesels generating 5,700 horsepower running through Falk gears turning fixed-pitch propellers. It has a double-drum Intercon towing winch fitted with 2,000 feet of 2.25-inch main wire and 2,000 feet of 2.5-inch secondary cable. The tug was built in 1970 by Southern Shipbuilding as *Robert Alario* for Nolty J. Theriot Offshore Inc. of Golden Meadow, La. In 1992, it was sold to Morania, then in turn to Penn Maritime and Kirby, all petroleum transporting companies. Vinik Marine acquired the vessel in 2018.

Vinik Marine tugboats led by *Vinik No. 6*, above, guide the cargo ship *SS Cape Avinof* (AK-5013) past the Brooklyn Bridge at the start of a tow to the James River Reserve Fleet last fall. At right, Capt. Mike Vinik poses with Rhino the mastiff, an integral 140-pound crew-member at the New Jersey-based company.



Will Van Dorp photo

Last fall, *Vinik No. 6* was used to tow two U.S. Maritime Administration (MarAd) cargo ships — *SS Cape Avinof* (AK-5013) and *SS Cape Ann* (AK-5009) — from GMD Shipyard in Brooklyn, N.Y., back to the James River Reserve Fleet in Virginia. “We could do the tow in 24 hours, but to get high water in GMD to depart and high water in the James River, as well as daylight for both, we took two full days and ran slower than usual,” Vinik said.

He waited almost a week for calmer weather offshore for the second tow involving *SS Cape Ann*, and that complicated arrangements as they approached the James River. “Delays cause complications. Intracoastal Marine of Chesapeake, Va., had a pilot available, but no longer the tug, which had moved to the next job. A costly last-minute replacement would assist us up to the reserve fleet, but not into the anchorage due to depth concerns,” Vinik explained.

Martin Walker, superintendent of the James River Reserve Fleet, later wrote that he was concerned about the crew of *Vinik No. 6* anchoring the dead ship without an assist, but “when the tow arrived, it was obvious the boat and captain were up to the challenge. It was a demonstration of some fine boat handling, and the best I’ve seen in a long while. Kudos to you and your crew.”

“It was obvious the boat (*Vinik No. 6*) and captain were up to the challenge. It was a demonstration of some fine boat handling, and the best I’ve seen in a long while.”

Martin Walker,
superintendent,
James River
Reserve Fleet

With *Vinik No. 6* at the bow, Nicholas Vinik at the stern and Liz Vinik portside, *SS Cape Avinof* eases into the East River.

The size and horsepower of *Vinik No. 6* are positive factors in getting salvage work, which Vinik Marine sometimes locates through the Resolve Marine Group, which usually doesn’t have a boat in the New York area. A call might involve towing a dead ship into port from 1,000 miles at sea.

Salvage towing jobs often

come up with no notice. “The client obviously wants us to be at the scene as soon as we can,” said Vinik, a volunteer firefighter. “Running this business is similar to operating a volunteer fire department: I get a call, then I call my crew to see who’s available for this job. We proceed to shop for groceries and take on fuel for more than the amount I expected



Courtesy Vinik Marine

Pandemic delivers economic blow

Few maritime companies have been spared from the effects of COVID-19, and Vinik Marine is no exception. The threat of contracting the coronavirus, combined with the economic downturn and its impact on petroleum consumption, has hit the New Jersey company hard.

"First, it's scary on a personal level," said company owner Capt. Mike Vinik. "I don't want my crews to get infected. I don't want my family infected. Crew change is complicated; mariners have to quarantine themselves before and after a hitch. If any crewmember gets sick on board, we must notify the U.S. Coast Guard, who will remove the infected mariner. The rest of the crew, who may by now be sick too, need to quarantine for 14 days. If I can't find replacement crew at short notice, I have to tie up boats."

Standard protocols, like outfitting a boat before a work stint, also have become complicated during the pandemic.

"If we get a call for a long-distance tow, we can't provision the boat as we used to by going to the supermarket and buying up five or six shopping carts (of goods)," Vinik said. "Now there are limits on the amount of certain items that we can purchase."

Vinik said his company moves oil and assists other boats moving oil, but work in that sector has dropped because people aren't driving as much and they're not flying.

"The 68,000 aircraft that are idled are not burning fuel. That means less oil is being moved around," he said in April. "COVID-19 has really hurt business."

Will Van Dorp

we would need for the trip. Towing at capacity, *Vinik No. 6* can burn 7,000 gallons per day. Crewing up, getting grub and fuel, and starting up the tug can take four hours or less. Then we make the best course to the job."

Having tugboats of varying sizes is part of a business strategy for Vinik. Smaller tugs like the 55-foot *Agnes* and 63-foot *Nicholas Vinik* are ideal for assisting larger tug and barge units around the docks along the Arthur Kill, only a few miles from the Vinik base in Keasbey, N.J. There are six tugs in the company fleet.

"Most of our consistent work has been with our smaller tugs," Vinik said. "A few oil terminals, especially at the southern end of the Arthur Kill, have smaller inside berths not designed for today's larger double-hulled barges. We get calls to assist these units into

"Running this business is similar to operating a volunteer fire department: I get a call, then I call my crew to see who's available for this job."

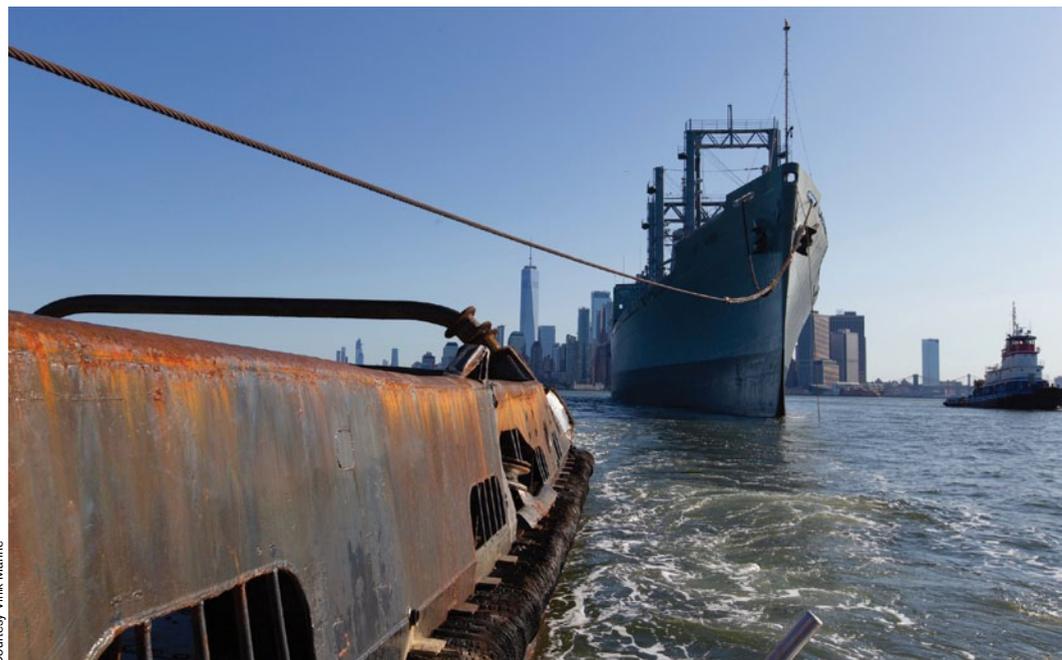
Capt. Mike Vinik

Vinik No. 6 has SS Cape Avinof on a short wire with Liz Vinik standing by as the mothballed freighter enters Upper New York Bay.

and out of those tight berths." *Agnes'* size and lower air draft also make it just right for work along the Harlem River, with its low bridges.

Daunting is also a good word to describe the process of maintaining and building a marine business after the implementation of Subchapter M. Currently, Vinik docks his fleet along the Raritan River in Keasbey, N.J., a few miles west of the southwesternmost tip of New York City. This is where repairs and upgrades are made since the site has the one essential feature for a tugboat yard, staged on several spudded barges: deepwater access.

"We do all our own work there, but it's tough with no running water, no electricity or garbage pickup," Vinik said. "Gentrification has made 'working waterfront' hard to find. You can build parks and



Courtesy Vinik Marine



Courtesy, Vinik Marine

condos anywhere in the state, but a tugboat company must have waterfront property. Space is cheaper in central New Jersey, but without deep-water access, it's not suitable for a tugboat company."

Last fall, Vinik used a Travelift in Tottenville, N.Y., to haul out *Agnes*, which was due for an overhaul, and place it onto a barge. After the tug was supported and secured, crews returned it to Vinik's base in Keasbey and did all the rehab work there on an improvised dry dock. In a month and a half, Vinik's employees replaced the boat's gearbox, cutlass bearing, shafts, propellers, zincs and fenders. They sandblasted and then applied four coats of paint. Once *Agnes* was done, attention was turned to work needed on *Nicholas Vinik*.

The dearth of working

Vinik tugboats escort SS Cape Avinof, above, past Lower Manhattan after leaving GMD Shipyard in Brooklyn. Salvage work for the company can involve towing a dead ship into port from 1,000 miles at sea. At right, the 51-foot *Agnes* heads for 40 days of dry-dock work after being loaded onto a barge. Vinik's smaller tugs are well suited for work along tight berths on the Arthur Kill.

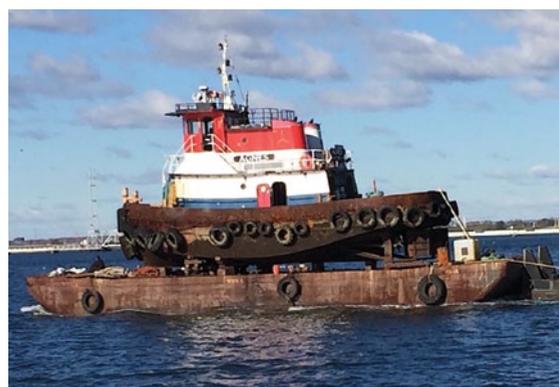
waterfront in Greater New York is a challenge for all marine companies trying to keep a toehold along the deep water. Gentrification is one threat. Another is the plethora of bridges that impede traffic, many of them operated by the railroads.

"The Passaic River is dead, and the Hackensack is slowly dying. Having to wait for trains to clear so that bridges can open obstructs marine traffic," Vinik said.

Looking to the future, particularly with the impending construction of offshore wind farms in the New York Bight, finding shoreside staging for the construction and assembly of wind farm

components also will be a challenge.

"A lot of questions (concerning) dock infrastructure and upland come to mind," Vinik said. "Where is the 40 to 140 acres of waterfront and upland needed to do pre-assembly of



Will Van Dorp photo

wind farm components? Who will the builders be? What boat types will be required?"

But that is still down the road. For now, Vinik faces the challenges at hand and focuses on running and promoting his business.

US maritime sanctions advisory: Navigating choppy waters

In May, the U.S. Department of State, U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) and U.S. Coast Guard issued a joint sanctions advisory for the maritime industry. The advisory builds on and expands several prior sanctions advisories for the maritime community issued in 2018 and 2019.

The latest advisory is intended as a guidepost to help participants in the maritime sector achieve the desired level of compliance. Most of the guidance is couched in the language of suggestion (e.g., parties "may wish to consider ...") rather than as a mandate. However, it is clear that the U.S. government wishes parties to follow the guidance in the advisory as closely as possible. Accordingly, those in the maritime community — including owners, charterers, lenders, insurers and others — should carefully review the advisory and make appropriate changes to their practices and operations.

At the forefront of sanctions policing

While the maritime sector has always been a focal point of trade sanctions, since 2018 the Trump administration has increasingly focused on the maritime sector in policing its "maximum pres-



sure" campaign to enforce U.S. sanctions. U.S. "secondary" or "extraterritorial" sanctions largely prohibit non-U.S. parties from dealing with North Korea, Iran and other sanctioned parties. These sanctions often target the maritime sectors of the relevant countries, as well as shipments of oil, natural gas and various commodities.

In order for these sanctions to be effective in putting pressure on the target countries, the U.S. government needs the global maritime community to police itself, and for players to ensure that both they and their counterparts are in compliance. In a sense, this is similar to the push in the early years of the last decade to force international financial institutions to implement U.S. sanctions world-

wide. However, unlike banks, which are heavily regulated and have substantial compliance obligations outside of sanctions, many players in the maritime sector are small and do not have a sophisticated compliance infrastructure, which may make it more difficult to comply.

Highlights of the advisory

The following are some of the more salient points in the advisory:

- AIS transponders — Ships use automatic identification system (AIS) transponders to transmit their location. In most cases, they remain active at all times, so the ship's progress can be tracked. However, transponders may fail due to weather conditions or other technical problems, and may be turned off for legitimate reasons (e.g., in a location where piracy is a concern). OFAC is concerned that ships may turn off or disguise their transponders in order to engage in surreptitious trade in violation of sanctions. This follows news reports and allegations that various ships turned off their transponders when secretly transporting Iranian crude oil to East Asia.

The advisory suggests that parties should research a ship's history to identify previous AIS manipulation before entering into new

contracts involving the ship, and monitor AIS manipulation and disablement when cargo is in transit. The advisory also suggests that relevant contracts include a clause requiring the AIS to broadcast at all times, and permitting termination where the clause is breached.

- Ship-to-ship (STS) transfers — OFAC is concerned that STS transfers can be used to evade sanctions by disguising the origin or destination of the relevant cargo. While OFAC acknowledges that STS transfers can be conducted for legitimate purposes, OFAC flags such transfers as potential sanctions evasion, especially if conducted “at night or in areas determined to be high risk for sanctions evasion or other illicit activity.”

The advisory includes a map showing areas near the Korean Peninsula, China and eastern Russia that are thought to be high risk for North Korean sanctions evasion. No similar map is shown for other areas (e.g., the Persian Gulf or offshore Syria).

- “Name-and-shame” lists — Previous sanctions advisories have included a list of ships and shipowners identified as having traded with Syria, Iran and North Korea, and having engaged in STS transfers of cargo that ended up in these countries. The previous advisories made clear that they were not “sanctions lists” (i.e., that the parties listed were not blocked and generally could be dealt with), and that there was no determination that a sanctions violation had

occurred. Nevertheless, the market largely reacted to these “name-and-shame” lists as if they were sanctions lists.

The new advisory does not revise the “name-and-shame” lists, neither to add new parties to the lists nor to “remove” existing parties (although given that the lists are not official, it is not clear what removal of a name would entail). The advisory merely says that there may be further “updates” in the future, but gives no hint as to what such an update would involve.

Maritime sector participant checklists

The advisory includes an annex containing “checklist” guidelines for maritime sector participants to follow. The advisory does not require participants to follow all of the checklist guidelines, but adherence is clearly encouraged.

The annex includes checklists for the following parties: maritime insurance companies; flag registry managers; port state control authorities; shipping industry associations; regional and global commodity trading, supplier, and brokering companies; financial institutions; shipowners, operators and charterers; classification societies; vessel captains; and crewing companies.

Sanctions program annex

The advisory includes a second annex describing the relevant sanctions programs targeting North Korea, Iran and Syria, and including country-specific guidance.

The inclusion of North Korea and Iran is consistent with the highly comprehensive U.S. “secondary” sanctions targeting both countries, as well as United Nations sanctions against North Korea. While Syria’s inclusion is consistent with previous advisories, most trade with private actors in Syria is not subject to “secondary” sanctions (i.e., non-U.S. persons generally can deal with Syria in a manner that does not violate U.S. sanctions, so long as they do not deal with the Syrian government or entities or individuals designated as “terrorists”).

Nevertheless, the advisory seems to imply that most trade with Syria, whether or not conducted by U.S. persons, may violate sanctions. Also of interest is the absence of a separate listing for Venezuela, which has been the target of a significant escalation of U.S. sanctions over the past year and has been the focus of a crackdown on sanctions evasion. •

Daniel Pilarski is a partner at New York-based Watson Farley & Williams. His practice primarily focuses on U.S. tax aspects of cross-border transactions and U.S. trade sanctions.

Increments and corrections

Western Towboat transports cargo barges to Alaska for Alaska Marine Lines. The marine transportation company based in Seattle was misidentified in an *American Tugboat Review* article about Western’s new tugboat, *Mariner*.

At Work

Beyond COVID: Port NOLA tugs, crews roll on

Story and photos by Brian Gauvin

As the maritime industry swings into the fifth month of the COVID-19 pandemic, the Port of New Orleans and the three pilot associations guiding ships on the Mississippi River between Southwest Pass and Baton Rouge continue to operate as normal — but with strict CDC, Coast Guard and in-house protocols regarding hygiene and crew oversight to prevent the transmission of coronavirus.

The port's tugboat companies are on much the same footing.

“As far as ship traffic is concerned, we have only seen about a 5 percent drop-off for March/April 2020 versus March/April 2019,” said Scott Slatten, president of Bisso Towboat. He said the decline was not as severe as at some other ports because of the diversity of cargo handled in the Port of New Orleans (Port NOLA).

Slatten attributed the dip in tug

activity to the tanking of the oil market and fewer large tankers calling on the port.

Bisso's crews are essentially quarantined to their specific tugs with no fraternization among crews. Crewmembers with flu-like symptoms or who have had contact, or presumed contact, with infected people are ordered to undergo home quarantine for a minimum of 14 days. The tugs and office are closed to visitors and contractors, and office hours have been reduced.

“COVID-19 has caused more work for our crews and office workers, as extra precautions have been taken regarding personal hygiene and daily sanitization of the tugs, and social distancing while both on the tug and between tug crews,” Slatten said.

Since mariners are considered essential workers, they have kept commerce moving on the river and “literally have not missed a beat,”

even with the past three months of high water, he said.

“Our employees have done a great job in following all the proper CDC/Bisso protocols and guidelines, which went a long way in permitting us to continue operating as efficiently and normal as can be expected in these abnormal times,” Slatten added.

Keith Kettenring, executive vice president and chief operating officer at Crescent Towing, said the company and Cooper/T. Smith Mooring also have continued to operate normally, moving needed supplies in the ports of New Orleans, Mobile, Ala., and Savannah, Ga.

Kettenring emphasized that Crescent's employees understand their roles and have performed very well during the pandemic. He said that tug operators and line handlers are exposed to high-water conditions, poor visibility or mechanical breakdowns every day.



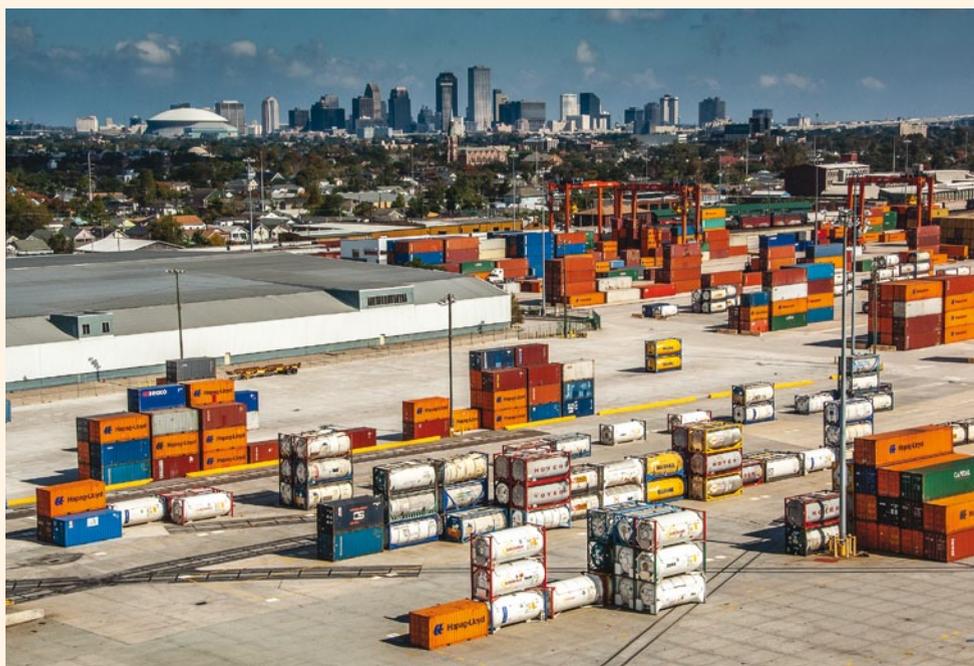
Crescent Towing's *Point Clear*, left, churns past the Napoleon Avenue Container Terminal in New Orleans on the way to its next job. At right, the city skyline rises beyond stacked cargo at the terminal.

"COVID-19 is another potential risk that we must mitigate and avoid as our operations continue seamlessly," he said. "We have made every crew change on 26 tugs and filled every mooring shift during lockdown. Early on we educated our sailors, linemen and staff on the safety protocols established by the CDC. We regularly send them reminders and updates from the CDC as the science behind this virus becomes better known."

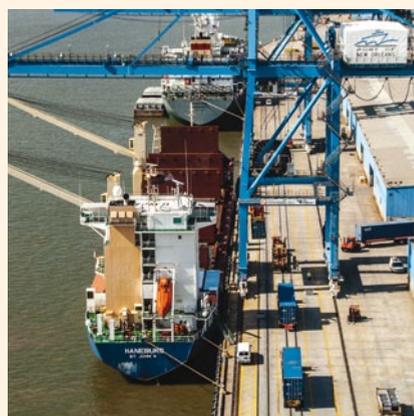
Having accepted their individual responsibility, the crews have protected themselves, their families, their co-workers and the community. Temperature screenings are conducted on every crew change and mooring shift, and personal protective equipment is available.

At the beginning of the pandemic, the tug crews were asked to maintain their normal work schedules and to maintain family-type units for a further measure of safety. Tug visits are limited, and when mechanics or technicians need to come aboard, they are required to submit to a temperature test, maintain social distancing, avoid common areas and fill out a health questionnaire.

As the country moves through the various phases of reopening the economy, New Orleans' tug companies, pilots and port personnel are keeping maritime employees and the community safe while ensuring that commerce keeps moving on the Mississippi.



The 92-foot *Mardi Gras*, left, delivers nearly 5,500 horsepower for Crescent Towing's biggest jobs, courtesy of a pair of GE Tier 3 main engines linked to Rolls-Royce z-drives. Below, the boxship *Haneburg* waits to take on cargo at the Napoleon Avenue Container Terminal. Despite global supply chain challenges, container vessel calls at Port NOLA rose from 129 in the first quarter of 2019 to 138 in 2020.



The Bisso z-drive *Becky S.*, above, is put through its paces as it assists the tanker *Clipper Orion* on the Mississippi River. At right, Bisso's *Liz Healy* moves around the bow of the bulk carrier *Super Luna* at the Zen-Noh Grain Terminal at Convent, La.



Casualties



Salvage crews raise *Stretch Duck 7* from Table Rock Lake near Branson, Mo., on July 23, 2018. The World War II vintage DUKW, also known as a duck boat, sank four days earlier during a storm, killing 16 passengers and one crew-member.

NTSB photo

NTSB: Failure to heed storm warning doomed *Stretch Duck 7*

Stretch Duck 7 entered Table Rock Lake near Branson, Mo., on a warm summer evening with 31 people on board. Barely 10 minutes later, a powerful storm front passed, generating 70-mph winds and 3-foot waves on the previously flat lake.

The World War II-era DUKW amphibious vessel sank 250 feet from an exit ramp after waves flooded the duck boat through an air intake hatch on the bow, the National Transportation Safety Board (NTSB) said in its report on the July 19, 2018, incident. Passengers and crew had only seconds to

escape, and 17 people died. Another six people were injured.

The NTSB attributed the incident to the decision by the vessel operator, Ride the Ducks Branson, to continue running the waterborne portion of the tour despite a severe thunderstorm watch issued hours earlier.

“Contributing to the sinking was the Coast Guard’s failure to require sufficient reserve buoyancy in amphibious vessels,” the NTSB said in its report issued this spring. “Contributing to the loss of life was the Coast Guard’s ineffective action to address emergency egress on amphibious passenger vessels with

fixed canopies, such as *Stretch Duck 7*, which impeded passenger escape.”

The Coast Guard is still conducting inquiries into the *Stretch Duck 7* sinking, one focused on safety and the other a criminal investigation with support from the U.S. Justice Department, service spokesman Barry Lane said.

“The Coast Guard agrees with the NTSB that the canopy likely impeded passenger egress and we now recommend all canopies be removed prior to DUKW vessel operations,” Lane said, referring to a marine safety information bulletin the service issued in April 2020.

The Strongest Tugs. The Most Experienced Team.

The incident involving *Stretch Duck 7* in some ways resembled a 1999 duck boat sinking near Hot Springs, Ark., that left 13 people dead. The NTSB report into the *Miss Majestic* incident highlighted similar safety issues, including lack of reserve buoyancy and escape issues posed by the fixed canopies.

“One passenger said the rate of water ingress seemed ‘almost instantaneous.’ Several passengers recalled reaching for a life jacket around this time but were unsuccessful because of the rapid flooding.”

National Transportation
Safety Board

Following that incident, the Coast Guard did not heed NTSB recommendations to require additional passive reserve buoyancy and remove canopies. The Coast Guard has not committed to regulatory changes after the *Stretch Duck 7* sinking.

“The Coast Guard will use the NTSB and MBI (Marine Board of Investigation) findings to update official policy for DUKWs and to determine the need for any regulatory actions,” Lane said.



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Key NTSB findings

- Ride the Ducks did not effectively use all available weather information to monitor the approaching severe weather and assess the risk to its waterborne operations.
- Ride the Ducks should have suspended waterborne operations for *Stretch Duck 7* and the other last tours of the day in anticipation of imminent severe weather.
- Ride the Ducks should have had specific guidance for the operations team to determine when to suspend waterborne operations due to approaching severe weather (go/no-go policy).
- Initial water ingress on *Stretch Duck 7* was likely from waves rolling over the air intake hatch's spring-loaded damper and intermittently opening it, thereby allowing water into the engine compartment.
- The rapid sinking resulted from uncontrolled progressive flooding due to a lack of hull subdivision.
- Had the Coast Guard implemented Safety Recommendation M-02-1 to require sufficient reserve buoyancy through passive means, *Stretch Duck 7* likely would not have sunk.
- *Stretch Duck 54* was able to exit the lake while exposed to the same conditions as *Stretch Duck 7* due to the increased freeboard, greater reserve buoyancy and a securable bow hatch.
- When *Stretch Duck 7* sank, the closed starboard-side curtain impeded egress and likely resulted in additional fatalities.
- Donning life jackets on *Stretch Duck 7* while fitted with an overhead canopy would have created an impediment to escape and increased the risk of passengers being trapped.

The 33-foot *Stretch Duck 7* was one of nearly 21,000 amphibious vehicles built for use during World War II. According to the NTSB, these vehicles were expected to last just a few months. The first such use of these vehicles for tourism started in Branson in 1971, the report said. One trait of these vessels: Their internal hulls are essentially open fore to aft.



This particular DUKW went to work in the early 1980s for a different tour operator, and in 1996 it underwent substantial modifications. These included extending the length by 15 inches (thus the “stretch” name) and deepening the hull at the stern. Propulsion over land and water came from a 235-hp Chevrolet engine.

Stretch Duck 54, a more recent DUKW model that entered Table Rock Lake just before *Stretch Duck 7* on the day of the fatal sinking, was 6 inches wider at the beam, with a gunwale running 6 inches higher. It also had a securable bow hatch to prevent flooding. *Stretch Duck 54* made it back to land moments before *Stretch Duck 7* sank.

“Initial water ingress to *Stretch Duck 7* was likely from waves rolling over the air intake hatch’s spring-loaded damper and intermittently opening it, thereby allowing water into the engine compartment,” the NTSB said.

Stretch Duck 7 completed four 90-minute tours in and around Table Rock Lake on the day of the sinking. The National Weather

Stretch Duck 7, shown in a post-accident photo, had a fixed canopy that impeded passenger escape as the vessel sank. “Initial water ingress ... was likely from waves rolling over the air intake hatch’s spring-loaded damper and intermittently opening it,” the NTSB said.

Service issued a severe thunderstorm watch for Table Rock Lake at 1120 that remained in effect until 2100. Just before its final voyage, at 1827 a Ride the Ducks manager told *Stretch Duck 7*’s captain and driver to complete the waterborne component of the tour earlier than normal, the NTSB report said. The discussion, captured on the DUKW’s digital video recorder, did not include a reason for the change.

Passengers began boarding *Stretch Duck 7*, with a warning from the

captain of some impending weather. The DUKW left at 1833, one minute after the National Weather Service issued a severe thunderstorm warning for an area that included Table Rock Lake. The service predicted wind gusts of up to 60 mph. The tour continued, and *Stretch Duck 7* entered a calm, eerily flat Table Rock Lake at 1855. Three other company vessels also entered the lake after the warning was issued, investigators said.

The voyage was normal until about 1900, when the winds suddenly picked up. The captain of *Showboat Branson Belle*, docked near the lake's exit ramp, recalled the winds went from light to more than 50 mph in 90 seconds. *Stretch Duck 54* left the lake at 1907 as *Stretch Duck 7* struggled to make headway. The vessel listed to starboard and sank at the stern near *Showboat Branson Belle*.

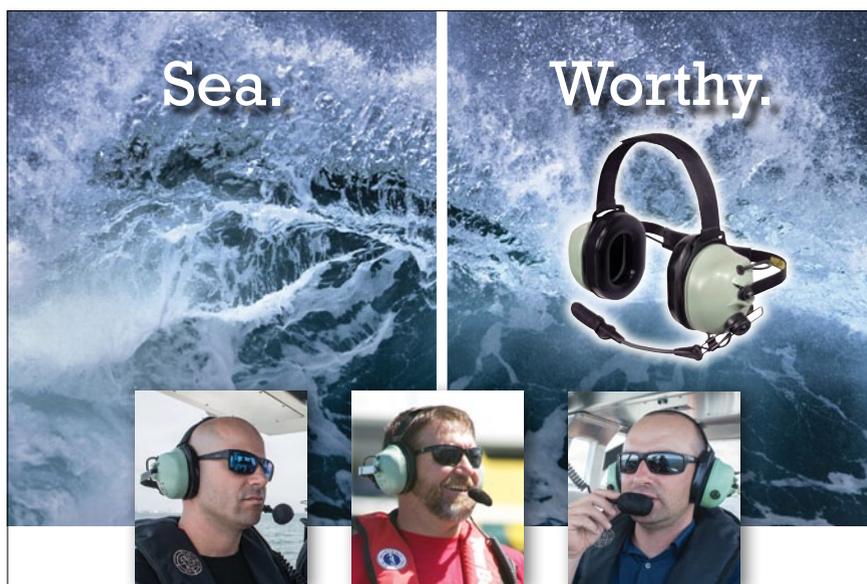
Survivors recalled water coming up through the floorboards and through the starboard-side opening just before the duck boat sank. "Several passengers stated that the water, which rose from their feet to their shoulders as they stood up, filled *Stretch Duck 7* within seconds," the NTSB wrote in its report. "One passenger said the rate of water ingress seemed 'almost instantaneous.' Several passengers recalled reaching for a life jacket around this time but were unsuccessful because of the rapid flooding."

Passengers and crew aboard *Showboat Branson Belle* rescued survivors from the water in challenging conditions. Winds gusted to 73

mph and heavy rain fell. The storm front that passed through Table Rock Lake is known as a derecho, or straight line of thunderstorms.

Stretch Duck 7 had a Coast Guard five-year certificate of inspec-

tion (COI) last renewed in February 2017. It specified passenger limits and where and under what conditions the DUKW could operate on the water. The COI stipulated water operations were not allowed when



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winds exceeded 35 mph and waves exceeded 2 feet.

The NTSB highlighted shortcomings in Ride the Ducks internal policies that deferred operational decisions to captains. These captains, the report said, often lacked up-to-date weather information available to managers back in the office. The company also lacked a

policy pertaining to “no-go” orders for its boats.

“A go/no-go policy would provide a means to negate personal and professional pressure to accommodate expectant passengers who have booked and paid for tours,” the NTSB said. “Decision-makers thereby are relieved from having to make decisions based on individual assess-

ments ... rather than well-defined and established criteria.”

Ripley Entertainment of Orlando, Fla., owned Ride the Ducks at the time of the sinking. The company has settled numerous lawsuits stemming from the incident, and it has since left the duck boat business.

“We are reviewing the National Transportation Safety Board’s report,” Ripley spokeswoman Suzanne Smagala-Potts said in an email. “(Ride the Ducks Branson) fully cooperated with the NTSB’s investigation into the accident. ... We remain dedicated to working with the community of Branson, and continuing our support of all those who were impacted by the accident.”

At least five key personnel with Ride the Ducks Branson did not cooperate in the NTSB investigation, including the captains of *Stretch Duck 7* and *Stretch Duck 54*, which on the evening of the incident was helmed by the company’s general manager. The manager who suggested altering *Stretch Duck 7*’s route also did not cooperate. A footnote in the report suggests the ongoing criminal investigation might have influenced those decisions.

In its recommendations, the NTSB reiterated its earlier request for the Coast Guard to require DUKWs to have sufficient reserve buoyancy to remain afloat during flooding or other damage. It also requested that the Coast Guard require DUKWs without sufficient reserve buoyancy to remove canopies and side curtains that can block exits during a sinking.

Chronology of sinking

1120 on July 19,

2018: The National Weather Service Storm Prediction Center issues a severe thunderstorm watch for western and central Missouri, including Branson and nearby Table Rock Lake, that was valid until 2100.

1800: *Stretch Duck 7* returns to the company “duck dock” in Branson, about six miles from Table Rock Lake, after completing a 90-minute tour on land and water.

1827: A manager tells *Stretch Duck 7*’s captain to “go to the water first” for the next tour, but apparently does not explain the reason.

1829: Passengers begin boarding the duck boat. There are 29 passengers, a captain and a driver on the vessel.

1832: The National Weather Service issues a severe thunderstorm warning for an area that included Table Rock Lake, valid until 1930.

1833: *Stretch Duck 7* leaves the “duck dock” and begins the 16-minute trip to Table Rock Lake.

1855: *Stretch Duck 7* enters Table Rock Lake. The captain describes calm winds and a nearly flat surface.

1859: The captain alters course to accelerate the ves-

sel’s departure from the lake. “Yeah, we’re gonna try and beat this weather off the water as fast as we can here,” the captain tells the passengers.

1900: Strong winds arrive, creating whitecaps on the lake’s surface within 15 seconds.

1903: *Stretch Duck 7*’s pitching increases in the rough water.

1904: *Stretch Duck 7*’s bilge alarm sounds.

1907:05: *Stretch Duck 54* exits the lake.

1907:24: Passengers on *Stretch Duck 7* comment

about getting wet from incoming water.

1908:18: The captain orders passengers to move to the vessel’s port side to counteract a starboard list.

1908:25: The starboard side aft dips below the water’s surface, and *Stretch Duck 7* sinks at the stern seconds later. At about this time, the captain releases the port-side curtain to facilitate passenger escape. The starboard-side curtain is not released. The captain is pushed out of the vessel by water rushing in from the windshield.

National Transportation Safety Board

The agency urged the Coast Guard to mandate that amphibious passenger vessels with forward hatches like the one on *Stretch Duck 7* have secure closing mechanisms that can be operated during waterborne operations to prevent downflooding. It also called for new training among duck boat personnel to identify potential severe weather before it arrives.

The Passenger Vessel Association (PVA), a trade group that includes duck boat operators, said it is working with its members to share key points of the NTSB report.

“The NTSB recommendations apply only to World War II vintage



NTSB photo

A memory card from *Stretch Duck 7*'s digital video recorder system. Investigators retrieved and reviewed audio and video data from the system, which provided details of the circumstances leading up to the fatal sinking.

DUKW's and to 'stretch' DUKWS, not to all amphibious vehicles," the PVA said in a prepared statement. “(We await) the Coast Guard's investigatory report and any resulting regulation to help identify the path forward for these members.”

It's not clear what impact the NTSB and Coast Guard safety recommendations will have on the industry. A Boston Duck Tours official told a local newspaper this spring it has no plans to remove fixed canopies from its “truck ducks” — modern DUKW variants — despite the recommendation from both federal agencies.

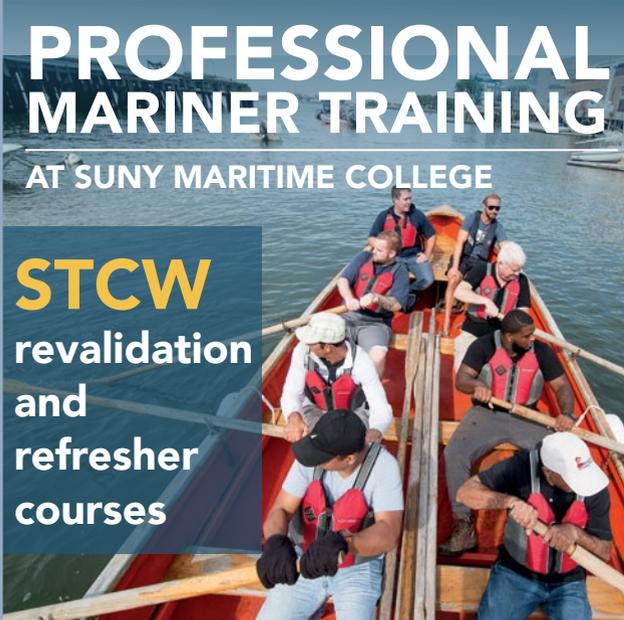
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Vehicle carrier catches fire, burns for over a week in Jacksonville

A vehicle carrier caught fire while moored at the Port of Jacksonville (Fla.) and continued to burn for more than a week, generating extreme heat and explosions that injured local firefighters.

The fire aboard the 600-foot *Hoegh Xiamen* started at about 1545 on June 4 while the ship was tied up at Blount Island in the

reported the blaze under control early on June 7, but it continued to burn for another five days.

Eight Jacksonville firefighters were injured during an explosion on the ship on June 4, four of whom were transported to a burn unit in Gainesville, Fla. Fire Chief Keith Powers said in a June 5 news briefing that he remained

concerned about the victims who suffered severe burns to their hands and ears. A ninth firefighter was injured during a separate phase of the response.

The U.S. Coast Guard has not determined the cause of the fire, and the service suggested making a determination would require a lengthy investigation.

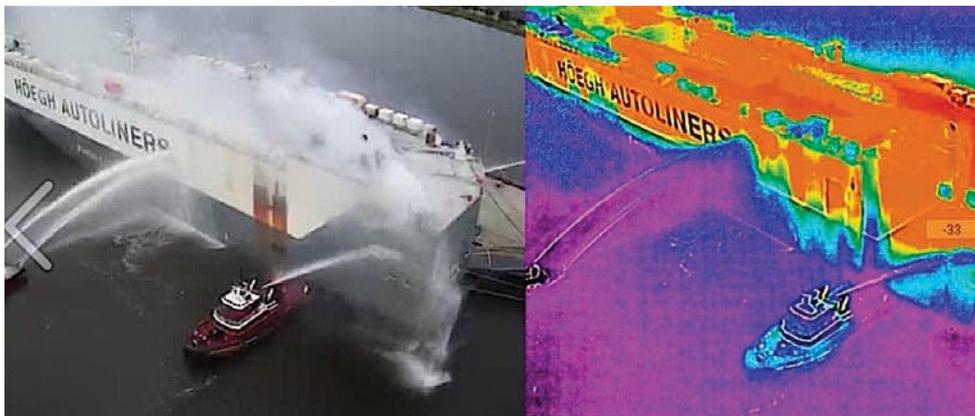


Smoke billows from the 600-foot *Hoegh Xiamen* on June 4 after the ship caught fire while moored at Blount Island in Florida's St. Johns River. Drones with infrared cameras helped firefighters determine where to spray water to cool the hull, below, and maintain the integrity of the ship.

U.S. Coast Guard/Jacksonville Fire and Rescue photos

St. Johns River. Authorities said the fire likely started on the seventh deck and continued to burn upward through the 11th and uppermost level.

All 21 crewmembers working on the Norway-flagged ship escaped safely, and there were no reports of pollution a week after the fire started. The Jacksonville Fire and Rescue Department



Hoegh Xiamen arrived at Blount Island late on June 2 from Freeport, Texas, where it loaded about 800 mostly used cars, according to Jacksonville Port Authority Chief Executive Eric Green. The ship took on another 1,575 used cars in Jacksonville. The ship was scheduled to sail to Baltimore and then to West Africa to unload its cargo, Green said. Italian shipper Grimaldi Deep Sea operated the vessel under charter.

The fire started after loading finished and the ship prepared to depart Jacksonville, according to shipowner Hoegh Autoliners. Details on the crew's firefighting response were not available.

Jacksonville firefighters boarded the vessel and closed dampers and baffles. Capt. Mark Vlaun, Coast Guard captain of the port, said the explosion that injured the eight firefighters likely occurred after a pressure buildup "that essentially off-gassed through the upper part of the ship."

At least one other explosion occurred as the heat and flames reached tanks on upper levels

containing combustible fluids and materials, he said.

In the days that followed, fireboats, tugboats and shoreside fire apparatus continually sprayed the hull to cool the ship. Firefighters dispensed 25,000 gallons of water a minute for much of the operation. Infrared images shared by Jacksonville fire officials showed the effort was successful in reducing temperatures where the water doused the ship.

The Coast Guard, local fire officials and contractors from Resolve Marine Group and Gallagher Marine assisted with the response. Authorities decided to isolate the ship at level six and defend that level and those below it from the heat and flames.

"Importantly the fire has gone up and not down," Vlaun said during the June 5 news briefing. "Most of the machinery spaces and the liquid load, the fuel, are all in the lower portion of the ship. And those areas remain in the 90s and 100-degree range, which is about as successful as you can be in terms of marine firefighting."

The upper levels of the ship, meanwhile, reached 1,000 degrees Fahrenheit and beyond in some cases. "Basically from the seventh deck up ... we believe the cars are essentially a total loss at this point," Vlaun said. "Firefighters who egressed from the ship (on June 4) explained they weren't even burning at that point, they were just melting."

As of press time, the ship remained intact and there were no signs of sheening or pollution. Response teams placed containment boom around the hull as a precaution, Hoegh officials said in a prepared statement.

Thor Jorgen Guttormsen, CEO of Hoegh Autoliners, expressed gratitude to the firefighters injured during the response, as well as port officials and the Coast Guard.

"Our thoughts and prayers remain with the firefighters who sustained injuries during the initial response to the fire, and we wish them a speedy recovery," Guttormsen said.

Casey Conley

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Explosion injures crewman, leaves boxship adrift in North Atlantic

One crewman was injured during a “severe” engine failure aboard a Danish containership that left the vessel adrift in the North Atlantic.

The 872-foot *Laura Maersk* reportedly had an explosion in the engine room June 4 at about 1430 while the ship was roughly 275 miles off Ocean City, Md. The crewmember suffered burns and other injuries deemed non-life-threatening, the U.S. Coast Guard said.

Maersk attributed the incident to a “severe turbocharger breakdown” in the engine room. It caused a minor fire that the crew “promptly extinguished,” according to company spokesman Thomas Boyd.

“The cause of the turbocharger breakdown is unknown at this time,” he said. “There (was) no further damage to the vessel and all cargo is intact.”

Authorities in the United States likely will not investigate

the engine problem or crewmember injury because the incident occurred on a foreign-flagged ship sailing in international waters, Coast Guard spokesman Ronald Hodges said.

The 4,258-TEU *Laura Maersk* was en route from Algeciras, Spain, to New York as part of its container service linking Europe and West Asia with Central America and South America. The incident disabled the ship and left it adrift for several days. The vessel’s auxiliary generators continued to provide electrical power.

The Donjon Marine tugboat *Atlantic Enterprise* reached *Laura Maersk* early in the week of June 7 to tow the ship to port. Boyd would not say exactly how long the ship drifted or when the 6,480-hp tug established the towline. Attempts to reach Donjon officials for comment on the tow were not successful.

Early on June 10, the vessels approached New York Harbor

with a destination of Ambrose Anchorage, according to AIS information.

Given the ship’s distance from port when the incident occurred, rescuing *Laura Maersk*’s injured crewman required planning and coordination with the U.S. Navy. The Coast Guard dispatched an MH-60 helicopter and HC-130 Hercules plane from Air Station Elizabeth City in North Carolina to conduct the rescue. The helicopter refueled aboard *USS Mahan*, an Arleigh Burke-class destroyer, while en route to *Laura Maersk*. Authorities did not disclose the destroyer’s location or proximity to the disabled ship.

The Coast Guard helicopter reached *Laura Maersk* after sunrise on June 5. The helicopter hovered over the bridge and

The medevac of the injured mariner on the containership *Laura Maersk*, above, required a Coast Guard helicopter to refuel aboard the Arleigh Burke-class destroyer *USS Mahan*.

hoisted the injured man from the port-side bridge wing. The aircraft transported the crewman to a hospital in Norfolk, Va., and he has since been released. Authorities did not identify the mariner, the scope of the injuries suffered or his nationality.

Rescues far enough offshore that helicopters must refuel en route are relatively rare, according to Hodges. That said, there was a similar rescue in early May in the Atlantic when the chief officer aboard the Marshall Islands-flagged tanker *Arctic Flounder* reported signs of a stroke. The ship at that point was 400 miles

“Without the assistance of (USS) *Arleigh Burke*, we would've had to wait for the ship to make it closer to shore, in a situation where . . . a person's life is at stake.”

Robert Delano, Coast Guard command duty officer

from shore. Crews transported the man to the same Norfolk hospital.

“Without the assistance of (USS) *Arleigh Burke*, we would've had to wait for the ship to make it closer to shore, in a situation where time is of the essence and a person's life is at stake,” said Coast Guard Senior Chief Petty Officer Robert Delano, command duty officer during the incident.

Although the Coast Guard is not investigating the incident aboard *Laura Maersk*, Boyd said the company would try to determine what happened.

Casey Conley



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Strong outdraft 'overwhelmed' pilot before tow hit dam, NTSB says

Mary Lucy Lane looked out of shape as its 12-barge tow neared Markland Locks and Dam on the Ohio River in Warsaw, Ky. A challenging crosscurrent from the dam sucked the downbound vessels farther out of position during their final approach.

Mary Lucy Lane's pilot steered the vessels away from the dam gates, but the starboard barge string bumped against the locks' guard wall. Moments later, the lead barge in the center string ran

head-on into the front of the guide wall running along the riverbank. The port-side barge string broke away on impact, and its lead barge struck an unmanned U.S. Army Corps of Engineers workboat.

The incident happened at about 1540 on Dec. 18, 2018, at mile marker 531.5 when the river level was high and still rising. No injuries were reported among Mary Lucy Lane's eight crewmembers, and there was no pollution. Damage to the locks and barges

totaled nearly \$322,000. Replacing Gibson, the Army Corps' 40-foot workboat, cost \$1.8 million.

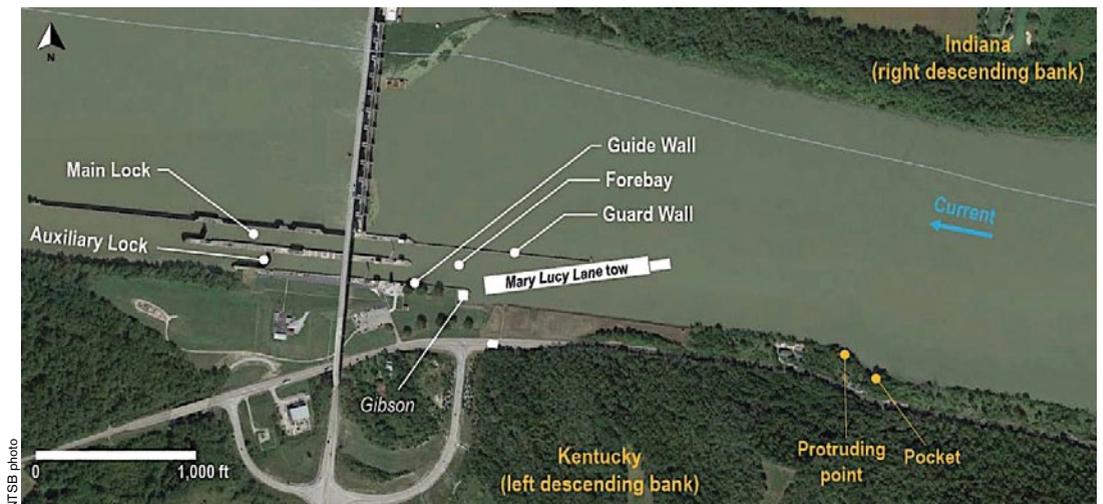
National Transportation Safety Board (NTSB) investigators attributed the incident to "a strong outdraft above the dam caused by the extreme high flow conditions, which overwhelmed the pilot's ability to control the Mary Lucy Lane tow before locking." The agency described an outdraft as "a river crosscurrent that pulls toward a downstream dam in front of upstream lock gates and guard walls."

One day after the incident, the first tow to pass through the reopened downbound lock had a nearly identical casualty. Mary Lucy Lane and Jack James, the towboat involved in the second casualty, both tied up at the same mooring cells about a mile upriver. The Coast Guard closed these cells for three months following the two incidents, and authorities later suggested downbound tows not use



U.S. Coast Guard photo

A diagram from the NTSB report shows the approximate positions of the Mary Lucy Lane tow and the workboat Gibson when the tow struck the guard wall at Markland Locks and Dam. The damaged Gibson, above left, had to be replaced at a cost of \$1.8 million.



NTSB photo

them when dam gates are at least one-quarter open.

The 140-foot, 7,600-hp *Mary Lucy Lane*, owned by Canal Barge Co. of New Orleans, was downbound with a final destination of Cairo, Ill. It was guiding 12 barges arranged in three strings of four barges each as it approached Markland at about 0930 on Dec. 18. The vessels got underway from the federal mooring cells at 1526 after receiving permission to pass through the locks.

The river level was rising as the tow approached the locks. The dam's 12 gates were open a combined 177 feet out of a possible 480 feet. The approach to the locks can be tricky even in calmer conditions due to a small point just upstream that makes for a narrower opening.

"When this area experienced high-water conditions, there were two known hazards, including stronger outdraft as water rose and the current became stronger, and the potential to strike and/or wrap around the pocket and protruding point at mile 531 on the left descending bank, thereby increasing the potential for vessel contact with Markland L&D," the NTSB said in its report.

The lock master noticed the vessels appeared out of shape as they approached Markland, enough so that he activated a security camera system to capture the approach.

"At 1534, the aft end of the tow was drawn toward the guard wall due to what the pilot described as 'crosscurrent' (outdraft)," the

NTSB said. "Video footage showed that at (1540), *Mary Lucy Lane* was no longer lined up on the inside of the guard wall."

The starboard barge string made contact with the guard wall's protective bullnose at 1542 between the second and third barges, causing the facing and wing wires to break. *WCAO 116*, the lead barge in the center string, hit the protective bullnose on the riverside guide

The NTSB describes an outdraft as "a river crosscurrent that pulls toward a downstream dam in front of upstream lock gates and guard walls."

wall, dislodging a massive section of concrete. Twelve seconds later, port-side lead barge *ART 36109* hit the workboat *Gibson*.

Authorities established a safety zone around the locks and dam on Dec. 20 following the *Jack James* incident, an event for which there are few details. Downbound tows passing through the locks could do so only during daylight hours, with an assist vessel standing by. They also were barred from using the mooring cells just upriver, a policy that remained in place until March 2019 when river levels subsided.

The incidents also spurred changes to the Waterways Action Plan for the Markland facility, particularly the suggestion not to use the upstream mooring cells in question when the dam opening is 120 feet or more. The Coast Guard and Army Corps, according to the NTSB report, both recognized the mooring cells made a challenging approach more difficult.

"(The) 0.9-mile distance from the mooring cells to the dam does not give a moored tow sufficient distance to gain speed and make an approach for southbound locking operations during extreme high water/high flow conditions," the report said. "Tows moored to the cells would also obstruct the approach of a southbound tow conducting locking operations by forcing the tow toward the middle of the river until clear of moored tows."

In a prepared statement, Canal Barge said it agree with the NTSB's conclusions.

"Understanding the root cause and any secondary cause of the allision is important to our company, our people, our federal partners and our industry as a whole," said Spencer Murphy, general counsel and vice president of risk management for Canal Barge. "We appreciate NTSB's engagement with us in this investigation and accept their findings as an important step toward continuous safety improvement, especially in high-water conditions."

Casey Conley

Inquiry finds captain's inexperience in fleeting areas led to sinking

St. Rita had embarked on a short transit at a Lower Mississippi River fleeting area, one barge on its hip, when the vessels became caught in the fast-moving current and were pinned broadside against the fleet.

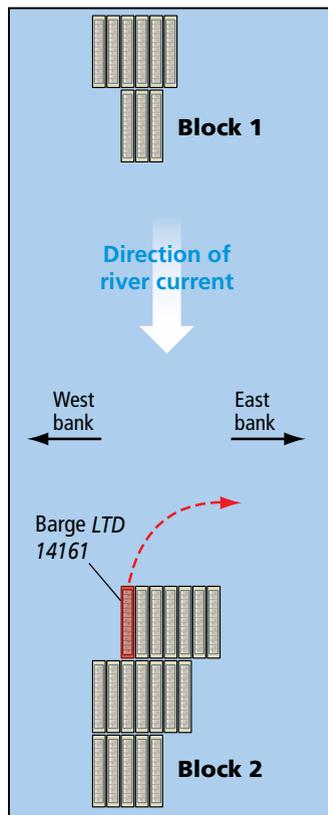
The 66-foot, 1,500-hp towboat heeled over and sank at mile marker 132 near LaPlace, La., at about 1430 on March 7, 2019. All five crewmembers escaped to barge LTD 14161 on St. Rita's starboard side. A good Samaritan towboat rescued the crew. No one was injured, but property damage was estimated at \$1.5 million.

St. Rita's captain had more than two decades of experience operating towboats in rivers and canals, but little time working in fleeting areas. The National Transportation Safety Board (NTSB) cited this lack of experience — particularly during high water, with a barge positioned on the towboat's hip with a single headline — as the leading cause of the sinking.

"The captain ... started his transit across the head of the block where the current was strongest, rather than push farther up, closer to the upriver (barge) Block 1 where the current was not as strong, which would have given him more room to maneuver or to fall back in the current," the NTSB said in its report.

Consolidated fleeting area in LaPlace, roughly 23 miles west of New Orleans. The Lower Mississippi was above flood stage, according to gauges upriver and downriver, and the current at LaPlace was moving at 5 to 6 knots.

St. Rita got an order at about 1300 to shift the empty hopper barge LTD 14161, which



U.S. Coast Guard photo/Pat Rossi illustration

St. Rita sits atop a barge after being salvaged. The illustration shows the location of barge LTD 14161 on the day of the accident and its approximate intended movement.

Investigators praised St. Rita's captain for sounding the general alarm at the first sign of trouble, a move they said probably saved lives.

St. Rita's captain started work at 0300 and spent the day shifting barges at the Cooper

was about 200 feet long, from a barge group on the right descending bank to the left bank. It was the westernmost barge at the head of a barge group known as Block 2, located about 1,200 feet downriver from Block 1. Marquette Transportation, which operated St. Rita, has policies against "downstreaming" — a practice where towboats land against a barge with the current at their sterns. That meant St. Rita had to come

alongside *LTD 14161* to remove it from the barge fleet.

St. Rita's two deck hands struggled to free the barge from the fleet, largely due to the current, although after about 15 minutes they were successful. They connected the towboat and barge via a single headline, with *LTD 14161* positioned on *St. Rita's* starboard hip. The vessels then began moving across the river toward the east bank to help build a tow.

St. Rita's captain noticed the fleet boat *Roger D.* coming upriver along the right, or west, bank. *Roger D.* then turned toward the left bank, crossing between barge blocks 1 and 2. At some point it appeared to slow down, and *St. Rita's* captain worried the vessel would “fall” downriver toward his position.

The captain “turned *St. Rita* to starboard, and eventually the current grabbed the barge and he lost control of the tow. *LTD 14161* collided with the barges moored at the head of Block 2 and became pinned (starboard-side to) against their bows,” the NTSB report said. “*St. Rita's* starboard side was pushed against *LTD 14161* by the current.”

The captain, who the NTSB did not identify, sounded the general alarm at about 1420 when he realized he had lost control. Two sleeping deck hands awoke, and the two on-

duty deck hands helped them reach the wheelhouse. The worsening starboard list made it hard for the crewmembers to move around the vessel, but all five escaped to *LTD 14161*.

Rod C., a 2,000-hp fleet boat operated by Plimsoll Marine, responded to *St. Rita's* distress call. The towboat's crew then climbed onto *Rod C.* from *LTD 14161*. *St. Rita* sank at about

Investigators praised *St. Rita's* captain for sounding the general alarm at the first sign of trouble, a move they said probably saved lives.

1430 when its headline connected to the barge parted.

St. Rita's captain began working on the towboat in late 2018 when it was operating on a canal. At that time, the captain's performance was evaluated by a Marquette port captain. The company did not check the mariner's abilities to perform fleet work when it moved the towboat to the LaPlace fleet in January 2019. Instead, Marquette's port captain took the captain's word that he was “good to go” and comfortable handling fleet work.

The sinking spurred changes

in Marquette fleet boat policy. According to the NTSB, the company restricted some operations during high water. Towboats were required to use multiple headlines when gathering a barge from a fleet, and they were required to “face up” to barges once they were freed from the fleet.

“The policy also required a towboat wheelsman to cross a tier of barges at the downriver end of the block,” the report said.

NTSB investigators homed in on the *St. Rita* captain's interactions with his counterpart aboard *Roger D.* before the sinking. *St. Rita's* captain spotted the vessel on the electronic charting system heading upriver along the right bank and assumed *Roger D.* would continue to travel upriver. The towboat's turn to cross the river caught *St. Rita's* captain by surprise.

“(He) was aware that *Roger D.* was nearby but chose not to call the towing vessel via VHF prior to getting underway with barge *LTD 14161*,” the report said. “His assumption that the other vessel would continue heading upriver would have been dispelled if he had called *Roger D.*”

A spokeswoman for Marquette, which is based in Paducah, Ky., did not respond to an inquiry about the NTSB findings.

Casey Conley



Photo by Deynes/AdobeStock

Marine radio tech gets friendlier, more capable in cellular age

by Alan R. Earls

For more than a century, marine radio has been a boon to all who work on the water, providing first for improved safety and, over time, becoming an indispensable operational tool. In recent years, it may not have experienced the “mobile

revolution” that smartphones have brought to life ashore, but it has acquired many new capabilities.

So, despite competition from newer technologies, radio remains a bedrock tool for vessel operators.

“For our organization, we live and die by radios — all our ship communication to and from helicopters, boats and dispatchers all comes via VHF radio,” said Brian Junes, vessel and facility director for the Columbia River Bar Pilots. “As the technology has advanced so has the signal clarity, and some of the radios have features and functions that simply weren’t available 20 years ago.”

The type of vessel helps drive the nature of the radio communications implemented. Domestic and international agreements further frame choices. Larger ocean-going vessels must be equipped with long-range radio communi-

The modern bridge is home to the latest electronics and communications. Digital selective calling (DSC), programmable channels and handhelds with extensive capabilities are all standard.

cations, while smaller passenger vessels used on coastal and near-shore routes require less powerful equipment. Both are categorized as compulsory. Some vessel types — recreation and pleasure craft, for instance — have far more latitude and, since no specific equipment is required, they are categorized as voluntary.

Adding features and functions

Smaller commercial vessels have come to depend on very high frequency (VHF) handhelds for internal and external communications. The VHF maritime mobile band encompasses the frequency range between 156 and 174 MHz.

Beyond that, the name of the game is cramming more features and functions into the basic transceiver design. For example, some now include both marine and land mobile frequencies, as well as programmable channels for navigation and communications.

Most marine radios are predominantly voice-based, but most also offer additional communication capabilities such as digital selective calling (DSC), which is a component of the internationally recognized Global Maritime Distress and Safety System (GMDSS).

Hans Rooker, national sales manager at Standard Horizon in Cypress, Calif., said DSC has been

on the market for several years, but it remains something of an emerging technology with hand-held radio. It is really more of a safety feature, he noted. If you register the nine-digit Maritime Mobile Service Identity (MMSI) number and program it into the radio, it becomes like a phone number.

“You can ring another individual and select a channel and put

“Some people think they have a cellphone and that’s enough, but if something bad happens, do you know the cell number of the boats that are nearest to you?”

David McLain, senior manager, Icom America

them on that channel,” Rooker said.

That cuts down on the time and trouble of having to hail someone on different channels. It also is useful for the U.S. Coast Guard, making it easier for a mariner to issue a distress call that, because of the built-in GPS, will automatically provide a position.

“They will get (the number) with your position information ... so they know who you are and can contact you,” he said.

Many new VHF radios include GPS and also have advanced features such as the automatic identification system (AIS), according to Jeff Kauzlaric, advertising and communications manager at Furuno USA in Camas, Wash. This allows the radio to communicate with transponders on other vessels to identify and monitor their movement — a useful feature for watch-standing personnel.

The AIS can work as a so-called mesh network, meaning that AIS messages can be forwarded between different sending and receiving units to extend the overall range of operations. However, this is a more common feature with high-end systems. AIS operates on VHF channels 87B and 88B.

A more basic capability also becoming common in radios is incorporation of a loud hailer to improve shorter-range communication between vessels or among crew, Kauzlaric said.

David McLain, senior manager at Icom America of Kirkland, Wash., also cited strong interest in

Furuno’s black-box FM-4850 radiotelephone is a multipronged tool: VHF, GPS, AIS, loud hailer, NMEA 2000 interface and DSC calling.



built-in AIS and GPS. “Everyone looks for NMEA 2000 plug-and-play” capability, he said, a standard that facilitates interconnection of marine sensors and display units and is compatible with the controller area network (CAN) used on some engines.

McLain said Icom’s lineup includes a “TiVo-like” playback feature, which provides about one minute of playback on the company’s M73 hand-held model and two minutes on the fixed-mount M506 and M605. “Our products are also unusual in that they are built to ‘mil-spec’ (military specification) standards,” he said.

Icom America’s M93 floating hand-held VHF radio has built-in GPS to provide location, bearing and speed.



Rooker said one of the newer features at Standard Horizon, which offers both hand-held and fixed-mount radios, is built-in scrambler capability for private conversations.

“A lot of commercial fishermen will use that because they don’t want the public listening to find out where the hot spots are,” he explained.

High-end marine radios often include the FM broadcast band so users have the option of listening to that for news and entertainment. Rooker said that in case of accidental immersion, the hand-holds from Standard Horizon also float.

“We offer a lot of newer radios that are programmable,” he said. “Out of the box it comes pre-programmed with marine frequencies, and with the software provided you can program additional frequencies. Once you set up the radio and the DSC functions, you can use it to program additional channels.”

Modern value from proven technology

Despite the advance of cellular and satellite technologies, Kauzlaric said it is important to note that VHF radios are still required by the Coast Guard on most vessels, “and they really help when trying to hail, wake up and communicate with larger vessels in traffic” — especially when you don’t have their number. He also cited the importance of radio access to the Coast Guard’s Rescue 21 system, which initiates distress response

if mariners need immediate help.

“Rescue 21 has saved lives,” Kauzlaric said. Although cellular service is an option, “we all know how cell craps out from time to time, and batteries die.”

While VHF is installed on many vessels because it is a requirement, usage has decreased due to the availability of cellphone and satellite phone capabilities, Kauzlaric said. Rooker agreed and said that may mean fewer new features on the horizon for marine radio.

But marine VHF can be stretched in new directions, according to Hugh Lupo, owner of New England Marine Electronics in Norwalk, Conn. He is also a trainer for the National Marine Electronics Association (NMEA), a U.S.-based trade association that sets standards for communication between marine electronics systems.

Among the newer developments in the maritime band, Lupo noted the adoption of phase-shift keying 31 (PSK31) for messaging using a dedicated modem. A signal that sounds to the human ear like a whistle is decoded by a computer soundcard and software, and then turned back into a text string on the computer display. Like other narrow-band digital modes, PSK31 can often overcome interference and poor propagation conditions



Courtesy Standard Horizon

Standard Horizon’s fixed-mount GX6000 has all of the latest communications features, including “plug-and-play” NMEA 2000 interface and integrated voice scrambler.

where voice or other methods of communication fail.

Pactor modems, combined with the SailMail radio-based email system, can serve vessel operators in areas beyond line-of-sight radio links to the internet, Lupo said. However, SailMail is intended only for non-commercial use.

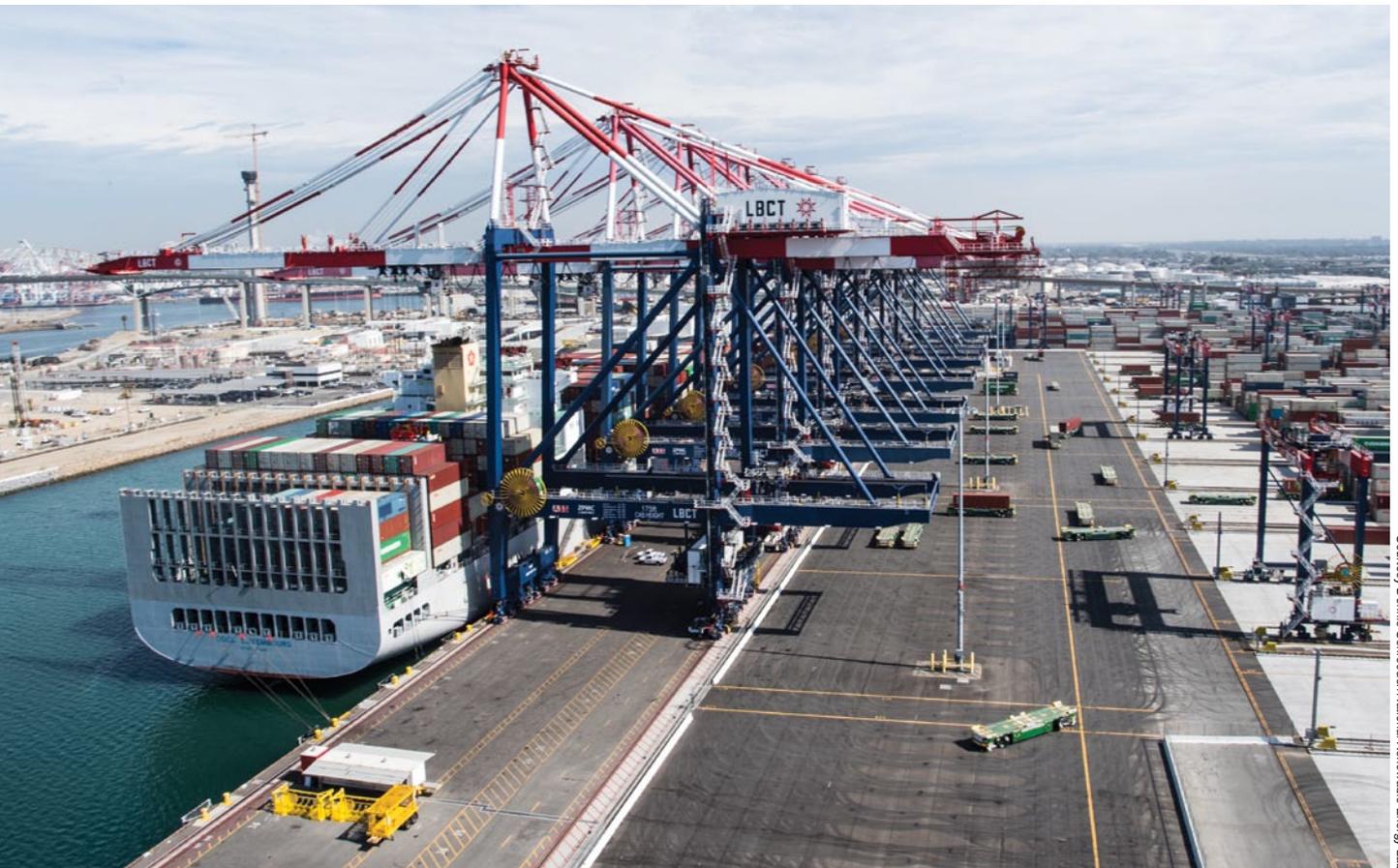
Lupo said there are also some UHF frequencies used on vessels, mostly among the crew, “but those are shared frequencies, not strictly for maritime use.”

Some of the benefits of marine radio functionality are up to the user. McLain said the industry still has a problem getting customers to understand that the advantages of DSC in an emergency depend on people registering and, in effect, “hooking up that little red button.”

“Some people think they have a cellphone and that’s enough, but if something bad happens, do you know the cell number of the boats that are nearest to you?” he said. •

Correspondence

by Edward Lundquist



Courtesy Dennis Schroeder/National Renewable Energy Lab

Pandemic shuffles deck, but marine exchange keeps San Pedro safe

Amid the COVID-19 crisis, all of the terminals in San Pedro, Calif., remain open, but ship traffic has decreased and the amount of cargo transiting both ports — Los Angeles and Long Beach — declined significantly through the first four months of the year. The anchorages in the San Pedro roadstead were full of cruise ships going nowhere, loaded car carriers with no place to offload, and tankers with full loads but no buyers.

That has required an even higher degree of vigilance on the part of the Marine Exchange of Southern California, which collects and shares information and manages vessel traffic services (VTS) for all stakeholders in both ports. In addition, the entire San Pedro Bay Port Complex is on heightened alert, and the U.S. Coast Guard is assessing all inbound vessels.

The busy complex is home to

two neighboring yet competing seaports. Each has its own terminals, pilots, security and tugboats. But one thing they both rely upon is the marine exchange. Its services ensure safe navigation and the movement of commerce, reducing

Cargo moving through the Port of Long Beach was down 9.5 percent through April due to the global pandemic and the trade war between the United States and China. Shipments began to rebound in May as the economic impact of COVID-19 started to subside.

risk to vessel owners, vessel operators and supply chains.

The VTS sensor network of radars, cameras and the automatic identification system (AIS) allows the exchange to monitor all vessel movements to ensure safe navigation in and out of the ports. Wave buoys are installed outside the ports to provide wave height and direction, with real-time data allowing sophisticated computer models to generate wave forecasts.

Of the 12 VTS systems in major port areas around the United States, all are government-run with the exception of the Southern California operation, which is a unique public-private partnership. The nonprofit exchange is supported by user fees that cover the salaries of 20 employees. Six Coast Guard members — their salaries are the only taxpayer expense — have law enforcement authority.

Retired Coast Guard Capt. Kip Louttit is the exchange's director. He reports to a board that has representation from the various government and industry stakeholders in the area, including container-ship, break-bulk, tanker, tug and barge, terminal and local passenger vessel operators, as well as pilots, steamship agents, the ports of Los Angeles and Long Beach, and the maritime law community.

Safety as a service

With an average of about 4,500 ship arrivals at the port complex in any given year, and 50 to 60 ships in port on any given day, the

exchange's maritime information service (MIS) — a 24/7 data feed to subscribers — collects, collates and promulgates the schedule for all ships arriving, departing and moving inside the ports.

Louttit said the exchange has helped to significantly reduce risk for all stakeholders. "In the 25 years since our VTS has been in business, there hasn't been a collision, allision or grounding of more than 600,000 participating vessels," he said.

Arrivals by containerships, vehicle ships, bulk carriers and general cargo ships remain below historic averages during the pandemic. Due to the number of tankers and cruise ships at anchor, the exchange is using both regular and contingency anchorages. "The pilots, Coast Guard and VTS monitor the situation carefully and there have been no VTS issues," Louttit said.

The number of ships coming

into the port complex for "bunkers only," which means they are only taking on fuel, is at "triple normal levels," he said.

Information as a commodity

"(The marine exchange) is the trusted maritime information clearinghouse, disseminating accurate, timely and pertinent info to keep America's massive logistic chain moving smoothly, quickly, safely and efficiently," said Capt. Manny Aschemeyer, a master mariner and former executive director of the exchange. "That includes all kinds of consumer goods found on the shelves at Target, Walmart, Home Depot, and thousands of other retail and commercial outlets all across the country — from food

A container is loaded onto Cosco Guangzhou at the Port of Long Beach. About 4,500 ships arrive at the San Pedro Bay Port Complex every year, with the Marine Exchange of Southern California coordinating the interaction between terminals, pilots, security and tugboats.



Courtesy, Marc/Flickr

supply items, import and export vehicles, bulk and raw materials, building materials such as lumber and steel, and petroleum products from crude oil to refined products, as well as LPG and LNG. It benefits our country and all of its citizens in every way imaginable.

“The exchange does more than just answer the age-old query, ‘Has my ship come in?’ It assures safe navigation, vessel security, port efficiency and environmental protection,” he said.

The Coast Guard captain of the port (COTP) relies on the exchange to help maintain maritime domain awareness across Southern California to ensure the safe, secure, efficient, reliable and environmentally sound movement of vessels.

MIS provides a valuable commodity that is used to plan tug movements, assign pilots, direct line handlers, manage stevedores and crane operators, schedule Coast Guard inspections, and notify customs and immigration officers. Without it, shipments would be delayed, resulting in costly disruptions to logistics enterprises.

Arrival and departure schedules must be carefully planned and executed. With ships departing, arriving or shifting berths, there is always something moving. Vessels constrained in their ability to maneuver must be handled with care.

“We have ships coming with just a meter of water under the keel,” Louttit said. “Some are so tall that we can’t turn them around in the turning basin, and we have to turn them around in

the outer harbor and back them down to their berth. This creates additional challenges for the pilots, tugboats, law enforcement escorts and everyone involved in a complicated move.”

There are a lot of port workers — line handlers, longshoremen, crane operators and truck drivers

“The exchange does more than just answer the age-old query, ‘Has my ship come in?’ It assures safe navigation, vessel security, port efficiency and environmental protection.”

Capt. Manny Aschemeyer

— involved with managing a ship from when it reaches the berth to when it departs. Delays cost money and can have a ripple effect.

Continuity amid COVID

The COVID-19 crisis has had a major impact on the San Pedro ports. According to the Port of Long Beach, dockworkers and terminal operators moved 519,730 twenty-foot equivalent units (TEUs) in April, down 17.3 percent from the same month a year ago, which remains the port’s busiest April on record. Imports slid 20.2 percent to 253,540

TEUs, while exports declined 17.2 percent to 102,502 TEUs. Empty containers headed overseas decreased 12.2 percent to 163,688 TEUs. The port moved 2.2 million TEUs during the first four months of 2020, down 9.5 percent down from the same period in 2019.

“The coronavirus is delivering a shock to the supply chain that continues to ripple across the national economy,” said Mario Cordero, executive director of the Port of Long Beach. “We’re definitely seeing a reduction in the flow of cargo at San Pedro Bay, but the ports remain open and operating, and we are maintaining business continuity.”

Gene Seroka, executive director of the Port of Los Angeles, said the trade war between the U.S. and China and now the pandemic have impacted the supply chain. “With U.S. retailers and cargo owners scaling back orders, volumes are soft even though factories in China are beginning to produce more. Amid this public health crisis, there will be uncertain months ahead in the global supply chain,” he said. •

Retired Navy Capt. Edward Lundquist is a communications professional with 37 years of public affairs, public relations and corporate communications experience in military, private association and corporate service. During his 24-year naval career, Lundquist qualified as a surface warfare officer and later served as a public affairs officer. He retired from active duty in 2000.

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fees by personal check or money order. As it stands now, if you don't have a credit card you cannot make a payment at Pay.gov, and so you can forget about getting/renewing your MMC.

As for the maritime industry itself, most vessel operators are being proactive in protecting the mariners working for them. That is good, considering how fast the virus has been shown to spread between crewmembers on ships at sea, coupled with the fact that merchant vessels have no trained medical professionals on board to deal with an outbreak. Unfortunately, with little government guidance in developing the best pre- and post-employment COVID-19 protocols to keep crews safe, there is no industrywide standardization of procedures.

Mac, a chief steward I know, took a position recently on a ship. He flew to Anchorage, Alaska, where the company quarantined him for 14 days prior to his joining the vessel. He was put up in a hotel and provided all his meals, had his temperature taken by a

medical professional several times a day, and was paid his daily wage for the duration. After 14 days of exhibiting no symptoms, he was allowed to join the ship. Another colleague, Gerald, just joined an oceanographic vessel after having to self-quarantine for 14 days at home for no extra pay. He also had to pass a company-arranged coronavirus antibody test before he was allowed to join the ship. Both of these mariners will have to stay on their respective vessels for their entire 90-day work tour, as no one is allowed shore leave.

The question on the minds of many mariners revolves around whether the changes in credentialing and employment caused by the coronavirus are temporary or permanent. Regarding credentials, I personally would like to see the 90-day grace period during which mariners can sail on expired documents made permanent, along with the electronic transfer of license renewal tests, and I also would like to see the acceptance once again of personal checks and money orders for payment of credential fees. From an employment standpoint, I believe that

pre-employment quarantining and testing will continue to be required by companies for the foreseeable future, at least until a vaccine is readily available — which may be years away, according to medical experts.

As if hurricanes and pirates weren't menace enough, now mariners have to face an invisible and deadly foe every time they go to work. To continue prospering professionally in these uncertain times, staying informed, being proactive, and keeping flexible will be essential. So take care of yourself, stay abreast of changes in rules and regulations, and be ready to do what you need to do to keep your credential, your job, your shipmates, your family and, most importantly, yourself safe.

Till next time, I wish you all smooth sailin.' •

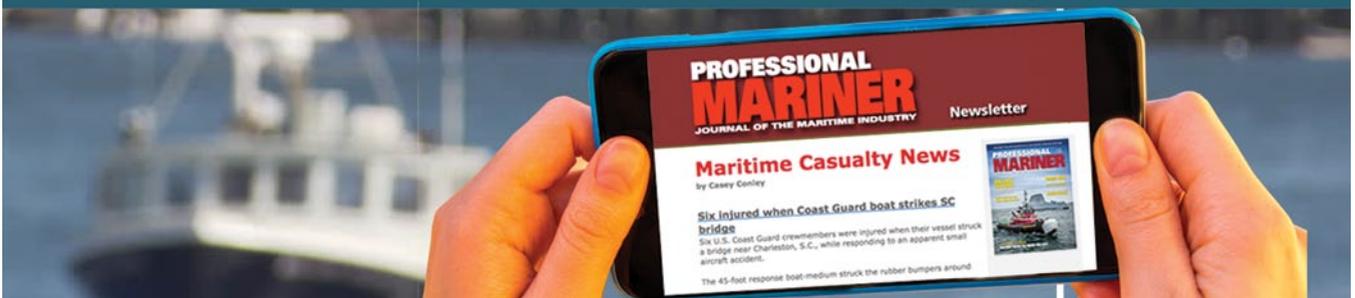
Kelly Sweeney holds a license of master (oceans, any gross tons), and has held a master of towing vessels license (oceans) as well. He sails on a variety of commercial vessels and lives on an island near Seattle. You can contact him at captswweeney@professionalmariner.com.

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A Mariner's Notebook

by Capt. Kelly Sweeney

Mariners, Coast Guard adapting to coronavirus risks and realities

On my birthday in early February, my wife and I celebrated the day with a fish-and-chips lunch at a favorite local restaurant, followed by

a pleasant hike along a waterfront preserve on the south end of the island we live on.

Halfway through the

walk, we sat down on a log to enjoy a cup of coffee out of our thermos. Looking across Saratoga Passage, the mainland city of Everett came into view, where just two weeks earlier the first confirmed case of novel coronavirus in the United States was reported. The Puget Sound region soon became “ground zero” of the pandemic, and within a few short months over 100,000 Americans had died of COVID-19. We got the sad news that Charlie, a fellow

rockhound and longtime island neighbor of ours, died after contracting the virus — which is considered by medical experts to be many times more deadly than the standard flu. Charlie’s death was a sobering reminder of just how dangerous this virus is, and that none of us is immune to the risk.

The maritime industry also has been impacted by the pandemic. Mariners who have been infected include cadets at the U.S. Merchant Marine Academy, crewmembers on the U.S.-flag cruise ship *Pride of America* in Hawaii, crews on foreign-flag cargo vessels and cruise ships, and civilian mariners working for the Military Sealift Command (MSC) — and no one knows just how far it will ultimately spread. One thing is certain, however: COVID-19 is dangerous and deadly. After nearly 50 percent of the civilian merchant mariners on his ship

tested positive for the coronavirus, a qualified member of the engine department (QMED) on the MSC tanker *USNS Leroy Grumman* died of COVID-19 in May, leaving behind his wife and three school-aged children.

In response to the crisis, the U.S. Coast Guard in March began making extensive changes to the rules regarding the issuance of merchant mariner endorsements and credentials, announcing these changes in a series of marine safety information bulletins. First, all 17 Regional Exam Centers were closed until further notice. Then the Coast Guard publicized its new policy allowing anyone whose merchant mariner credential (MMC) and/or medical card expired between March 1, 2020, and Sept. 30, 2020, to automatically receive an extension until Dec. 31, 2020. Mariners who hold a valid MMC but whose

Transportation Worker Identification Credential (TWIC) card has expired are permitted to continue sailing. Finally, licensed officers taking a renewal exam can now receive and send back the test module electronically.

To its credit, the changes the Coast Guard made to the regulations have for the most part benefited us, and a number of my friends and colleagues have taken advantage of them. M.D., a QMED who lives a few miles from our house, is working on board a ship right now even though his MMC expired in May. G.W., a licensed engineer who lives back east, is in the running for a 90-day job on a deep-sea ship even though his MMC will expire in a matter of days. In my opinion, the only downside to the changes was the elimination of the provision that permitted mariners to pay for any credential

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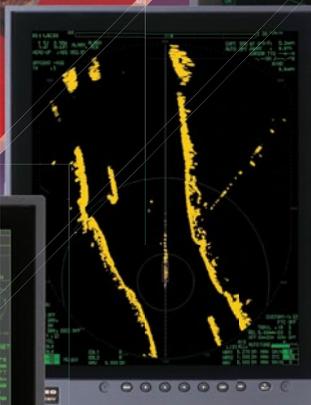
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