



16 State House Station
Augusta, ME 04333-0016
Phone: (207) 624-3564
Fax: (207) 624-3099

Minutes: Forum #117

Date: April 17, 2019
Time: 10:00 AM
Location: University of Maine Hutchinson Center
80 Belmont Avenue (Route 3)
Belfast, ME 04915

1. Introductions and Administration:

Introductions – The meeting was called to order at 10:00 by the Port Safety Forum Co-Chair Matt Burns representing the Maine Port Authority with Commander Jason Boyer as the Co-Chair representing the Coast Guard. A quorum was comprised of 21 individuals.

Review and Approval of the December 13, 2018 Port Safety Forum Meeting Minutes – Hearing no objections to the content of the December 13, 2018 minutes, Mr. Burns accepted the minutes as approved.

2. Port Activities Update:

Submerged Lands Update – John E. Noll Submerged Lands Program, Bureau of Parks and Lands

Mr. Noll provided an informative outline of Maine's Submerged Lands Program, which is administered by the Bureau of Parks and Lands Department of Agriculture, Conservation, & Forestry. Whether within an inland lake or coastal area, all land which is covered with water is publicly owned and is reserved as a public trust. This enables people to use waters over the submerged land or the land itself for "fishing, fowling (hunting), and navigation." Piers and other structures located on submerged lands may be privately owned; the land and water beneath them are not. These have been long considered essential public rights, which the State of Maine has retained.

Publicly Owned Submerged Lands - as defined by the State of Maine:

- **Coastal region (including islands):** All land from the [mean low-water mark](#) out to the three-mile territorial limit. Where intertidal flats are extensive, the shoreward boundary begins 1,650 feet seaward from the mean high-water mark.
- **Tidal Rivers:** All land below the mean low-water mark of tidal rivers upstream to the farthest natural reaches of the tides.
- **Great Ponds:** All land below the natural low-water mark of ponds that are 10 or more acres in size in their natural state.
- **Boundary Rivers:** Land lying between the banks of rivers that form Maine's border with Canada.

Publicly Owned Submerged Lands - do not include:

- Beaches or other shoreland that is covered by water only at high tide.
- Land that has been flooded by dams.
- Land beneath ponds that are less than 10 acres in size, or
- Land beneath non-tidal rivers that do not border Canada.

The Submerged Lands Program:

- Provides limited use leases and easements to allow piers and other structures to be built on and over Public Submerged Lands.
- Offers opportunities for qualified companies and individuals to salvage sunken logs from publicly owned submerged lands.
- Funds (through leasing and log salvage proceeds) support to municipal harbor planning and public access improvements. The Submerged Lands Program provides hundreds of thousands of dollars annually to improve public docks and wharfs as well as boat ramps to enhance public access to the water.

Cruise Maine Season Forecast– Jon Nass, CEO, Maine Port Authority

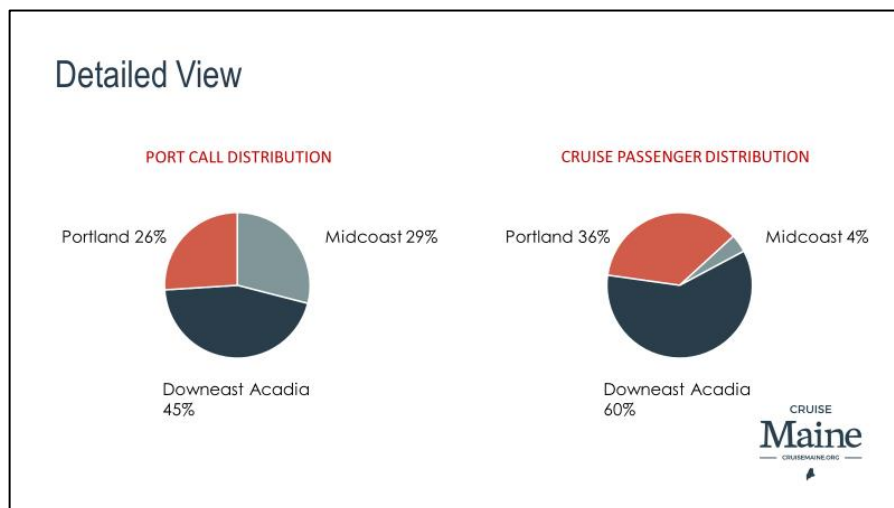
CruiseMaine promotes the State of Maine as a whole to the cruise ship industry. The organization is run by the Maine Office of Tourism and is affiliated with the Maine Port Authority. Cruising is growing as an industry. In 2017, 25 million people took a cruise. By 2030, experts expect that number to be 50 million cruisers / year. World-wide the cruise ship fleet expansion between 2017-2026 is estimated to be over 100 vessels. Cruise ships currently under construction world-wide are summarized below:

- 4,000 passengers: 34 vessels
- 1,000 - 4,000 passengers: 25 vessels
- < 1,000 passengers: 47 vessels

In Maine, the following are the projected cruise ship arrivals for 2019

- Portland: 100 (approximately)
- Bar Harbor: 170 (approximately)
- Rockland: 35
- The other 7 ports combine for 115 (approximately) calls with most ranging from 18 to 32 each.

These cruise ship calls will infuse Maine's economy with approximately 657,000 visitor days resulting from combined passenger and crew visits from a total of 432 port calls across the State of Maine.



International Ferry Operation – Evan MacDonald, Bay Ferries, LTD. – Mr. MacDonald is the Designated Person ashore and Company Security Officer for Bay Ferries; he provided a pre-season briefing detailing the new operating model for the high-speed ferry Alakai (marketed as *The Cat*). Bay Ferries will shift their international ferry operation from Portland to Bar Harbor commencing in June of 2019. Operations will include daily ferry service between Bar Harbor and Yarmouth, NS, Canada. *The Cat* is a U.S. flagged high speed ferry and is crewed with 22 American seafarers. The vessel is capable of carrying 866 passengers and 228 automobiles at speeds up to 43 knots (51 MPH).

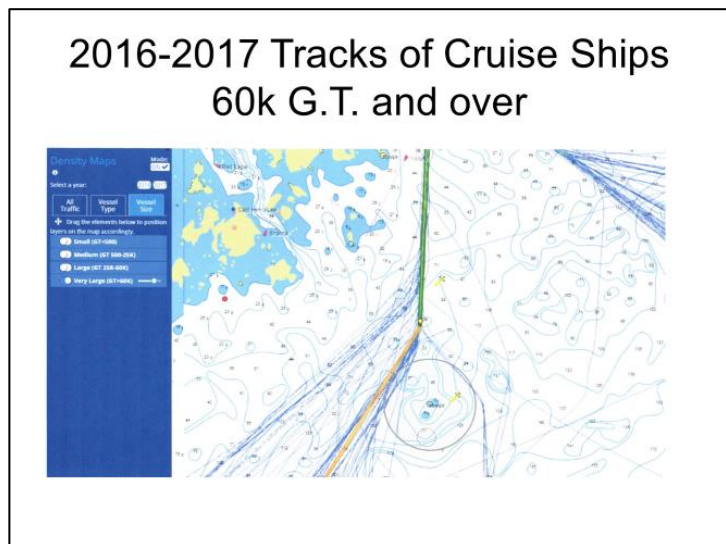
Bay Ferries and *The Cat* participate in Green Marine which is a voluntary environmental certification program that offers a detailed framework for maritime companies to first establish and then reduce their environmental footprint (exceeding regulatory requirements). The program has a strong Canadian following but is making in-roads in the American/international fleet. Green Marine is a continuous improvement system that establishes environmental performance categories with associated targets to drive down waste and reduce environmental impact.

The seasonal operation will commence approximately June 21, with pre-season route trials occurring before the inaugural voyage.

Recommended Route Extension for Frenchman Bay – Captain David Gelinis, Penobscot Bay and River Pilots Association – Captain Gelinis briefed the group on an initiative to extend existing recommended routes for deep draft vessels (accessing Frenchman Bay) on NOAA Chart 13312 as follows:

1. Eastern Route: Extend the existing route approximately 3 additional miles along the same bearing. The NE corner of the route would be 44°13.5' N, 067°-52.6' W and the SW corner of the route would be 44° 13.50' N, 067°52.74' W. This extension is 400 yards wide and corresponds with the existing route.

2. Southern Route: Add a new section to the existing route, extending 12.04 NM from the existing route so as to remain just outside of the 3-mile limit of Mount Desert Rock. The terminal coordinates of the proposed extension would be: 43° 52.77 N 068°17.00 W (SE corner) and 43° 52.86 N 068°17.20' W (NW corner).



The request is made in an attempt to avoid entangling propellers, rudders, stabilizers and other hull appurtenances by cruise ships in lobster and other fishing gear. A longer recommended route as depicted in beige in the chart above, may help keep more deep draft traffic further to the East and away from popular lobster fishing grounds.

Possible Format/Schedule Change – Brian Downey, Port Safety Forum Coordinator – Mr. Downey briefly explained to the group that the Port Safety Forum and the Area Maritime Security Committee may attempt a pilot project to combine the two meetings one or more times per year as a method to streamline the number of similar meetings attended by port stakeholders.

3. Coast Guard Update:

CDR Jason Boyer, Chief of the Coast Guard’s Prevention Department provided a general overview of Prevention operations followed by topic specific briefings as follows:

- **Marine Event Season Outlook – LT Matt Odom, USCG Waterways Management Division** – Marine Event Permitting - The Sector is now ramping up for its rigorous marine event season. In 2018, the Waterways Management division processed and facilitated 120 marine event applications. Marine event organizers are urged to prepare and deliver their applications to Sector Northern New England early.
- **Navigation Rules for Vessels at Anchor – LT Pete Fransson, USCG Waterways Management Division** – During a recent vessel accident investigation, the Coast Guard noted that a contributing factor was an unlit, abandoned vessel at anchor. Based on further research, the Coast Guard reminds boaters and professional mariners that unless a vessel is in a Special Anchorage as defined in 33 CFR 109.10, the vessel must exhibit appropriate anchor lights when at anchor at night or reduced visibility. Special Anchorages, which are designated by the Coast Guard and listed in 33 CFR 109.110 permit vessels not more than sixty-five feet in length, to be anchored without the required anchorage lights. The following are the official Designated Special Anchorages per 33 CFR 109.110 in the States of Maine and New Hampshire:

Maine	Penobscot Bay	<ul style="list-style-type: none"> • Rockland Harbor • Camden Harbor, Sherman Cove and adjacent waters • Stonington Harbor, Deer Island Thorofare 	Penobscot Bay Regulation 33 CFR 110.4
	Casco Bay	<ul style="list-style-type: none"> • Beals Cove, West side of Orrs Island, Harpswell • Harpswell Harbor, east side of Harpswell Neck, Harpswell • Basin Cove, west side of Harpswell Neck, Harpswell • Mussel Cove and adjacent waters at Falmouth Foreside, Falmouth • Harraseeket River • Yarmouth Harbor and adjacent waters 	Casco Bay Regulation 33 CFR 110.5
	Portland Harbor	<ul style="list-style-type: none"> • Portland Harbor, Portland, Maine (between Little Diamond Island and Great Diamond Island) 	Portland Harbor Regulation 33 CFR 110.6
	Fore River	<ul style="list-style-type: none"> • Fore River, Portland Harbor, Portland, Maine 	Fore River Regulation 33 CFR 110.6a
	Wells Harbor	<ul style="list-style-type: none"> • Anchorage “A” • Anchorage “B” • Anchorage “C” 	Wells Harbor Regulation 33 CFR 110.9
New Hampshire	Portsmouth Harbor	<ul style="list-style-type: none"> • Portsmouth Harbor, New Hampshire, north of Newcastle Island 	Portsmouth Regulation 33 CFR 110.10

4. Old Business/New Business:

New Business – Brian Downey, Port Safety Forum Coordinator

Pilot Rate Adjustment Workshop

Mr. Downey announced and invited public observation of a Pilot Rate Adjustment Workshop to be held on April 26, 2019 at the Maine DOT Building at 24 Child Street, Augusta at 10:00 am. The goal of the meeting is to analyze proposed rate adjustments for various pilot organizations in Mid-coast and Downeast Maine. The Workshop will also analyze a proposed new ferry rate for Frenchman Bay.

Pilot Rate Adjustment Public Meeting

The Workshop will be followed by a Public Meeting which will invite comments and new information from the public and interested stakeholders at the Maine DOT Building on:

May 23, 2019 at 1:00 pm
Room 216
24 Child Street
Augusta, ME 04330

5. Next Meeting:

Date: June 12, 2019
Time: 10:00 AM
Location: University of Southern Maine
Room 213 (Second Floor) Abramson Center
88 Bedford Street
Portland, ME 04101