

Minutes of the Lower Coastal Commission of Pilotage Meeting

April 14, 2020
6 Concord Street
Charleston Branch Pilot Office
Chas, SC 29401

****Meeting was conducted by conference call*****

Board Members present were:

Mr. Henry Hay III (Chairman)
Mr. David Galloway
Ms. Amy Riley
Mr. Joel Britt
Capt. Chris Thornton

Excused Absences were noted for:

Mr. Ken Riley
Mr. Darrell Johnson

Staff and other present were:

Capt. John Cameron, Charleston Pilot Assoc.
Ms. Elizabeth Hills, Charleston Pilot Assoc.
Lt. Richard Keefauver, USCG
Ms. Laura Smith LLR
Mr. Hardwick Stuart, LLR Advice Counsel
Mrs. Noreen Milligan, Secretary

The Commissioners of Pilotage for the Port of Charleston met Tuesday April 14, 2020 by conference call. Whereas, proper notice of date, time, place and agenda information having been properly provide to the Charleston Post and Courier and proper notice also having been posted on the LLR website/Pilotage 24 hours prior to the time scheduled for the meeting and quorum having been noted as present, Chairman Hay called the meeting to order at 5:00 PM. All votes reference herein was unanimous unless otherwise noted.

Chairman Hay asked the Commission to approve the agenda. **Motion:** Commissioner Riley moved to approve the agenda and Commissioner Thornton seconded it. **The motion passed.** Chairman Hay asked the members to read the draft of minutes taken during the March 10, 2020 meeting. **Motion:** Commissioner Galloway moved to accept the minutes and Commissioner Riley seconded the motion. **The motion passed.** Next, the Financial Report showed that checks written since the last meeting totaled \$755.56 and there were no deposits the Commission had \$24,083.72 on hand. **Motion:** Commissioner Galloway moved to accept the Financial Report and Commissioner Riley seconded the motion. **The motion passed.**

Under Old Business, Lt. Keefauver gave the Coast Guard report. Ft. Sumter range light is not working but will be back on at the end of the week. There is a bird nest on the

Wando Reach. It is not causing any problems and they are in contact with DNR. Pilots would like Coast Guard to check Hog Island Reach light intensity. The pilots asked if the Coast Guard had extra parts in stock for buoys. If they did not the pilots would help with the cost. The Coast Guard said that they had a surplus of parts.

Ms. Smith gave the LLR Report. There was confusion with the agenda letter being sent to the Commissioners. Ms. Smith asked all Commissioners to make sure she had their email address. There was one physical for April. There was no new information to report on the Lower Pilotage Policies and Procedures Manual. Please continue to send updates to the new LLR Web site llr.sc.gov/pilot.

Capt. Cameron said that there was nothing new to report on the Savannah River Commission.

The Trans-Atlantic Race has been cancelled due to the Covid-19 virus.

The Pilots have had discussions with the dredging companies and there have been no more issues with them. This agenda item can be removed.

The COLA (cost of living rate adjustment) was published in the *News and Courier* from March 2 through March 5, 2020. It is based on the Consumer Price Index (CPI) for CY 2019 of 2.3%. The adjustment is \$65.85 GT to \$67.40 GT and \$26.85 DF to \$27.50 DF. The Commissioners asked Mr. Stuart if they could vote on this by conference call. He said that they could. Commissioner Thornton said that the pilots would like to defer the rate adjustment to September but would like for the Commission to still vote during the April meeting. **Motion:** Commissioner Galloway moved to accept the COLA adjustment and the Pilots rate card but to suspend the adjustment to September 2020. Commissioner Riley seconded it. **The Motion passed.**

Capt. Cameron said that there is no new information on S. 689. He will continue to keep the Commission up to date.

Under new business, Mr. Stuart had information from other states in response to the Covid-19 virus. This emergency situation is being left to each Pilot Associations to decide what works best for them. Mr. Stuart said that New York, San Francisco and some small ports in Florida were limiting the apprentices on what they could do. Capt. Cameron said that the Charleston Pilots have suspended all apprentices from boarding vessels during this pandemic. This will not impede their progress with the apprentice process. All pilots are wearing masks and gloves. They are not signing any vessel logs, touching paperwork or shaking hands. The pilots have split into 2 groups and they are staying separated during working hours. There are 3 retired pilots that could be called back to service. Mr. Stuart sent all Commissioners a letter outlining this emergency situation. S. C. Code 54-15-270 requires that all vessels entering the pilotage area of the Port of Charleston must have on board a pilot licensed by the Commissioners of pilotage for the Lower Coastal Area. There are 18 licensed pilots. On March 13, 2020, Governor McMaster issued Executive Order No. 2020-08, declaring a public health emergency due to the risks and impacts of COVID-19. If the current pilots become exposed to or infected by virus, there may not be enough licensed pilots for the Port Of Charleston to meet the requirements of the law during this public health emergency.

Emergency Licenses 136-100

- A. The South Carolina Commissioners of Pilotage for the Lower Coastal Area waive the three-year apprenticeship for current apprentices pursuant to S.C. Code 54-

15-120(D) and waive the seventy year-old age limitation in Reg. 136-013 for retired pilots previously licensed by the Commissioners.

- B. This waiver of licensing requirements and age limitations shall remain in effect for the duration of the declared public health state of emergency.

Motion: Commissioner Thornton made a motion to adopt Mr. Stuart's Emergency Situation letter as written with the correction of 20 pilots to 18. The Pilots would decide what apprentices would be licensed and what retired pilots would be reinstated. Commissioner Riley seconded it. **The motion passed.**

The Commission sent a letter to the Charleston Harbor Pilots to inform them that as of March 19, 2020 the Coast Guard does not intend to enforce their requirement for an annual physical associated with issuance of a Medical Certificate, given the current national emergency and lack of medical care. The Commissioners of Pilotage for the Lower Coastal Area likewise do not intend to enforce the State requirement to undergo an annual physical, and direct that this measure **only** relaxes the requirement for an annual physical and not the actual medical standards associated with a Coast Guard issued Medical Certificate. This suspension of enforcement of the annual physical shall remain for the duration of the public health emergency as declared by the Governor or President, whichever is later.

All pilots have been issued a letter stating that they are considered essential personnel during this COVID-19 emergency.

Under Commissioner comments, Commissioner Thornton had a request from a Savannah Harbor Pilot. He would like to be issued a license to work in Port Royal, South Carolina. This will be added to the agenda for next month. Commissioner Galloway asked for the Channel 13 recording to be added to next month's agenda. Commissioner Galloway mentioned that Ms. Milligan last meeting would be in July. The Commission is in the process of looking for her replacement.

There were no legal comments.

There were no public comments.

There were no announcements.

There being no further business to bring before the Commission, the meeting was adjourned.

Respectfully submitted,

Henry Hay III
Chairman

Noreen K. Milligan
Secretary