



# *Sidelights*

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American  
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*Dedicated to advancing  
maritime and nautical science by  
fostering the exchange of  
maritime information and  
experience, promoting advances  
in nautical education and  
training standards, and the  
publication of  
professional literature.*

# The Council of American Master Mariners, Inc.



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Treasurer and Secretary

**OPEN**

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^ Board of Governors Member

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### **Executive Committee Members**

Captain Warren G. Leback  
Captain Jeff Wells

### **Council Chaplain**

Captain Fr. Maurice Lalonde

### **Constitution and Bylaws Committee Chairs**

Captain Pat Moloney  
Captain Chick Gedney

### **Membership Committee Chair**

Captain Liz Clark  
[captclark@mastermariner.org](mailto:captclark@mastermariner.org)

### **Master's Paperwork Reduction Committee**

Chair: Captain Warren Leback

### **Positions Committee Chair**

Captain Gregory Tylawsky  
[capttylawsky@mastermariner.org](mailto:capttylawsky@mastermariner.org)

## National Chapters

### South Atlantic Region

#### PORT EVERGLADES / MIAMI

**Captain David Goff, President**

561-392-5476  
[captgoff@mastermariner.org](mailto:captgoff@mastermariner.org)

Meetings at 1200 on the second Thursday of each month, except July and August. Fin and Claw Restaurant 2501 N. Federal Hwy., Lighthouse Pt., FL.

**Mailing Address:** 1106 S.W. 12<sup>th</sup> Road  
Boca Raton, FL 33486

#### TAMPA

**Captain Robert Holden, President**

727-784-7595  
[capholden@mastermariner.org](mailto:capholden@mastermariner.org)

Meetings at 1130 on the second Tuesday of each month, except July and August. Columbia Restaurant, 7<sup>th</sup> Ave. and 22<sup>nd</sup> St.

**Mailing Address:** 50 Baywood Ct.  
Palm Harbor, FL 34683-3701

### North Pacific Region

#### SEATTLE / PACIFIC NORTHWEST

**Captain Richard Klein, President**

425-746-6475  
[captklein@mastermariner.org](mailto:captklein@mastermariner.org)

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

**Mailing Address:** PO Box 99392  
Seattle WA 98139

#### COLUMBIA RIVER

**Captain Vic Faulkner, President**

360-798-9530  
[faulkner8022@msn.com](mailto:faulkner8022@msn.com)

Meetings are at 1200 on the second Friday of each month. Red Lion Inn at the Quay Vancouver, WA.

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

### South Pacific Region

#### LOS ANGELES / LONG BEACH

**Captain David Boatner, President**

805-984-7758  
[captboatner@mastermariner.org](mailto:captboatner@mastermariner.org)

Meetings at 1130 on the third Tuesday of each month, except August. The Reef Restaurant, 880 S Harbor Scenic Dr., Long Beach, CA.

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

#### SAN FRANCISCO BAY AREA

**Captain Pat Maloney, President**

415-397-2253  
[mmrpat@earthlink.net](mailto:mmrpat@earthlink.net)

Meetings on the first Tuesday of each month. Locations vary, please call for current meeting place.

**Mailing Address:** P.O. Box 92  
Crockett, CA 94525-0092

### North Atlantic Region

#### NEW YORK / NEW JERSEY

**Captain Robert B. Lamb, President**

[captlamb@mastermariner.org](mailto:captlamb@mastermariner.org)

Meetings on the fourth Tuesday of each month, except June, July, August, and December. Locations and day may vary, please call for current meeting place and date.

**Mailing Address:** 31 Al Harvey Road  
Stonington, CT 06378-1903

#### BALTIMORE / WASHINGTON

**Captain Emil Blische, President**

410-250-8179  
[captblische@mastermariner.org](mailto:captblische@mastermariner.org)

Meetings on the third Wednesday of each month except June, July, and August. *S/S John W. Brown.*

**Mailing Address:** 13303 Ocean Drive  
Ocean City, MD 21842-4532

#### NORFOLK / HAMPTON ROADS / TIDEWATER

**Captain John Holster, President**

757-431-9144  
[capholster@mastermariner.org](mailto:capholster@mastermariner.org)

Meetings at 1200 on the first Tuesday of each month. Locations vary, please call for current meeting place.

**Mailing Address:** 905 Giles Green  
Virginia Beach, VA 23452

### Gulf Region

#### NEW ORLEANS

**Captain Karl Jaskiorny, President**

504-737-4849  
[Karljask@bellso.net](mailto:Karljask@bellso.net)

Meetings at 1130 on the second Thursday of each month, except July and August. Locations vary, please call for current meeting place.

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River Ridge, LA 70123-2048

#### MOBILE BAY

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334-661-3705  
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Meetings on the 2nd Tuesday of each month at 1330. Fire Mountain Grill, Buffet, & Bakery, 4439 Rangeline Road, Mobile, Alabama.

**Mailing Address:** 3780 Hidden Oak Drive  
Pensacola, FL 32504

#### HOUSTON

**Captain Jack Lane, President**

409-744-2445  
[captlane@mastermariner.org](mailto:captlane@mastermariner.org)

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# In this issue

## Sidelights

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### TO SUBMIT MATERIAL

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

### 2007 PUBLICATION DEADLINES

Issue	Submission	Release
Spring	Jan. 30	March 1
Summer	April 30	June 1
Fall	July 15	Sept. 1
Winter	Oct. 15	Dec. 1

### ON THE COVER

Cape Reinga Lighthouse, northern point of New Zealand. Photo by Tim Bradley.



## Fair winds and smooth seas

We say good-bye to Captain Dave Smith. As our National Secretary / Treasurer of the past 6 years, he leaves big shoes to fill. Read more about his naval career, legacy as a Merchant Marine Officer, his passion for diving, and dedicated lifetime CAMM member on page 5.

## View From the Bridge

National President Captain Tom Bradley recently attended The Company of Master Mariners of Canada (CMMC) National Council Meetings and the Annual General Meeting. Read more about the similarities of issues Masters faces in both countries on page 4.



## 2007 AGM plans underway

Join us for our 67<sup>th</sup> Professional Development Conference and Annual General Meeting at the Hilton Ponce in Ponce, Puerto Rico, April 11-13. We've lined up knowledgeable speakers on topical issues, local tours, and a post-meeting Caribbean cruise! Read more on pages 6-7.

## Zim Mexico III Captain held at fault

Capt. Wolfgang Schröder found guilty of criminal negligence for accident resulting from a mechanical failure due to design flaw. Read more about the details of the accident and subsequent trial and offers by SFBA & Tampa chapters as to how his criminalization affects Masters on pages 10-11.

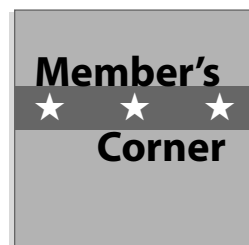


## CAMM committee & region reports:

The Positions Committee view on Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials, draft as proposed by USCG; Gulf region report; Lalonde Award nominations; and our own Lyn McClelland honored by Industry as she retires. Read more on pages 8-9.

## Member's Corner:

Capt. Herman Fritzsche debates the roles of the USCG and MARAD over the US Merchant Marine; Robert Frump shares his opinion of the arrest and conviction of Captain Schröder, a reprint of CAMM position 04-01 on Criminalization of Masters, and a bit about *Old Ironsides*. Pages 14-16





Captain Tom Bradley,  
National President

As I'm sure many of you know, we say good-bye to Dave Smith, our secretary/treasurer. (Please read story on opposite page.) In the interim, we will appoint a temporary secretary/treasurer to take over until a special election is held. We thank Captain Smith for the job he's done over the last 6 years. Anyone willing to undertake this task should contact me.

This is our first edition of *Sidelights* with the new publishers; your comments are welcome, and do you have any suggestions on what we can do better?

We are well into the planning of our AGM and Professional Development Conference on April 12<sup>th</sup> & 13<sup>th</sup> in Ponce PR. Information can be found on our web site [www.mastermariner.org](http://www.mastermariner.org) and in this magazine along with some of the forms you will need to register.

*Sidelights* and our website, [www.mastermariner.org](http://www.mastermariner.org), are where we will state our positions for the up coming year. If you have an idea on a position you think CAMM should take, let us know! Be advised they must be maritime related and something that affects the Master / Pilot.

Our annual cash raffle tickets will be mailed with dues notices at the beginning of the year. \$1 per ticket, or \$10 for 12 tickets. First prize takes 25% of proceeds. Winners will be drawn at our AGM. Remember, the more tickets we sell, the less chance of our dues increasing!

I was invited to and attended The Company of Master Mariners of Canada (CMMC) National Council Meetings and the Annual General Meeting October 21<sup>st</sup> and 22<sup>nd</sup> 2006 in New Westminster, British Columbia.

Captains Moore & Klein from the Seattle chapter joined me. It turned out to be a very good meeting; the difference between our organizations is very small. Most of their concerns and issues are the same ones we have. Our active members are getting older and we struggle to gain new members, keep existing members interested while giving them something in return for membership. We attempt to expand the influence of our organization. Our active members regularly combat Government. Regulation (or just complying) to meet updated security requirements. I recommended that they too come up with and take positions (publicly) that would benefit our Industry.

At their meetings Minutes were taken, past minutes were read and approved something we at CAMM should look at very closely.

I have invited the Canadians to our AGM in Ponce PR, and they just might send a rep.

Some of the comments I received:

*"Hi Tom, Just a note to say how much we appreciate your visit with us. I think that we are now heading in the right direction. Thank you for coming to our AGM. Regards David."*

*"Tom, It was a pleasure meeting you and I particularly thank you for your information about IFSMA, an organization I strongly believe the Company of Master Mariners of Canada should be part of. Can you*

*provide me with contact information for CAMM on the East Coast? Being from Nova Scotia, I would be interested in the New England area. Thanks again for your participation, Jim."*

*"Hi Tom, As relayed by Peter we were all impressed with this first time occurrence and leaves us wonder, "Why did we not do this before?" I have personally visited the Seattle council several times but always for a social function. This is the first time, to my knowledge, that our two national groups have met for a business meeting and that should definitely continue. The annual general meetings are the correct forum. Let us all keep in touch. Regards, Andy."*

*"Hello Tom, (Or should I be more formal and address this to Captain Bradley?) It was a pleasure and honor to meet you and the members of the Seattle branch of the CAMM. While you expressed the opinion that you have many of the same concerns and problems that we do, I feel sure that we came away feeling that we have gained much from your input. It has given us food for thought and a direction for action."*

*I will contact your colleagues when I return to New Brunswick, and with your assistance will endeavour to make contact with your chapter in New England, for my convenience, and in the area nearest to Toronto, for Captain Hough, who will be hosting our AGM in 2006.*

*Trust that you all had an incident free return to the US, I will keep in touch. Best*

*regards, Peter."*

My reply:

*Captain Turner, Captain Whitelaw, Captain Calvesbert,*

*Thank you for your invitation to attend Your AGM I must say it was it was professionally profitable to me and the American Master Mariners and I look forward to closer ties between our organizations. Thank you for the kind treatment and hospitality you so generously gave, I feel a debt that will be hard to repay. I will pass on the information I received and offer my help at any time I can be of service.*

*Regards, Captain Tom Bradley*

*National President- CAMM*



The Company of Master Mariners of Canada (CMMC) National Council Officers. Photo by Tom Bradley.

## New Members

3204-R Captain **Samuel R. Pecota** of Elk Grove, CA  
3205-R Captain **John A. Konrad V** of Morro Bay, CA  
3206-R Captain **Owen F. Duffy** of Point Lookout, NY

Captains Pecota, Konrad and Duffy were nominated by the late Captain Dave Smith.

We need new, younger members to keep the legacy and work of CAMM going! Give the membership application (on page 17) to a captain worthy of CAMM membership! ☆

# Cross'd the Final Bar

## Captain David R. Smith

US Merchant Marine

CAMM National Secretary/Treasurer

CAMM #1608-Life Member



*Capt. Smith in full diving gear, circa 1950s.*

"He knew anything there was needed to know about the marine industry because he had been in it for so long."

*-- Capt Brian Hope, Chesapeake Bay Pilot and fellow crew-member of the S.S. John W. Brown.*

"If he did a survey for you, you knew it was done right. He knew his business and you never questioned it or his word."

*-- Helen Delich Bentley, former Congresswoman and Chair of the Federal Maritime Commission.*

"His broad experience in maritime matters made him a valuable asset in addressing the many issues involved in the preservation and operation of a 64-year-old historic ship."

*-- Captain Michael J. Schneider, Chairman Project Liberty Ship*

Captain David R Smith died of complications following kidney surgery at Mercy Medical Center in Baltimore, MD on Nov. 21, 2006. He was born in Reading, MA in 1927, into a maritime family, who inspired him with a lifelong desire to be a sea farer.

His career began in 1943, at the age of 16, where he learned to be and then worked as a welder at the Walsh Kaiser shipyard of Providence, RI. As soon as he turned 18 in 1945 and was able to enlist without parental consent, he quit the shipyard and joined the U.S. Navy.

After completing boot camp and some sea service in the fleet, Dave applied for and was appointed to diving school. He successfully completed the rigorous training and became a Certified Master Diver.

Following thirteen years of service as an enlisted man, Dave was selected for Officers' Candidate School. He graduated from OCS in 1958. As a commissioned officer, he served a year with the fleet, then was ordered to Viet Nam. Being this was during the Viet Nam War, he saw combat while serving in patrol boats and as an advisor to South Vietnamese Naval units.

Returning to the fleet, Captain Smith was assigned to an aircraft carrier where he served as a weapons officer. He then was assigned to Destroyers where he served in succession as salvage & diving officer, Chief Engineer and Executive Officer.

While in naval service, he earned a bachelor's degree in mechanical engineering from the University of Rhode Island, then onto graduate studies at John Hopkins University's Maritime Institute of Technology.

In 1970 Dave retired from the US Navy with the rank of Lt. CMDR. Using his navy sea time, he earned an original Second Mates license and sailed in the Merchant Marine, working his way up to command status.

His last three voyages, made in 1991,

were from Baltimore, MD to Saudi Arabia in command of the MSC ready reserve ship *SS Cape Alexander*. He retired with 21 years of service in the Merchant Marine and service in four wars.

When he came ashore, he founded Allcargo Inc. and became a partner of Marserv Inc. In these capacities he acted as an expert witness in Maritime court cases and devised loading plans for tankers and as a master diver, did under water hull surveys and repairs.

He had a well-deserved reputation for the excellence and accuracy of his surveys, both above and underwater.

A strong supporter of The Council of American Master Mariners, Inc. for 20 years, Dave served as National Secretary/Treasurer of that organization from April 2000 until his death.



*Capt. Smith with his wife Lorraine in Venice, October 2005.*

Dave also was a strong supporter of the WW II Museum ship the *SS John Brown*, giving much of his spare time to the maintenance and operation of it, as well as financial contributions.

Dave was a member of the The Master Divers Association, Navy League of the U.S. The Council of American Master Mariners, & the Maryland Marine Club.

Fair Winds and Following Seas, Dave. ☆



# Annual General Meeting & Professional Development Conference

April 11-13 • Ponce, Puerto Rico

## Agenda

### Wednesday, April 11 - Arrival Day

18:30 - 20:00 President's Welcome  
Cocktail Party  
Dinner & Entertainment on your own

### Thursday, April 12 - Professional Development Conference

08:30 - 12:00 **Speakers:** MITAGS,  
Port of Las Americas  
12:00 - 13:30 Luncheon with Speaker:  
**Topic:** *Criminalization of the Master*  
**Presenter:** Lloyd's Register  
13:30 - 17:00 Speakers to be confirmed  
18:30 - 21:00 Hospitality Room Open  
Dinner & Entertainment on your own

### Friday, April 13 - Annual General Meeting

08:30 President Opens meeting -  
Pledge of Allegiance  
08:35 Officers Roll Call  
08:40 President's Report  
08:45 - 10:00 National Officers Reports  
10:00 - 10:20 Break  
10:20 - 11:45 Chapter President's reports  
11:45 - 12:00 Announce election results  
12:00 - 13:00 Lunch Break; Fashion Show  
with buffet (optional)  
13:00 - 14:30 Develop CAMM positions on  
latest Issues  
14:30 - 14:50 Break  
14:50 - 17:00 CAMM Business (BOG?)  
18:00 - 19:00 Cocktail Reception  
19:00 - 22:00 Grand Gala Dinner

### Spousal and Extra Events

Register on-site for one or all.  
Thursday/Friday City Tour of Ponce,  
Tibes Indian Ceremonial  
Park,  
Coffee and cacao  
plantation tour,  
Serrallés Family Castle.  
Friday Fashion Show & Luncheon  
at Ponce Hilton

### Saturday, April 14 - Departure

Departure for San Juan and Caribbean Cruise!

\*Agenda subject to change without notice.

The Council of American Master Mariners is pleased to announce our AGM, April 11-13, 2007 in Ponce, Puerto Rico (Yes, that is a U.S. Territory). The event is hosted by Captains Tom Bradley and José Rivera. Their time and energy in finding excellent speakers, sponsors, and a great venue, are paying off with an exciting agenda for both member and spouse.

The Hilton Ponce Golf & Casino Resort is the site for our activities and on-site accommodations. Ponce, on the southern shore of Puerto Rico, is approximately 70 miles from Luis Muñoz Marín International Airport (San Juan). Check-in for the event will be Wednesday April 11th, followed by the President's cocktail reception. On Thursday the 12th, our Professional Development Conference will feature excellent topics with knowledgeable speakers. On Friday the 13th (no superstitions here), we'll get down to CAMM business with area reports, financials, and a favorite, position statements.

From the looks of things, this will be the AGM you don't want to miss. I am inviting you and your guest to the Annual AGM (remember you don't have to be a CAMM member to join us for the fun). Head Quarters Washington DC. USCG and Capt William Devereaux Chief, Prevention Division USCG Seattle have asked to attend. Representatives from IFSMA, the IMO from London, and Company of Master Mariners of Canada will be on hand.

Arrive early and play a great game of golf on Wednesday or get a massage at Victoria's Spa. Later that evening, join us for the President's Welcome Reception and Cocktail party.

Thursday is packed with guest speakers on topical issues. We've confirmed speakers from MITAGS and The Port of Las Americas, PR. We'll lunch while a representative from Lloyd's Register gives a presentation on criminalization of the Master. In the works are possible speakers from NOAA, USCG COPT San Juan, the National Office for Integrated and Sustained Ocean Observations (IOOS) and Northwest Association of Networked

Ocean Observation Systems (NANOOS).

We haven't forgotten the spouses. Half-day tours to Serrallés Family Castle, The Rum Barons of Puerto Rico and old coffee and cacao plantation in the mountains nearby Ponce are around \$15 each, and you can sign up for them when you arrive. Friday's lunchtime fashion show at the Ponce Hilton, presented by local designers, will cost \$35.

Friday's business highlight, Position Statements, will be finalized and published for the world to see. Get your thoughts, ideas, and drafts to Positions Chairs Captain Greg Tylawsky for consideration. We'll end the day with a cocktail hour followed by the Grand Gala Dinner and presentation of the Lalonde "Sprit of the Seas" award.

Extend your stay to join your peers on a Princess Caribbean cruise. We are trying to secure discounted group rates, and will need at least 10 couples/bookings to qualify. To qualify, bookings must be made through Sara Tracy at Silver Star Travel and mention "CAMM cruise". See ad on opposite page for more information.

More detailed travel information, and information about Ponce, can be found on our website, [www.mastermariner.org](http://www.mastermariner.org), and click on the National Meeting 2007 link.

We are looking forward to your participation so come and join us! All PDC and AGM attendees must be registered! Cost is \$125; extra dinner guests for Friday's Gala are \$45 per person. The registration form is included in this issue of *Sidelights* and on the website. Registration deadline is March 20, 2007. ☆

### Location:

Hilton Ponce Golf & Casino Resort  
1150 Caribe Avenue  
Ponce, Puerto Rico. USA

### On-Site Chairman & Mailing Address:

Captain José L. Rivera, Coordinator  
CAMM 2007 CONFERENCE  
819 Avenida Hostos PMB 215  
Ponce, Puerto Rico 00716-1107

# stay at the Hilton Ponce for On-Site

On-site accommodations are at the Hilton Ponce Golf & Casino Resort in Ponce, Puerto Rico.

CAMM has secured special group room rates as given in adjacent ad. Rates will be honored 3 days prior and 3 days after conference dates, subject to availability. You must request "CAMM Group Rate" when making your reservation. Reservations secure rates is **March 20, 2007**. You can make reservations for the hotel by calling the toll-free number or booking online under group reservations.

## PR Factoids:

**US Territory**, so no passport/visas needed for US Citizens.

**US Currency**

**US Driving Laws:**

Signs are in Spanish, distances in kilometers

**Primary Language:**

Spanish, with English spoken in tourist areas.

**Weather:**

April avg. high 88°F, low 69°F

**Time Zone:**

In April, same as US East Coast.

The Hilton Ponce features a casino, a 27-hole championship golf course, 2 outdoor swimming pools, tennis courts, playground, pool table, basketball court, video arcade, beach facilities and full-service spa.

For dining and drinking, the hotel has 8 restaurants and lounges. The casino at the Hilton Ponce Golf & Casino Resort is one of the largest on the Island and offer a wide range of gambling choices.

The hotel also has a concierge, gift shop, recreational desk, an ATM, and valet laundry service.

All Hilton's bright and airy 38m<sup>2</sup> guest rooms have private balconies, air conditioning, 27-inch TV, clock radios, bathroom amenities, coffee makers, hairdryers, irons and ironing boards, minibar, high speed internet and safes.

Arrive a day or two early and challenge a friend you haven't seen in a while to a friendly round of golf on the Hilton's championship golf course. You can pamper yourself or treat your spouse to relax Victoria's Spa with a volcanic stone, aromatherapy and/or anti-stress massage, manicures, pedicures, facials and more! ☆



### \*CAMM Group Rates:

With Breakfast buffet:

Single Occupancy \$150.00

Double Occupancy \$160.00

One Bedroom Suites

(breakfast included for two) \$375.00

Without Breakfast:

Single or Double occupancy

"Run of the House" \$140.00

Additional adults in room:

\$40.00 per night

\* 7% "Resort Fee" and 11% tax are not included. Children up to 16 yrs stay free with parents



Hilton

Ponce Golf & Casino Resort

*The Place You'd Rather Be*

1150 Caribe Avenue

Ponce, Puerto Rico

Tel: 1-787-259-7676

Fax: 1-787-259-7674

Toll-free: 1-888-890-9888

www.hiltoncaribbean.com/ponce



### Itinerary:

Depart San Juan April 14

Ports of Call:

St. Thomas, St. Kitts

Grenada, Bonaire &

Aruba

Return San Juan April 21

### Rates:

Ocean view cabins

\$1055.00

Balcony cabins

\$1100.00

\* Rates are per person, double occupancy, including all port charges, fees & taxes.



## extend your stay and join us for a 7-day Caribbean Cruise!

*escape completely.*

Extend your stay and join fellow masters and their families to cruise the southern Caribbean aboard the Crown Princess. We are trying to secure discounted group rates, and will need at least 10 couples/bookings to qualify. To qualify, bookings must be made through Sara Tracy at Silver Star Travel and mention "CAMM cruise."

The cruise departs San Juan on Sat. April 14 and returns on April 21 in the early morning. Boarding starts in the early evening on Saturday. We will put together a shuttle bus for cruisers to get from the Ponce Hilton to San Juan.

The ocean view cabins are approximately 179 ft<sup>2</sup> with fare of \$1055.00 and balcony cabins are approximately 185 ft<sup>2</sup> with a 46 ft<sup>2</sup> balcony with a fare of \$1100.00. All rates are per person, double occupancy, including all port charges, fees & taxes. Other rates/room types are available as low as \$699 and up. Please enquire for more information.

For more about the itinerary, shore excursions and ship, please visit call Sara at Silver Star Travel or visit Princess Cruises website at [www.princess.com](http://www.princess.com). ☆



SOUTHERN CARIBBEAN EXPLORER

### Information & Bookings:

Sara Tracy

Silver Star Travel

(800) 879-9776

Monday thru Friday

8:30am - 5:30pm Pacific

email: [sara@silverstartravel.com](mailto:sara@silverstartravel.com)

Sidelights Winter 2006 CRUISES  
*escape completely*

# Lalonde 'Spirit of the Seas' Award

## Who will you nominate?

by Capt. Bob Phillips

Nominations for the 2007 Lalonde 'Spirit of the Seas' Award are now open. Nomination forms have been distributed to all chapter presidents and regional vice presidents and are also available on the CAMM website for downloading. Nomination forms must be returned to me by mail and MUST be postmarked by January 10, 2007 to be considered for this prestigious award. The 2007 award will be presented at the 2007 AGM in Ponce, Puerto Rico, from April 11-13, 2007 at the Ponce Hilton Golf Resort and Casino.

Nominations are open to any member, living or deceased, or humanitarianism, professionalism, seamanship, life-time achievement and noteworthy accomplishments, along with contributions to the maritime industry and the 'Spirit of the Seas' in their everyday lives. An eligible

nominee may be a member in any category of the CAMM National organization in good standing (who is/was current in their dues to CAMM National and to their Chapter, if they were chapter members). Individuals must be nominated by a CAMM member in good standing.

Mail your nominations to me by **January 10, 2007** at :

Capt. Robert Phillips, Chair,  
Lalonde Award Review Committee  
319 Midway Drive  
River Ridge, La. 70123-2023

For additional information, applications or guidelines and rules, go to the CAMM website or contact your Chapter President or Regional Vice President. And remember, ALL NOMINATIONS MUST BE POST-MARKED BY JANUARY 10, 2007. ☆

# Cross'd the final bar



## Captain Fred Gloor

Nat # 2050-R

December 15, 1932 - Oct 21, 2006

Captain Gloor died in his home in Vista, CA, a suburb of San Diego, on Saturday October 21, 2006.

A lifetime resident of the San Diego area, Captain Gloor attended the California Maritime Academy, graduating in 1956. Most of his seagoing career was served with American President Lines where he ascended through the ranks from Third Mate to Master. He then served as Master on APL ships until he retired in 1991.

Diagnosed with cancer in 1995, he was told he had about 18 months to live. He refused to give up, and lived for 11 more years. He was an avid outdoorsman and back packer.

He is survived by his wife Virginia, his son John and daughter Jilene.

Fair winds and following seas, Fred. ☆

# Gulf Region Area Report

by Capt. Bob Phillips, Gulf Regional V.P.

The Gulf Region is slowly rising again from the horrific 2005 hurricane season. Progress is very slow in the area from the LA/Texas border to Mobile, Alabama, especially from Cameron Parish, LA. to Biloxi, MS. There seems to be no end to the bureaucratic nightmares at all levels of local, state and federal government in response to this horrific destruction of a significant portion of the Gulf South. One of the major problems evolving out of all of this chaos is a population suffering from major depression, with very few people or facilities in the area to treat this growing problem. Our membership is involved in many local issues and concerns and is distracted from many of the national concerns at this time.

The Houston Chapter under the able leadership of Capt. Jack Lane seems to be thriving and is in the best shape of the three Gulf Chapters, mainly because they came through the 2005 storm season with very minimal damages. Membership in this chapter remains stable and even slightly increased, with the resettlement of at least two of the New Orleans Chapter's former members now belonging to the Houston

Chapter.

The New Orleans Chapter has struggled to regain its former strength. The chapter saw several members move out of the greater New Orleans area, as a direct result of Hurricane Katrina. Two members were totally wiped out and several others received significant and extensive damage to their homes and are still working to restore them and a few of the lucky ones have completed repairs. And a few were spared any significant damage. One long-time member and former chapter officer, Capt. Herman Mellema, passed away in September after losing his home in Katrina. Meeting attendance is slowly growing from month to month, but it's been a real battle.

The Mobile Chapter is still functioning under the leadership of Jerry Miller. He has struggled to keep the membership together the past year and a half and is trying to gain new members, but to no avail yet. The Mississippi Gulf Coast has managed to reopen five of their thirteen casinos and hotels so far and they are working hard to get some of the others up and running. Like New Orleans, it's a challenge to find affordable living accommodations for all the workers that are needed.

Other than that, everything is fine in the

## Apostleship of the Sea - United States of America

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Gulf Region. I am now also the Chair for the Lalonde "Spirit of the Seas" Award Review Committee (see related article above). As always, please keep us in your thoughts and prayers-we need all the help we can get. ☆



## Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials

Docket number USCG-2006-25080  
Submitted by Capt. Gregory Tylawsky,  
Positions Committee Chair.

The Council of American Master Mariners has reviewed the proposal to update the existing Medical and Physical Evaluation Guidelines and commends the USCG for opening this process to the public.

The Council cannot support this draft version which will ultimately serve to unjustly disqualify many of our country's most seasoned and talented mariners under new ultra-restrictive medical grounds.

Furthermore:

(1) Costs to the mariner in both time and money associated with the sweeping changes that this NVIC proposes are not estimated. Such costs will be significant and prohibitive for most mariners.

(2) The impact of the waiver program is grossly underestimated.

(3) Medical professionals will not be afforded a reasonable amount of discretion when dealing with minor conditions affect-

ing the mariner. This leads to inefficiencies in scope and dilution of the regulation's purpose: increased safety.

(4) The guidelines must focus on minimizing risk where sudden incapacitation and emergency actions may be demanded. Language in the draft that seeks to disclose personal medical history not corresponding with such burdens (e.g. tumors, OTC medication history, etc.) is simply not defensible. A panel of private maritime health professionals should be consulted to cull the list to practical levels.

The Council is concerned that the impetus for this policy shift has arisen from political fallout of the 2003 Staten Island Ferry "Barberi" allision in New York. Simply put, the tragedy was the result of insufficient manning and not demonstrative of a medically-inept nation of mariners: The current NVIC 2-98 does not compromise the public safety and our concerns with the DRAFT showcase what many in the industry perceive to be an over reactive gutting of a sound, time-tested medical and physical policy that has served our nation well.

The Council of American Master Mariners respectfully requests the USCG to re-visit this proposal suggesting that any new language be carefully measured in light of these concerns and be balanced against the impressive safety record of an industry already straining under the world's most stringent health, medical and drug screening regulations for Merchant Mariners. ☆

*Captain Gregory Tylawsky composes CAMM positions based on input received from CAMM members. To make your voice heard, submit your views online at [www.mastermariner.org/positions](http://www.mastermariner.org/positions), and follow the links to submit your views, or e-mail: [capttylawsky@mastermariner.org](mailto:capttylawsky@mastermariner.org), or*

*US Postal Mail:*

*Capt. Tylawsky, CAMM Positions Chair,  
5 10th Ave.*

*San Francisco, CA 94116-1332*

## NW MARAD Representative Toasted by Industry

Excerpted for Pacific Maritime Magazine,  
October 2006

More than 130 maritime industry leaders, federal and local government officials paid tribute to Lyn McClelland (CAMM #3104-A) September 14th in Seattle as she retired after 21 years of service as the Northwest States Representative for the US Maritime Administration (MARAD).

The tribute, organized by the Marine Exchange of Puget Sound, included a water salute by Foss Maritime's tractor tug Andrew, the Seattle Fireboat Chief Seattle, and a demonstration by Crowley's tractor tug Guard. The tribute also included recognition in the Congressional Record for her exemplary service and an appointment as an honorary Rear Admiral in MARAD.

A native of Seattle and from a family rich in Coast Guard tradition, Lyn has been the focal point for MARAD and the Department of Transportation's maritime

efforts in Washington, Oregon and Alaska since 1985.

Lyn was recognized and applauded by the entire industry as a talented leader and effective advocate for port and intermodal development, transportation and environmental issues, maritime education and recruiting and a strong and stable voice in port security issues.

She played a significant role in virtually every security effort, both pre and post 9/11, in Washington, Oregon and Alaska. She was appointed a member of the Area Maritime Security Committees in all three states, virtually led the Puget Sound Port Readiness Committee, and was a major participant in Operation Sage Commerce and the Seattle/Tacoma/Everett Port Security programs.

Particularly noteworthy was that Lyn worked with five Captains of the Port to complete local field reviews and validation of security projects submitted for Port



*Lyn McClelland*

Security Grants. Through her efforts, more than \$60M in federal Port Security Grant were validated and approved for this region.

The maritime industry and in particular, those of us who worked with her in port security, bid her farewell and will miss her positive leadership, energy and enthusiasm. She will be hard to replace. ☆

# Zim Mexico III accident in Mobile, AL

## Captain held at fault for Mechanical Failure Due to Design Flaw

by Capt. Chick Gedney

On March 2, 2006 the container ship *MV Zim Mexico III* which had been delayed by fog in the Mobile River got underway from the Mobile State Docks shortly after 11 AM. The *Zim Mexico III* was berthed port side to Berth #2 at the State Dock, Mobile Alabama. The ship in that position was headed up stream at the dock and had to turn 180 Degrees to head down river to Sea. As the ship was turning around in the River, at a critical point in the maneuver, the bow thruster failed because the shaft generator shut itself down. Bar Pilot Andrew Johnson said he was then unable to control the ship. At about 1130, the bow struck the pier and the overhang of the bow severed the two front legs of the container crane. The crane was in the stowed position. The heavy counter weights on the back of the crane caused the crane to collapse backwards on to some cargo containers. The pilot was obviously turning the ship to port.

A maintenance electrician, Shawn Jacobs, was killed as the crane crashed down on the pier. Another maintenance electrician survived with out serious injury by cling to the door of the crane's cab. The damage to the crane is estimated at \$12 million. The crane is 30 years old.

USCG CPO John Samples who was working on a cutter in the ship yard across the river said he heard the crash and looked up in time to see the crane collapse on to the dock. A construction worker near the scene made a video of the accident with his cell phone camera which was used extensively at the trial.

Attorney David O'Brien of Fowler, Rodriguez & Chalos LLP representing the owners of the ship asked the Coast Guard Officer investigating the accident if the investigation was being made to make criminal charges. The Coast Guard Officer replied the investigation at that time was for determination only.

The port had the ship arrested, but later the Owners made an agreement with the port of Mobile and the *Zim Mexico III* was released to continue on her scheduled ports of call. On April 17, when the ship called at Houston, Texas, Captain Wolfgang Schröder was arrested for criminal negli-



MOBILE, Ala.- Members of Coast Guard Sector Mobile are investigating an accident in Mobile Bay, Ala., involving the container-ship *Zim Mexico III* and a sky-crane Thursday March 2, 2006, at approximately 11:30 a.m. U.S. Coast Guard photograph by Petty Officer 1st Class Krystyna Hannum.

gence which caused the death of the electrician. At first Captain Schröder was held in detention with out bail. The story printed in a German magazine which said Captain Schröder was being held in chains day and night is not true. All prisoners are restrained when in the visitors area, but not in the cell area. Later it was reported that bail was permitted, but his passport has confiscated, he is not allowed to rent a car or leave the downtown area of Mobile, AL.

The trial was held in the U. S District Court, Federal court house, Mobile, Alabama. Captain Wolfgang Schröder was charged with criminal negligence. Capt. Robert Stewart, an instructor at California Maritime Academy acted as an expert witness for the prosecution. His testimony was based only on what he could determine from the ships log and records. This was challenged by defense attorney Irwin Schwartz. Capt. Stewart has been ashore at the Academy for more than 18 years. He makes only one voyage a year as Chief Mate on the cruise of the training ship *California Bear*.

The major item brought against the Captain was that he used the shaft generator to power the bow thruster. The shaft generator will shut itself down if the main engine RPM becomes 10% above or below the required RPM. The shaft generator failed once in October 2005 and again in December 2005. The Pilot, Captain Andrew Johnson testified he would have recommended ordering a tug if he had know about the previous failures. Prosecutors claimed the Captain knew of the shaft generator problem which could

cause the bow thruster to fail and did not inform the pilot, which made him negligent. Prosecutors also said Captain Schröder was further negligent because a tugboat had not been ordered due to the bow thruster being unreliable. He was therefore criminally negligent.

Ships engineers testified that they had warned the Captain about using the shaft generator to power the bow thruster as being unsafe.

The judge allowed the prosecutor to introduce gruesome pictures of the dead electrician's shattered and dismembered body to the court which created a great deal of emotion. It had taken five hours to cut the body out from underneath the wreckage of the crane.

Captain Schröder was found guilty by the jury. The attorney representing Captain Schröder was Mr. Irwin Schwartz of Seattle. The local defense lawyer in Mobile, AL is Mr. Donald Brinkman of Brinkman Bionion.

Chief U.S. District Court Justice Callie Granade who presided at the trial announced she will pronounce sentence in February. An exact date has not yet been announced.

Originally allowed out on bail of \$500,000 until his sentencing, at the request of the prosecutor Assistant U.S. Attorney Maria Murphy, Judge Granade ordered Captain Schröder's immediate arrest. Murphy claimed Schröder was a flight risk as he had world wide connections. Captain Schröder is in a cell with five other prisoners. One of whom is a murderer. He is allowed two visits of 30 minutes a

week, none on Saturdays, Sundays or holidays. Wearing a red coverall when brought the visitors room, he is handcuffed and has a security chain around his waist which runs under his crotch, then is attached to the handcuffs.

### Notes and Questions:

The *Zim Mexico III* is 534 LOA. It has the house aft, with approximately 400 feet from bridge to bow.

Captain Schröder, now age 59, has had an unblemished record up until this time.

Captain Schröder was criticized for using the shaft generator to power the bow thruster. The question arises - who decides which generator is to be used?

How did the bow thruster failure cause the bow of the ship to hit the dock and the crane?

The *Zim Mexico III* already had a bad name. It had collided with an offshore oil rig service ship *Lee III* in fog, in the Mississippi River in 2004. Five men were killed in that accident. The previous captain was held to be partially at fault. Was there some guilt by association?

From the failure of the shaft generator and bow thruster in December 05 until the March 2, 06 accident, the ship made three 21 day voyages calling at 8 or 9 ports each voyage. The bow thruster was used 50 or more times during that period without a failure. That certainly should have been enough to justify Captain Schröder considering the bow thruster to be reliable in Mobile, AL. He should not be considered at fault for not notifying the pilot of a failure three months earlier.

A solution to the shaft generator problem would be to install an electro/magnetic switch that would automatically start a second generator when the shaft generator lost power. A number of ships are so equipped that way. This would automatically restore power in 30 to 35 seconds. This is a much better solution than putting the Captain in prison for an accident caused by a design flaw. It also would prevent future accidents.

Captain Schröder was a hero of the *MV Herald of Free Enterprise* Disaster some years back, when he and his ship saved a large number of the passengers. For his heroic actions, he received a letter of commendation from the Prime Minister of Great Britain (Margret Thatcher) and a medal from the King of Belgium. Now he is in prison for a very unfortunate accident caused by a mechanical failure.

### Conclusion

Defense attorney Irwin Schwartz in his summation said this was a terrible unfortunate accident, but it was not a criminal act. The Council of American Master Mariners concurs. Captain Schröder does not belong in prison. ☆

### How you can help

**1. Letter for the court.** This letter should address your view on the Seaman's Manslaughter law and how the government's aggressive use of it may affect the industry.

**2. Amicus support for an appeal.** Briefs on important legal issues surrounding the case. This will only come into play if Capt. Schröder appeals.

**3. Legislative effort to change the Seaman's Manslaughter law.** CAMM can use our lobbying skills to persuade Congress that this very old statute must be changed or eliminated. As applied in this case it discriminates against mariners and

threatens the industry's ability to continue to attract and keep qualified people aboard.

For complete text on the Seaman's Manslaughter Law, visit the US GPO Access website at <http://www.gpoaccess.Government/uscode/search.html> and enter **18usc1115** in the search menu. The general manslaughter code can be found under **18usc1112**.

Letters for the court should be mailed to Mr. Irwin Schwartz (address at end of this article), and be addressed as follows:

*Hon. Callie V. S. Granade  
Chief United States District Court Judge  
United States Courthouse  
113 Saint Joseph St.  
Mobile, AL 36602*

*Dear Chief Judge Granade:*

Capt. Tom Bradley will liaison with attorney Mr. Irwin Schwartz. Please contact Capt. Bradley; or Mr. Schwartz directly: 710 Cherry Street, Seattle, WA 98104 206-623-5084 or [irwin@ihschwartz.com](mailto:irwin@ihschwartz.com)

## SFBA & Tampa Bay Chapters

By Chick Gedney and Robert Holden

The SFBA chapter held an extended discussion at their Nov. 7<sup>th</sup> meeting, then voted unanimously that CAMM should support Capt. Wolfgang Schröder who is being held in prison as a result of the *Zim Mexico III* accident which destroyed the dock crane in Mobile, AL on March 2, 2006.

1. Capt Schröder should not have been convicted of a crime that was caused by an accident that resulted from a mechanical equipment failure. The equipment failure was a result of a design flaw in the ship, not a criminal act. Between the December 05 failure and the March 2, 06 accident the bow thruster operated successfully an estimated fifty times without failure. This gave Capt Schröder adequate reason to consider the bow thruster fully trustworthy. He should not be considered criminally negligent for not notifying the pilot or not ordering a tug boat.
2. Capt Schröder was out on \$500,000 bail when a Deputy US Attorney asked the judge to return him to prison as a flight risk. This is unfair and vindictive. If Capt Schröder violated the bail and cost his employer a half a million dollars he would never work in the Maritime Industry again anywhere in the world. The Feds have his passport, and he could not get out of the country anyway. He should be released on bail again.
3. Capt Pat Moloney is going to get a copy of the Coast Guard report on the accident via the freedom of information act.
4. CAMM should contact Mr. Irwin Schwartz, Seattle - Capt Schröder's attorney and offer our assistance and expertise.

To have this conviction on the law books will not only endanger our own people, but it would also endanger Master Mariners all over the world when accidents due to mechanical failures occur.

The Tampa Bay Chapter also fully discussed Captain Schröder's predicament. It was unanimously decided to back up the position above submitted by the SFBA chapter and suggest that a copy of the trial transcript be obtained by whatever means available. It is possible that a request to Captain Schröder's attorney in Seattle or through the freedom of information act would be successful. Captain Benyo called from London to discuss the situation and inform us he has been forwarding information to Captain Lindvall of ISMA but to date has heard nothing in return. ☆

# Lake Charles Cameron LNG Terminal: Model for Success or Recipe for Disaster?

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When it is finally completed, Semptra's Cameron LNG Terminal will be ideally situated near Henry Hub and the Gulf Coast along the Calcasieu Ship Channel, about 15 miles south of Lake Charles. Local accounts of Semptra's efforts to ramp up infrastructure to match their ambitious building program seem to indicate that, aside from a couple of malcontents who steadfastly refuse to allow pipeline right-of-ways through their properties, things are going well. New laws recently enacted in Louisiana will likely make the pipeline connections a foregone conclusion, with the port of Lake Charles' ability to seize properties in the name of "economic development" significantly enhanced in the wake of the 2006 election season.

Questions about the safety and security of this nascent terminal also seem to be rapidly fading or rather, simply brushed aside by the regulatory players and local business interests. Louisiana, Lake Charles and the federal government all seem to think the terminal is a good idea; properly designed, safe and secure. Therefore, barring a last-minute surprise, Semptra's Cameron facility will very likely be part of the Gulf Coast equation which could bring up to 15 BCF/day of LNG into the domestic markets from any number of proposed and permitted terminals dotting the coastline. Handicapping how Semptra's new venture will fit into that model is another thing altogether.

A recent US Energy Information Administration (EIA) projection calls for natural gas to be the second biggest fuel source for electrical generation by 2025. This could take the form of up to 25% of US electricity demand. The US currently consumes more natural gas than it produces and this trend is expected to continue. Canada is a major supplier of natural gas to the United States, but as these Canadian fields begin to mature and Canadian domestic demand increases, natural gas supplies will have to be replaced from somewhere. The largest increase in these other sources is expected to arrive in the form of liquefied natural gas (LNG), at

any one of the myriad of proposed facilities in North America.

About 45 North American LNG projects are on the books; in the proposal, approval and / or construction phases. Not all of these facilities will be built, but enough of them are expected to come on line in the next five to ten years that the current supply and demand models for domestic consumption will be greatly impacted. Hence, the capacity to handle the (supposed) coming LNG boom will be in place in the near future.

There are other variables which are much less settled, and raise questions as to whether these terminals will be the financial successes that their builders hope for. Only recently, questions abound as to whether there is sufficient liquefaction capacity overseas and if the facilities needed to handle this task are being built quick enough to satisfy the expected domestic markets. In the end, commercial realities will dictate the building schedules.

If as many as 12 LNG terminals come to fruition in the US Gulf, up to 15 BCF/day could be introduced to the supply equation. This gas will compete with the existing production of 60 to 70 BCF/day, add to it, and eventually, replace some of the expected decline in domestic production. The combined effect of the new LNG on pricing in the domestic markets could very well depress prices significantly over the long term.

Probably no one is more aware of all of the uncertainties than Semptra LNG themselves. Already involved in the building of two LNG terminals in North America, they have delayed the start of construction at another regasification facility in Port Arthur, TX until they can secure the commitments for that terminal's expected capacity. Late in October, Art Larson, Public Relations Manager for Semptra energy told MarEx, "Construction of Port Arthur LNG will commence when some commercial arrangements are finalized." As for their Cameron facility, discussions about the remaining, unfulfilled capacity for that terminal are ongoing.

According to Semptra press releases, more than 50% of the Cameron capacity is now committed. But Larson also said,

"Both Sonatrach and Tractebel are in negotiations." An extract from Semptra's September 30th 10-Q declaration stated, "Delays in the development of LNG liquefaction capacity and the resultant delays in concluding supply agreements could affect the timing of the Port Arthur development and the company's regasification terminal expansion plans, and could result in the company's temporarily operating completed facilities at less than the contracted amounts." Finally, Semptra Energy's overall good 3Q earnings report was tempered by the loss of \$13 million in their LNG unit for the same period. One industry executive that agreed to speak to MarEx, but declined to be named in this article, said, "Without a doubt, Semptra has taken market risk by continuing its building program."

Just down the river in Lake Charles, a Cheniere executive told MarEx in early October that "it would be premature to announce a groundbreaking date" for their own permitted facility until commitments for their capacity were finalized. In contrast, the well-established Trunkline LNG facility, also located on the Calcasieu River, is reported to be fully contracted for the next 20 years. And, while some experts are saying that building for regasification facilities shouldn't start until the all the contracts are in place, Semptra has clearly bucked the trend at their ongoing project in Lake Charles.

At these fixed cost terminals, a large percentage of capacity needs to be contracted in order to ensure profitable operations. Those that can arrange for adequate commitments for their capacity can expect 13 to 15% return on equity for their troubles. Those who would commit to a fee in exchange for the option of having a market for gas also know that as the supply of gas goes up, the demand also has to do the same. But that demand may only be increasing annually, according to EIA estimates, by as little as 1% increments.

The economic models which have produced so many announcements of LNG projects have changed radically over the last three years. Semptra, and others, banked on certain market conditions

...continued on next page ➤

← *continued from previous page ...*

which may no longer hold true. The virtual tripling of natural gas prices over the past decade not only changed mindsets in terms of what kind of power generation facilities would be built, but also what kind of energy would be used to power them. And, the answer is no longer always LNG.

The glut of new LNG terminals may not develop, especially here on the Gulf Coast. Caution is the new course of action for those contemplating a startup operation. Earlier this year, the existing five US LNG terminals were operating at just 50% of capacity and the likelihood that the necessary contracts can be secured on the open market to sustain the current rush to build is anything but certain. Semptra Energy will probably get their Cameron Terminal. Whether or not it will be fully utilized in this market is another matter. In just 18 months, Semptra LNG could be on line and delivering natural gas to customers. At 50% capacity, however, and if they can't contract out their remaining capacity, their bottom line won't be nearly as sweet as their neighbors at Trunkline LNG, where just a few miles up the river, they are fully contracted for the next twenty years. It's why the brakes have been firmly applied at other terminals, and it's also why success at Lake Charles is anything but a done deal.

The promise of a financial windfall derived from Semptra's Cameron LNG Terminal to the people and port of Lake Charles may or may not become a reality. If it doesn't, the rush to permit and build a marine facility with a questionable dock design and unanswered security questions will, over time, prove to be a bad decision. On the other hand, stranger things have happened in the energy markets. Just ask anyone who had to fill the gas tank of their Hummer this summer. ☆

*Joseph Keefe is the Managing Editor of THE MARITIME EXECUTIVE. He can be reached with comments, questions and input at [jkeefe@maritime-executive.com](mailto:jkeefe@maritime-executive.com). The five part series encompassing the Semptra Lake Charles Terminal will be sent in a special "Boxed" Edition of the MarEx e-newsletter.*

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## Ballast Water & Invasive Species Updates

submitted by Joan Cabreza

**EPA Ballast Water Lawsuit.** Finally, a ruling, although the status of the NPDES ballast water suit is still not clear! Finding that EPA's regulation exempting ballast water discharges from the Clean Water Act is contrary to the congressional intent, on September 19, a federal court ordered the EPA to develop new regulations by September 30, 2008. The order follows last year's court finding that EPA had illegally exempted ships' ballast water discharges from Clean Water Act permit requirements. In ruling, the judge eliminated the NPDES exclusion that has been in effect for thirty years. The EPA has until Nov. 19 to announce whether we plan to appeal. So, stay tuned.

**Ship Decommissioning: The Pacific Northwest Makes a Difference!** Congress has ordered that 256 ageing ships in 3 National Defense Reserve Fleets located in VA, TX, and CA, be scrapped by September 30. These vessels have often been sitting idle for decades, collecting an array of species on their hulls. When they are removed elsewhere for scrapping and recycling, the vessels introduce these species to the new environment. Last December, an East Coast firm proposed opening a ship-breaking facility in Yaquina Bay, OR, that would receive ships from San Francisco, one of the most highly invaded estuaries in the world. Local groups vigorously protested the facility, because there was no provision to ensure these ships were free of invasive species. One result: the U.S. Maritime Administration has established a new national testing and cleaning program, and protocols for handling ships are being developed! Never underestimate the power of local involvement!

**New CA Ballast water law.** Government. Schwarzenegger signed legislation on September 19 that will force ships entering California ports to treat ballast water. The new law requires the state Lands Commission to adapt ballast water performance standards for both small and large vessels and calls for ballast water to be free of invasive species by 2020.

**Alternative Ballast Exchange Areas (ABWEA) Workshop.** Presentations from

the June 20- 22 Pacific States Marine Fisheries Commission Seattle west coast ABWEA workshop in are now available on the web. They provide some good information on the physical and biological conditions along the west coast as well as the factors that influence them. (Contact Stephen Phillips at [stephen\\_phillips@psmfc.org](mailto:stephen_phillips@psmfc.org) for more info, and visit the website at <http://www.psmfc.org/ballast/#past>

**Coast Guard Ballast Water Technology Conference.** On September 27, 2006, the USCG sponsored a one-day conference in Cleveland, OH, on the status of the most current ballast water and NOBOB (no ballast on board) research; progress developing and testing ballast water technology; and the latest progress on developing a treatment testing protocol (essential in determining if proposed standards can be met).

**Canadian Ballast Water Regulations.** Canada has introduced mandatory ballast water management regulations, replacing earlier voluntary guidelines. All vessels arriving at Canadian ports, offshore terminals or anchorages carrying ballast water from outside Canadian waters must either exchange ballast water in water > 200 nautical miles from land and > 2,000 m depth; or (if they have not navigated to an area >200 nm and 2,000 m), exchange ballast at least 50 nm from land where the water depth is at least 500 m.

If exchanging ballast water would be impractical or compromise stability or safety of the vessel, ballast may be exchanged in defined areas within Canadian waters. The requirements do not apply to ships trading exclusively within Canadian waters, or to ships trading within the Great Lakes. All ships must also have a ballast water management plan (BWMP) on board by December 8, 2006 and complete and submit ballast water report forms after ballast water exchange. ☆

Joan Cabreza,  
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# Member's Corner

## U.S. Coast Guard or the U.S. Maritime Administration: Who Best for the U.S. Flag Merchant Marine?

Submitted by Capt. Herman Fritzke

**An idea worth considering.** After you've read these words I'd be delighted to know what you think. I'll put my e-mail and regular postal addresses at the end of the article.

We all know that the U.S. Coast Guard does many good things, even some great things such as rescue efforts, mostly at sea but also on inland waters and even on land when called following a disaster. Life saving and rescue are the first thing that comes to mind for most Americans when they think about the Coast Guard. But, this was not their first "charge of duty". What was then?

The first entity to later be enfolded into the Coast Guard was the U.S. Lighthouse Service in 1789. But, following the Revolutionary War and gaining independence the newly conceived United States needed a source of income and revenue. Then, as today, the apparent main sources were taxes and tariffs. Both of these were very unpopular with a citizenry who revolted against the mother country over such levies almost as much as the desire for freedom and independence. Additionally, there was almost endemic smuggling built into the American psyche that came about as the way to get around stringent British laws that related to commerce and trade of any kind to, from and in the colonies. Laws pertaining to taxes and tariffs were on the books but the means of enforcement was weak or non-existent. So, in 1790 at the exhorting of Alexander Hamilton, Secretary of the Treasury, the Congress established the *United States Revenue-Marine*, which during the Civil War was renamed the *U.S. Revenue Cutter Service*. Hamilton had well argued the need for a federal body to enforce tariff laws which for many years would be the primary source of funds for the national government. The Lighthouse Service and Revenue-Marine were both placed in the Department of the Treasury and would remain so under the successor organization, the *U.S. Coast Guard* (USCG), which was created in 1915

when the Revenue Cutter Service was merged with the Life-Saving Service. In 1967 the Coast Guard was transferred to the newly created Department of Transportation.

The Revenue-Marine reported to the Collector of Customs at those ports where they were established. Their provisions, crew pay, their upkeep and repair, and tasking orders all came from the local Collector of Customs. From the beginning they were expected to enforce what maritime laws that existed in addition to enforcing tariff laws. Also, they soon gained the task of assisting in life-saving at sea and that charge became formalized in their regulations in 1837.

I'm not trying to write a historical treatise but the past needs to be known as to how the Coast Guard became the "know-all and be-all in things maritime". Surprisingly, their maritime safety and regulatory functions would not come into being until early 1942 when an executive order made it so when the *Bureau of Marine Inspection and Navigation* was transferred to the Coast Guard, still under the Department of the Treasury, from the Department of Commerce. There was one exception where merchant vessel documentation functions were transferred to the Bureau of Customs. Later this was formalized and made the law of the land in 1946.

From 1838 when Congress first acted to protect the passengers in ships until 1942 the inspection of vessels, and much later the examining and documenting of the seamen who sailed in them, were under civilian agencies of the federal government. First the Department of Justice was charged to "provide better security of the lives of passengers" on board steam vessels and had authority to inspect vessels. Then in 1852 the Department of the Treasury took over the mission. In 1871 Congress formally created the *Steamboat Inspection Service* which included in the law creating it provisions which sought to protect the crews as well as passengers in steam vessels. It was-

n't until 1884 that the *Bureau of Navigation* was formed, in the Department of the Treasury, with task of examining and documenting seamen.

When the new *Department of Commerce and Labor* was established in 1903 the agencies and functions of the Steamboat Inspection Service and the Bureau of Navigation were transferred there. In 1913 a separate *Department of Labor* was created but the Department of Commerce retained the two agencies. In 1932 the two agencies were merged and in 1936 evolved into the *Bureau of Marine Inspection and Navigation*.

It seemed that order was finally established and the newly named Bureau's functions were to enforce laws relating to the construction, safety, operation, equipment, inspection, and documentation of merchant vessels. They were tasked to investigate marine casualties, enforce navigation laws, collect tonnage taxes and other navigation fees. They were charged to examine, certify, and license all merchant vessel personnel. Then our entry into World War II brought about the changes that are still with us today. To add to all these functions, the Coast Guard comes under the operational control of the Navy in wartime.

It is important to note that when these functions first were taken over by the Coast Guard they actually were carried out by the many of the same personnel that had been in the Bureau of Marine Inspection and Navigation. When I sat for my original license in 1948 some of the examiners were still the old salts who had been with the Bureau of Marine Inspection and Navigation.

So really, during the existence of the Coast Guard their forte has been to enforce tariff laws, to regulate and enforce laws relating to maritime commerce, to operate the national lighthouse organization, to interdict illegal items aboard vessels in U.S. coastal waters and to be foremost in saving

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\* The ideas expressed in the *Members' Corner* do not necessarily reflect the views of the CAMM or its Board of Governors but are entirely those of the writer.

# Dear *Sidelights*,

Dear Capt. Bradley,

I can not believe that almost another year has passed and the next Annual General Meeting is creeping up on us. My wife Lillian and I are already making plans to attend the next meeting in Ponce, P.R. and hope to go on the Caribbean Cruise after the meeting. Ponce is a special place for us because we lived there for over 2 years when I was Master with Hess and sailing to all the Caribbean Islands and South America. It will be interesting to see how much it has changed in the past 40 years.

It also brings back memories of the Lalonde *Spirit of the Sea Award* which was given to my brother Domenic posthumously 2 years ago in Galveston, TX. I would like to take this opportunity to thank the Council of American Master Mariners once again for giving him this prestigious award. I look at that plaque every day and it brings back so many memories; some happy and some sad.

I feel so proud of him when I look back and see what a difference that he made in Marine Safety through his efforts and sacrifices, and by his steadfast decision as the lead USCG Judge in the investigation of the sinking of the *S/S Marine Electric* which has saved the lives of many seaman all over the world.

Dom's love for the sea was profound. He fought many battles during his 2 careers in the USMM and the USCG to find ways to make going to sea a better and safer place for those of us who chose the sea-going profession and he paid a price for it on more than one occasion. However, his sacrifices were not in vain because the USCG adopted many of the recommendations that he made in his Casualty Report of the *S/S Marine Electric*. He fought for many safety issues such as the elimination of many pre-World War II vessels that were unseaworthy, the Swimmers Rescue Program, Mandatory Survival Suits in cold water latitudes, Special Training Programs for Marine Inspectors — and I could go on.

In 1981, when Domenic was OCMI in Miami and also in Charge of the Marine Safety Office, he “locked horns” with the passenger ship companies and some of his Superiors, to guarantee

that every passenger and crew member had a seat in the lifeboat in the event of an emergency, and he tied up some passenger ships until they complied with the regulations either by putting more lifeboats aboard, or by carrying less passengers.. He won the battle but was passed over for his promotion to Captain for “stepping on the toes” of his Superiors until he flew to Washington, D.C. and fought and received the Captain's promotion that he so well deserved.

Domenic's love for CAMM was also profound. He was a firm believer that The Council of American Master Mariners was a major voice to be heard in the Maritime Industry and that we must always strive to keep it that way and to stay in harmony with each other. Now with the nomination for candidates for the next Lalonde *Spirit of the Sea Award* drawing near, I hope that the membership can all get together in unity and vote for the person that they think should be nominated for this prestigious award.

God bless our membership and I will see you in Ponce with the help of God.

— Capt. Fred Calicchio

## **An Open Letter to U.S. District Court Judge Callie Granade on the Sentencing of Captain Wolfgang Schröder**

Dear Chief Judge Granade,

I am a veteran maritime writer and investigative reporter who in my day has helped send more than 21 men and women to hard prison time for committing fraud and other felonious crimes. In one case, I believe, it is generally conceded that my stories contributed significantly to a major shipping company pleading guilty to a felony charge. At least one ship officer of that company retired from service rather than lose his license or face prosecution, largely as a result of the articles I wrote.

I've lost not one wink of sleep over any of that. I've no sympathy for those who flagrantly break the laws of this country. I would very much like to put them in prison for long, long terms and see their

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lives at sea. The Lighthouse Service was a separate agency in the Treasury Department until 1939 when it was incorporated into the USCG. In time, these functions would be expanded to protect the marine and coastal environment, to install and manage aids to navigation in U.S. coastal waters, to inspect all classes of vessels of the United States, to pass on safe cargo stowage, to examine and document civilian mariners, and be the investigator and conduct hearings of infractions to maritime practice and of their regulations.

**Now, the heart of the matter and the purpose of this article.** Today, with the Coast Guard under the control of the Department of Homeland Defense who

knows what other mission and tasking they will be given? It might be time to consider transferring some of the functions from the Coast Guard to another agency of government permitting the USCG to devote their energies where they are best suited. In particular I suggest that all of those functions that the Coast Guard performs regarding marine inspection, the investigation of marine casualties, examining, certifying and licensing, all the things that used to be done by the old Bureau of Marine Inspection and Navigation, be passed to the United States Maritime Administration (MARAD) in the Department of Transportation.

The people in MARAD are the most knowledgeable of the marine industry in

government and they have the professional acumen of merchant seamen. They know the maritime world best. This bit of reorganization could offer the promise of a new career field for mariners who wish to continue in the profession. I believe that they would be better suited to the job than Coast Guard officers who are passing through the world of marine inspection and who want to get on to what they consider more prestigious assignments.

Let me know what you think. ☆

Captain Herman Fritzke  
e-mail: fritzke2ho@verizon.net  
Tel: 914-939-5728  
247 North Regent St.  
Port Chester, New York 10573

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licenses revoked.

Why then, will I lose sleep if you sentence Captain Wolfgang Schröder to prison under the archaic Seamen's Manslaughter Act?

The fact that he is in your dock, in fact, should cause any fair-minded citizen concern. He has been found guilty of criminal manslaughter in a case where a piece of equipment – a bow thruster – failed.

A crash occurred and a man was killed. In anyone's book, this was a tragedy. In only one book – the U.S. maritime law books – is that a felony. In any other book of justice

## Old Ironsides

Submitted on behalf of Bill Cratty

The *U.S.S. Constitution (Old Ironsides)* as a combat vessel carried 48,600 gallons of fresh (remember that figure) water for her crew of 475 officers and men. This was sufficient to last six months of sustained operations at sea. She carried no evaporators (fresh water distillers). Times have certainly changed.

However, let it be noted that according to her log, "On July 27, 1798, the *U.S.S. Constitution* sailed from Boston with a full complement of 475 officers and men, 48,600 gallons of fresh water, 7,400 cannon shot, 11,600 pounds of black powder and 79,400 gallons of rum."

Her mission: "To destroy and harass English shipping."

Making Jamaica on 6 Oct, she took on 826 pounds of flour and 68,300 gallons of rum. She then headed for the Azores, arriving there 12 Nov. She provisioned with 550 pounds of beef and 64,300 gallons of Portuguese wine. On 18 Nov., she set sail for England.

In the ensuing days she defeated five British men-of-war and captured and scuttled 12 English merchantmen, salvaging only the rum aboard each. By 26 Jan, her powder and shot were exhausted. Nevertheless, and though unarmed, she made a night raid up the Firth of Clyde in Scotland. Her landing party captured a whiskey distillery and transferred 40,000 gallons of single malt Scotch aboard by dawn.

Then she headed home.

The *U.S.S. Constitution* arrived in Boston on 20 Feb 1799, with NO Cannon shot, NO food, NO powder, NO rum, NO wine, NO whiskey, and 38,600 gallons of stagnant water.

GO NAVY!

or law, perhaps negligence would be considered, but not criminal charges. Negligent Manslaughter requires a finding of gross negligence. The Seaman's Manslaughter Law, as applied in Captain Schröder's case requires only that some sort of negligence be found.

The ship was conned by the pilot at the time of the crash. The maneuver was common in the waterway. The wind shifted; the bow thruster failed. Should there be civil damages? Reparations to the family of the man who was killed? Of course.

But why send Schröder to prison for a potential ten years? Prosecuting the captain under ancient maritime felony charges serves no sane modern purpose. In olden days, the captains were masters of their ship. They ruled all and were held responsible for all. Perhaps such draconian measures as the Seaman's Manslaughter Act were once needed when ships ranged months, years at a time from port.

By all testimony, this was a good captain with a good record who had nothing but good intent in his heart.

What can be said of a system that prosecutes such a man – persecutes such a man – when the maritime system itself is in such need of reform? Why spend prosecutorial

time on such a measure when the maritime system itself is so outmoded that transportation experts have concluded that today's maritime system is the only one in the world that is designed to perpetuate mistakes?

One reason for that conclusion certainly is that the system always has merchant marine officers handy to blame. It is an easy out, that. Hang the captain. It is a tragedy for Captain Schröder and a tragedy for the maritime system that the government's energy is bent on some misguided revenge rather than reform.

Madam Justice, you'll not be able to reform the system. But you can see justice served in some small measure, by setting the Captain free on time served. His punishment already has been cruel and unnecessary.

I only wish it were unusual.

— Robert R. Frump  
Author,  
"Until the Sea Shall Free Them."

*Note: Robert Frump and Tim Dwyer won the George Polk Award for National Reporting for their stories about the wreck of the SS Marine Electric, described in Frump's book.)*

Position  
04-01

## Criminalization of Shipmasters Arrest of seafarers after a major accident

Reprint from CAMM AGM 2004

CAMM is opposed to the growing tendency to arrest and detain Masters (and crews) following maritime incidents. The intent in many cases is a means of using pressure over ship-owners and P&I Clubs to persuade terms of financial remedy to a Port State while holding the liberty and freedom of the innocent seaman for ransom. CAMM stands in concert with IFSMA, The International Salvage Union, The IMO, the EU's Council of Ministers and other world bodies in disapproval of this trampling of human rights by Port States.

CAMM believes that the continuation of such practices will in fact lead to rising fears, anxiety (and possible indecision) by mariners at the most crucial times when faced with an emergency. As is the case currently in Pakistan where a Salvage Master is being held against his will since August of 2003, there is also a danger that salvors and other agencies will avoid taking salvage assignments as failure could mean fines, imprisonment or both.

CAMM reminds Port States that shipping is by far the safest, cleanest and most efficient use of energy and resources in which to transport the world's goods. CAMM calls upon the USCG, the IMO, the ICS and other international bodies to assert the impeccable record shipping has earned and not condone the backlash of illegal actions by some Port State politicians in response to headline grabbing maritime accidents of which no industry is immune.

Finally, in an industry where recruitment of highly qualified personnel is getting more and more difficult, the false imprisonment and possible loss of one's freedom and livelihood without trial may steer many talented individuals from deciding to make a career at sea. ☆

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# Membership Application

## The Council of American Master Mariners, Inc.

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

Birthplace (city, state, country): \_\_\_\_\_ DOB: \_\_\_\_\_

	Home	Business
Address		
City, State, Zip		
Phone		
Email		

### Present Occupation:

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

### Present USCG License

Type:	Limit:	Expiration:
Pilotage Endorsements:	Limits:	

### Original USCG License

Type	Date Obtained
Place/Institution where obtained	

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

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

**Sea-Going Qualifications:** Years of Service: \_\_\_\_\_

(Check boxes that apply. See above for key)

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

**Pilotage Qualifications:** Years of Service: \_\_\_\_\_

(Check boxes that apply. See above for key)

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

Please return this application with a copy of your Master or Pilot's license with a \$100 check (\$60 annual dues + \$40 application fee) payable to: The Council of American Master Mariners, Inc. Mail to Liz Clark, CAMM Membership Chair, 2231 NE 46<sup>th</sup> St, Lighthouse Point, FL 33064-7252.

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Sponsored/Referred by: \_\_\_\_\_



# Expert Witness Registry

## The Council of American Master Mariners, Inc.

Name (First Last) \_\_\_\_\_  
 CAMM no# \_\_\_\_\_

### Registry Key Guide

C Consultant: 10 years of solid experience  
 E Expert Witness: 15 years of solid, everyday experience  
 S Speaker: 10 years of experience

Group 1: Ship Types				
	C	E	S	Comments
Container Ships				
Dry Bulk Carriers				
General Cargo Ships				
High Speed Craft				
Passenger Ships				
RoRo (Cargo & Passenger)				
Specialist Ships: specify Offshore, Heavy Lift				
Tankers: please specify: Oil, Gas, Chemical				
Other Ship Types (please specify)				
Group 3: Management & Operations				
Emergency Planning				
Helicopter Operations				
High Speed Craft Operations				
Offshore Operations				
Port Operations				
Ship Management				
Search & Rescue				
Salvage & Towing				
Sailing Ship Operations				
Shipyard Experience				
Training & Certification				
Other Management & Operations				

Group 2: Administrative & Commercial				
	C	E	S	Comments
Expert Witness				
IMO				
ISM Implementation & Audits				
Maritime Administration				
Marine Insurance				
Maritime Law				
Oil Spill				
Port State Control				
Other Admin (please specify)				
Group 4: Maritime Safety				
Communications				
GMDSS				
IT (Information Technology)				
Casualty Investigation				
Cargo Surveyor				
Dangerous Goods				
Nautical Surveyor				
Navigational Safety				
Pilotage				
Weather Routing				
Other Maritime Safety				

Geographical Locations you are able to travel to: \_\_\_\_\_

Please write in any other notes you'd like to add about your expertise: \_\_\_\_\_

Please mail to: Capt. Tom Bradley, 4605 NW 139th Loop, Vancouver, WA 98685

An internet version of this form is available online at [www.mastermariner.org/services](http://www.mastermariner.org/services).





The Council of American Master Mariners, Inc.

## 2007 Annual General Meeting & Professional Development Conference

Ponce Hilton Golf Resort & Casino, Ponce, Puerto Rico • April 11-13, 2007

### Registration Form for CAMM PDC & AGM

First Name: \_\_\_\_\_ Last: \_\_\_\_\_ CAMM No. \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

Email address: \_\_\_\_\_ CAMM Chapter Affiliation: \_\_\_\_\_

Name for Name Tag: \_\_\_\_\_

Arrival Date: \_\_\_\_\_ Departure Date: \_\_\_\_\_

#### Conferences & Events:

##### Wednesday, April 11th, 2007

President's Welcome Cocktail 1830-2000

##### Thursday, April 12th, 2007

Professional Development Conferences (PDC)

Luncheon with Guest Speaker included

##### Friday, April 13th, 2007

CAMM Business Meeting

Cocktail and Gala Dinner

#### Pricing Packages:

\*All attendees must be registered.

##### Attendees

PDC, AGM & Gala Dinner \$125

##### Friday Gala Dinner Guest(s)

Per Person \$45

#### Tally Sheet:

Member (as named above) \_\_\_\_\_ **\$125**

Additional Friday Gala Dinner Guests: (please fill in name)

\_\_\_\_\_

\_\_\_\_\_

**Total Due** \$ \_\_\_\_\_

Please return this form with checks payable to: CAMM 2007 CONFERENCE and mail to:

Captain José L. Rivera, Coordinator  
CAMM 2007 CONFERENCE  
819 Avenida Hostos PMB 215  
Ponce, Puerto Rico 00716-1107



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