

Readopt Pda 301.01 – Pda 301.05, effective 4-12-03 (Document #7870), to read as follows:

Pda 301.01 “Allision” means the running of one vessel into or against another vessel or object.

Pda 301.02 “Coastwise vessel” means a vessel navigating the waters of the Atlantic Ocean or Gulf of Mexico exclusively between ports of the United States.

Pda 301.03 “Deadweight capacity tonnage” means the weight per 1000 kilograms of cargo, stores, fuel, passengers and crew carried by a vessel when the vessel is loaded to its maximum summer loadline as indicated by the draft marks on a vessel.

Pda 301.04 “Demurrage” means the sum fixed by a contract of carriage, or which is allowed, as remuneration to the owner of a vessel from the detention of the vessel beyond the number of days allowed by the charter party for loading and unloading or for sailing.

Pda 301.05 “Emergency” means a situation that requires immediate action to protect the health and safety of individuals or to prevent damage to property or the environment, including, but not limited to:

- (a) Severe weather conditions; or
- (b) Deteriorating conditions on board a vessel that jeopardize its seaworthiness or the ability of the master of the vessel to control the vessel.

Readopt with amendments Pda 301.06, effective 4-12-03 (Document #7870), as amended effective 8-28-04 (Document #8147), to read as follows:

Pda 301.06 “Exempt vessel” means a vessel:

- (a) The sole use of which is for fishing or for non-commercial pleasure;
- (b) That has a gross tonnage of 150 gross tons or less; or
- (c) Is a United States flagged coastwise vessel under direction and control of a federal pilot who is authorized to act as a pilot pursuant to 46 CFR 15.812 [~~(10-01-01 edition)~~] **(10-01-09 edition)**.

Readopt with amendments Pda 301.07, effective 4-12-03 (Document #7870), to read as follows:

Pda 301.07 “Federal pilot” means an individual who holds a valid pilot’s license issued by the United States Coast Guard pursuant to 46 CFR 15.812 [~~(10-01-01 edition)~~] **(10-01-09 edition)**.

Readopt Pda 301.08 – Pda 301.18, effective 4-12-03 (Document #7870), to read as follows:

Pda 301.08 “Gas freeing” means the removal of residual chemical or petroleum liquids and vapors from vessel compartments either by the removal of liquids with a hose and vacuum system or by the dilution of vapors.

Pda 301.09 “Gross tons,” means “gross tonnage” as calculated in accordance with 46 CFR Part 60 (10-01-01 edition).

Pda 301.10 "Incident" means any one of the following occurrences:

- (a) An accidental grounding;
- (b) An intentional grounding, collision, or allision that creates a hazard to navigation, the environment, or the safety of the vessel;
- (c) An unintentional collision or allision with any vessel or object;
- (d) Loss of life related to the operation of a vessel;
- (e) Serious physical injury related to the operation of a vessel;
- (f) Any occurrence resulting in damage to a vessel or other property which can reasonably be expected to be in excess of \$10,000, excluding the cost of salvage, cleaning, gas-freeing, dry docking, or demurrage; or
- (g) Any boarding or unboarding occurrence that places a pilot in peril.

Pda 301.11 "Line of demarcation" means a line drawn from the southernmost tower on Gerrish Island, Maine charted in approximate position latitude 43° 04.0' N longitude 70° 41.2' W to Whaleback Light, thence to Jaffrey Point Light 2A, thence to the northeasternmost extremity of Frost Point.

Pda 301.12 "Master of a vessel" means the person in command of a vessel.

Pda 301.13 "Passage" means any instance of travel of a vessel under direction of a pilot between 2 points within the pilotage area.

Pda 301.14 "Pilot" means an individual appointed by the authority as provided in RSA 12-G:47 and taken on board a vessel for the purpose of piloting the vessel.

Pda 301.15 "Pilotage" means relating to the act of piloting a vessel.

Pda 301.16 "Pilotage area" means an area landward of the line of demarcation, including, but not limited to, Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire.

Pda 301.17 "Piloted vessel" means a vessel that has a pilot on board who is piloting the vessel in the pilotage area.

Pda 301.18 "Piloting" means the act of assisting the master of a vessel in navigating the vessel while it is underway in an area where a pilot is required.

Readopt Pda 301.19, effective 4-12-03 as Pda 301.20 (Document #7870) and renumbered as Pda 301.19 by Document #8147, to read as follows:

Pda 301.19 "Round-trip passage" means any combination of passages from the line of demarcation to Dover Point, New Hampshire and back to the line of demarcation.

Readopt Pda 301.20, effective 4-12-03 as Pda 301.21 (Document #7870) and renumbered as Pda 301.20 by Document #8147, to read as follows:

Pda 301.20 "Squat" means the bodily sinkage and change of trim, which are caused by the pressure distribution on the hull of the vessel, due to the relative motion of water and hull on a vessel underway.

Readopt Pda 303.01, effective 4-12-03 (Document #7870), to read as follows:

Pda 303.01 Exempt Vessels; When Pilots Required.

(a) All vessels, except exempt vessels, shall be piloted at all times by a pilot when underway within the pilotage area.

(b) A pilot shall be required for a vessel within the pilotage area when the vessel is shifting at berth other than for normal mooring line adjustments due to tide and current fluctuations.

Readopt Pda 304.01 – Pda 304.02, effective 4-12-03 (Document #7870), to read as follows:

Pda 304.01 Pilotage of Vessels.

(a) Each vessel of over 10,000 gross tons shall be piloted by a class I pilot as described in Pda 305.01(c).

(b) Each vessel from 150 to 10,000 gross tons shall be piloted by a class I or class II pilot as described in Pda 305.01(c).

(c) A vessel shall not enter the pilotage area if the pilot:

- (1) Is unfamiliar with the tugboat(s), crew(s), or both, and determines that this unfamiliarity creates a potentially unsafe situation;
- (2) Has reason to believe the tugboat(s) is inadequately maintained;
- (3) Has reason to believe the crew(s) is inadequately trained; or
- (4) Has reason to believe that it is unsafe for the pilot to pilot the vessel for any reason, as determined by the pilot.

Pda 304.02 Pilot Conferences.

(a) When a pilot boards a vessel for the purpose of piloting the vessel, the pilot shall conduct, as soon as practicable upon boarding, a conference with the master of the vessel and other deck officers on watch on the vessel's bridge.

(b) During the conference required under (a) above:

- (1) The pilot, the master of the vessel, and the deck officers in attendance shall review and identify the following:

- a. The pilot's proposed route through the pilotage area;
- b. The pilot's proposed course, speed, and squat;
- c. Any proposed special maneuvering of the piloted vessel required to transit the pilotage area or berth the piloted vessel; and
- d. Any other information deemed relevant by the pilot to promote the safety of the piloted vessel, other vessels in the pilotage area, or the public during transit of the pilotage area or berthing of the piloted vessel.

(2) The master of the vessel and deck officers shall inform the pilot of the status of all of the piloted vessel's safety and navigational equipment as well as the overall seaworthiness of the piloted vessel.

(c) If the pilot is informed by the master of the vessel of any safety or navigational equipment deficiencies of the piloted vessel or deficiencies in the overall seaworthiness of the piloted vessel, the pilot shall promptly notify the United States Coast Guard and the division of such deficiencies. Upon notification of such deficiencies, the pilot shall determine if the vessel shall enter the pilotage area.

(d) The pilot shall transmit in writing to the United States Coast Guard and the division, within 7 days of the initial report from the master of the vessel, a list and description of each of the deficiencies reported pursuant to Pda 304.02(c).

(e) The pilot shall maintain a log summarizing the information obtained during the conference required pursuant to Pda 304.02(a) and (b) above, including at a minimum the information required pursuant to Pda 304.02(b)(1) and the list of equipment deficiencies identified pursuant to Pda 304.02(c).

Readopt with amendments Pda 305.01, effective 4-12-03 (Document #7870), to read as follows:

Pda 305.01 Appointment, Commissioning, and Removal of Pilots.

(a) Pursuant to RSA 12-G:47, pilots shall serve at the pleasure of the authority. Appointment as a pilot by the authority constitutes a privilege and does not convey any property rights of any sort or any exclusive privilege, except as otherwise provided in Pda 300.

(b) The authority shall appoint, reappoint, and remove pilots, temporary pilots, and emergency pilots as provided in RSA 12-G:47 and Pda 300.

(c) Pilots shall be appointed as:

- (1) Class I pilots who shall be authorized to pilot vessels over 10,000 gross tons or any vessel that could be piloted by a class II pilot;
- (2) Class II pilots who shall be authorized to pilot vessels from 150 to 10,000 gross tons;
- (3) Class I temporary pilots who shall be authorized to pilot vessels over 10,000 gross tons on a passage-by-passage basis for a limited number of passages as specified in the temporary pilot's commission;

(4) Class II temporary pilots who shall be authorized to pilot vessels from 150 to 10,000 gross tons on a passage-by-passage basis for a limited number of passages as specified in the temporary pilot's commission; or

(5) Emergency pilots who shall be authorized to pilot any vessel with the prior express permission of the authority, the authority's designee, or the division director.

(d) An initial appointment or reappointment as a pilot under Pda 305.01 shall expire [~~one year from the date of appointment~~] ***on the same date as the federal license or credential required under Pda 305.06(b)(2)a.*** if not previously revoked, suspended, or otherwise terminated pursuant to Pda 309.01 - Pda 309.03. Prior to expiration of an initial appointment, a pilot may seek reappointment as a pilot in accordance with Pda 305.03. No person shall have any right to appointment or reappointment as a pilot. All pilot appointments and reappointments are subject to the pleasure of the authority.

(e) The authority shall appoint Class I and Class II temporary pilots only in circumstances in which sufficient Class I or Class II pilots are not available for any reason, and an emergency appointment under Pda 305.01(f) is not necessary. A temporary appointment shall terminate once the vessel piloted by a temporary pilot has completed the passage or passages through the pilotage area for which the temporary pilot appointment was approved.

(f) If an emergency exists and sufficient pilots are unavailable, emergency pilot appointments shall be made in accordance with Pda 305.05 by the division director, or, if the division director is unavailable, by the authority, acting through its designee. An emergency appointment shall terminate upon notification to the emergency pilot from the authority, the authority's designee, or the division director that an emergency no longer exists.

***(g) In order to provide for the transition of state pilot licenses in effect on the effective date of this paragraph to the expiration system based on the federal license or credential under paragraph (d) above, the division shall extend an annual license issued under Pda 305 in effect on the effective date of this paragraph until the anniversary date of the federal license or credential required under Pda 305.06(b)(2)a., provided that:***

***(1) The federal license or credential is current and in good standing;***

***(2) No action has been taken against the pilot under the federal license or credential; and***

***(3) Grounds for suspension or revocation under Pda 309.02 do not exist.***

Readopt Pda 305.02, effective 4-12-03 (Document #7870), to read as follows:

Pda 305.02 Pilot Requirements for Initial Appointment as Class I or II Pilot. Any person seeking an initial appointment as a pilot shall:

(a) Submit to the division a completed application form as described in Pda 306.01 including all required certifications; and

(b) Meet the requirements set forth in Pda 305.06 and Pda 305.07.

Readopt with amendments Pda 305.03 – Pda 305.04, effective 4-12-03 (Document #7870), to read as follows:

Pda 305.03 Pilot Requirements for Reappointment as a Class I or II Pilot. Any person seeking reappointment as a pilot shall:

- (a) Have served an initial *term of* appointment [~~of at least 12 months~~] as a Class I or Class II pilot;
- (b) Submit to the division a completed application form as described in Pda 306.02, including all required certifications, so that the application is received by the division at least 60 days prior to the expiration of the pilot's current appointment, if the pilot is requesting that the authority act on the request for reappointment prior to the expiration of the pilot's current appointment; and
- (c) Meet the requirements set forth in Pda 305.06 and Pda 305.08, except Pda 305.06(b)[~~(8)~~](5) and [~~(10)~~](7).

Pda 305.04 Pilot Requirements for Appointment as a Class I or II Temporary Pilot. Any person seeking an appointment as a temporary pilot shall:

- (a) Submit to the division a completed application form, as described in Pda 306.03, including all required certifications; and
- (b) Meet the requirements set forth in Pda 305.06(b)(1), (2), [~~(7)~~](4), [~~(9)~~](6), and [~~(10)~~](7).

Readopt Pda 305.05, effective 4-12-03 (Document #7870), to read as follows:

Pda 305.05 Pilot Requirements for Appointment as an Emergency Pilot; Waiver.

- (a) If the division director or the authority's designee determines that an emergency exists requiring the appointment of an emergency pilot, any person seeking an appointment as an emergency pilot shall:
  - (1) Be appointed only if the pilot would be acting within the scope of his or her federal license; and
  - (2) Meet the requirements set forth in Pda 305.06.
- (b) Without a showing of further cause by the applicant, in an emergency, the division director or the authority's designee shall waive any of the requirements established under Pda 305.06 that do not conflict with federal pilot regulations, if the division director or the authority's designee determines that an emergency requires the appointment of an emergency pilot and a waiver of any of the requirements established under Pda 305.06.
- (c) Before appointing the emergency pilot, the division director or the authority's designee shall orally question the proposed pilot to determine which specific qualifications, if any, established under Pda 305.06 the proposed pilot does not meet.
- (d) The division director or the authority's designee shall make an emergency pilot appointment requiring a waiver of any of the requirements established under Pda 305.06, after determining that:
  - (1) The proposed pilot is the best qualified person available for appointment as an emergency pilot; and

(2) The emergency circumstances require that the proposed pilot be appointed, in order to protect the health and safety of individuals or to prevent damage to property or the environment.

(e) When the division director or the authority's designee determines that the emergency is over, that person shall orally notify the emergency pilot of the termination of the pilot's appointment as an emergency pilot.

(f) A copy of any report regarding appointment of an emergency pilot submitted by the division director or the authority's designee shall be provided to the person who held the emergency pilot appointment.

Readopt with amendments Pda 305.06, effective 4-12-03 (Document #7870), to read as follows:

Pda 305.06 Minimum Requirements for Pilot Appointment or Reappointment.

(a) Any appointment or reappointment as a pilot under Pda 305 shall be subject to the pleasure of the authority.

(b) At a minimum, no applicant for appointment or reappointment as a pilot under Pda 305 shall receive an appointment, except as otherwise provided in Pda 305.03(c) and 305.04(b), unless at the time of the application for appointment or reappointment, the applicant shall:

(1) Be a citizen of the United States;

(2) Hold:

a. A valid ***first class pilot's*** license ***or merchant mariner credential with a first class pilot's endorsement*** issued by the Coast Guard, ***Department of Homeland Security***, [~~as master or mate,~~]for ocean, near coastal or inland, for vessels over 1,600 gross tons;

b. A valid Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire; [~~and~~]

c. A valid Coast Guard [~~radar~~]***radar-observer*** endorsement[~~and~~]

***d. A bridge resource management certificate from a Coast Guard approved course in bridge resource management;***

(3) [~~Have undergone and passed a physical examination in accordance with the provisions of 46 CFR 10.205(d) (10-01-01 edition) within the 12 month period immediately preceding the submission of an application for appointment under Pda 305 and submit a copy of the report of such physical examination signed by a licensed physician to the authority for its review if any of the conditions described in (4) below is present;~~] ***Provide the division with a copy of a letter from the Coast Guard certifying that the following were received, accepted, reviewed, and determined to be satisfactorily completed by the Coast Guard:***

***1. The pilot physical examination; and***

**2. *The test for dangerous drugs or documentation that the applicant otherwise met the Coast Guard's requirements for periodic testing;***

~~[(4) Be of sound physical and mental health such that the pilot is physically and mentally capable of competently exercising and performing the duties of a pilot without creating an unreasonable risk of harm to the pilot or to the person or property of others by having no:~~

- ~~a. Current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure;~~
- ~~b. Current clinical diagnosis of high blood pressure, unless controlled by a course of treatment directed by a licensed physician;~~
- ~~c. Established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control;~~
- ~~d. Established medical history or clinical diagnosis of a respiratory dysfunction;~~
- ~~e. Established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic muscular, neuromuscular, or vascular disease;~~
- ~~f. Established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness;~~
- ~~g. Mental, nervous, organic, or functional disease or psychiatric disorder;~~
- ~~h. Current clinical diagnosis of alcoholism; and~~
- ~~i. Presence of any illegal substance, including cocaine, opiates, marijuana, amphetamines or PCP (phencyclidine);]~~

~~[(5) Provide:~~

- ~~a. Certification from a Coast Guard-approved testing facility that the applicant has tested negative for illegal substances within the 30-day period preceding the date of the application; or~~
- ~~b. A letter from the applicant's employer certifying that applicant is enrolled in a random drug testing program.]~~

~~[(6) Submit certification by a licensed physician, if the applicant does not meet any minimum requirement of (4)a through i, that the condition is minor or controlled by medication or a course of treatment so that the pilot is physically and mentally capable of competently exercising and performing the duties of a pilot without creating an unreasonable risk of harm to the pilot or to the person or property of others;]~~

~~[(7)](4) Be of good professional character by certifying that the applicant has not ever:~~

- ~~a. Been convicted by any court, including a military court, of an offense, other than a minor traffic violation, which conviction has not been annulled;~~

- b. Been convicted of a traffic violation, which conviction has not been annulled, arising in connection with a fatal traffic accident, reckless driving or racing on a highway or public street or operating a motor vehicle while under the influence, or impaired by, alcohol or a controlled drug or substance;
- c. Had a driver's license suspended or revoked for refusing to submit to an alcohol or drug test;
- d. Received a Coast Guard letter of warning or been assessed a civil or administrative penalty by a federal or state agency or by a court of competent jurisdiction for violation of maritime or environmental laws; and
- e. Voluntarily surrendered or had any Coast Guard license revoked or suspended.

~~[(8)]~~(5) Be of good professional character as attested by recommendations from at least 2 persons holding a valid Coast Guard master or mate's license attesting that the applicant is of good professional character;

~~[(9)]~~(6) Have knowledge of and training on vessels in the pilotage area sufficient to pilot non-exempt vessels of the tonnage for which the applicant is seeking appointment in a competent and safe manner within the pilotage area; and

~~[(10)]~~(7) Present a recommendation from at least one pilot appointed by the Pease development authority or the former New Hampshire state port authority attesting that the applicant has demonstrated knowledge of the pilotage area and ability to pilot vessels within the pilotage area sufficient to pilot in a competent and safe manner within the pilotage area non-exempt vessels of the tonnage for which the applicant is seeking appointment.

Readopt Pda 305.07 – Pda 305.08, effective 4-12-03 (Document #7870), to read as follows:

Pda 305.07 Passage Requirements for Initial Appointment. In addition to the requirements of Pda 305.06, an applicant for an initial appointment shall provide proof in accordance with Pda 306.01(f)(7) that:

(a) The applicant has made a minimum of 100 round-trip passages in the 36 months preceding the date of receipt of the application by the division as a pilot trainee in the wheelhouse under the direction and control of a pilot appointed pursuant to RSA 12-G:47 or former RSA 271-A:5;

(b) At a minimum, 25 of the required 100 round-trip passages under (a) above were passages made during the hours of darkness;

(c) At a minimum, 30 of the required 100 round-trip passages under (a) above were made in the 12 months preceding the date of receipt of the application by the division; and

(d) Each round-trip passage under (a), (b), and (c) above was made in a vessel applicable to the class of appointment for which the applicant is applying.

Pda 305.08 Passage Requirements for Pilot Reappointment. In addition to the requirements of Pda 305.06, an applicant for reappointment by the authority shall provide proof in accordance with Pda 306.02(f)(5) that the applicant:

(a) Has made a minimum of 4 round-trip passages in the 12 months preceding the date of receipt by the division of the application for reappointment as a pilot appointed pursuant to RSA 12-G:47 or former RSA 271-A:5;

(b) Has made, at a minimum, one of the required 4 round-trip passages under (a) above during the hours of darkness;

(c) Has made each passage under (a) and (b) above aboard a vessel requiring a pilot and on which the applicant was acting as the vessel's pilot; and

(d) Has made each passage made under (a) and (b) above in a vessel applicable to the class of appointment for which the applicant is applying.

Adopt Pda 305.09 to read as follows:

Pda 305.09 Required Annual Certifications.

(a) During a term of appointment and within 90 days prior to the yearly anniversary of a pilot's appointment or reappointment, the pilot shall

(1) Certify that:

- a. The federal license required under Pda 305.06(b) is current and in good standing;
- b. No action has been taken against the pilot's federal license required under Pda 305.06(b);
- c. The individual's state driver's license is current and valid; and
- d. No action has been taken against the individual's state driver's license; and

(2) Provide the division with a copy of a letter from the Coast Guard certifying that the following were received, accepted, reviewed, and determined to be satisfactorily completed by the Coast Guard:

- a. The annual pilot physical examination; and
- b. The annual test for dangerous drugs or documentation that the applicant otherwise met the Coast Guard's requirements for periodic testing.

(b) Failure to submit the annual certifications required under (a) above shall result in the following:

(1) The pilot's license under Pda 305 shall become invalid and remain invalid until the pilot provides the required certifications, provided that the certifications are received by the division no later than 30 days after the license becomes invalid;

(2) If the division receives the required certifications 30 days after the license became invalid, the license shall become valid upon receipt of the certifications; and

(3) If a pilot does not submit the required certifications within the time required under (1) above, the license shall expire.

Readopt with amendments Pda 306.01 – Pda 306.03, effective 4-12-03 (Document #7870), to read as follows:

Pda 306.01 Application Form for Initial Pilot Appointment.

(a) Each person seeking an initial appointment as a pilot shall complete an application form for initial appointment provided by the division and deliver or mail the completed application to:

Delivery Address:

Mail Address:

Pease Development Authority  
Division of Ports and Harbors  
555 Market Street  
Portsmouth, NH 03801

Pease Development Authority  
Division of Ports and Harbors  
P.O. Box 369  
Portsmouth, NH 03802-0369

(b) The applicant shall provide the following on the application form for initial appointment:

- (1) The applicant's full legal name;
- (2) The applicant's maiden name or other names used by the applicant, if applicable;
- (3) The applicant's date and place of birth;
- (4) The address of the applicant's residence, including:
  - a. Street and number;
  - b. City or town;
  - c. State; and
  - d. Zip code;
- (5) Mailing address, if different from residence address;
- (6) The applicant's home telephone number;
- (7) The applicant's mobile/cell telephone number, if the applicant has a mobile/cell telephone;
- (8) The applicant's fax number, if the applicant has a fax machine;
- (9) The applicant's e-mail address, if the applicant has an e-mail address;
- (10) The name of and information required under (4) - (9) relating to the applicant's business, if applicable;
- (11) The class of pilot licensure for which the applicant is applying;

(12) The applicant's employment history relating to piloting or operation of vessels within the past 5 years, including:

- a. The name and address of any previous employer;
- b. Where and when the applicant was employed;
- c. The type and gross tonnage of vessels on which the applicant was employed; and
- d. The positions held and the dates when the positions were held under previous employers;

(13) A list of harbor areas where the applicant has served as pilot, including a description of any special navigational features associated with each harbor area, including, but not limited to:

- a. Exceptional currents or tides; or
- b. Difficult navigational obstructions; and

(14) A description of the training the applicant has received pertaining to pilotage skills.

(c) The applicant shall indicate on the application whether the applicant:

(1) Was ever convicted of violating a controlled drug law of the United States, District of Columbia, or any state, or territory of the United States, including NH RSA 318-B, Controlled Drug Act, and laws relating to possession, use or sale of marijuana, which conviction has not been annulled;

(2) Has ever tested positive for a controlled drug, including marijuana, within the past 180 days, or has ever refused a test for a controlled drug;

(3) Was ever convicted by any court, including a military court, for an offense other than a minor traffic violation, which conviction has not been annulled;

(4) Was ever convicted of a traffic violation, which conviction has not been annulled, arising in connection with a fatal traffic accident, reckless driving, racing on the highway, or operating a motor vehicle while under the influence of or impaired by alcohol or a controlled drug;

(5) Has ever had his or her driver's license revoked or suspended for refusing to submit to an alcohol or drug test;

(6) Was ever given a Coast Guard Letter of Warning or assessed a civil or administrative penalty by a federal or state agency or a court of competent jurisdiction for violation of maritime or environmental laws; and

(7) Has ever had any Coast Guard license or document voluntarily surrendered, revoked, or suspended.

(d) If there is an affirmative response to any of the items listed in subparagraphs (c)(1) - (7) above, the applicant shall attach an explanatory statement(s) to the application. If the applicant responds affirmatively to:

- (1) Subparagraph (c)(1), the applicant shall attach a statement describing the violation and sentence;
- (2) Subparagraph (c)(2), the applicant shall attach a statement explaining the circumstances of such refusal or positive drug test result;
- (3) Subparagraph (c)(3) or (4), the applicant shall attach copies of any court order or judgment rendered;
- (4) Subparagraph (c)(5), the applicant shall attach a statement describing the grounds for the revocation and conviction, and supply the name of the state issuing the license;
- (5) Subparagraph (c)(6), the applicant shall attach a copy of the Letter of Warning and/or penalty assessment; and
- (6) Subparagraph (c)(7), the applicant shall attach a statement describing the action taken by the Coast Guard and the reasons for the action;

(e) The applicant shall sign and date the application form, indicating agreement to the following statement relating to (d) above:

“I have attached a statement of explanation for all areas marked “yes” above. I have signed this section with full understanding that a false statement is a basis for denial of the application as well as criminal prosecution. I understand that failure to answer every question may delay my application.”

(f) The applicant shall include, as part of the application:

(1) A copy of a government-issued photo identification card of the applicant, such as a:

- a. State-issued driver’s license;
- b. Merchant Marine identification document; or
- c. Valid United States passport;

(2) A certified copy of the applicant’s current license issued by the United States Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes the applicant’s:

- a. Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire; ~~and~~
- b. *Valid* Coast Guard ~~[radar]~~*radar-observer* endorsement[-]; *and*
- c. *Bridge resource management certificate from a Coast Guard approved course in bridge resource management;*

(3) A copy of the record of any appointment granted to the applicant by the Pease development authority or the former New Hampshire port authority;

- (4) A copy of the applicant's military record, if the applicant has such a record;
- (5) At least 2 letters attesting to applicant's professional character from persons who hold a valid Coast Guard master or mate's license;
- (6) At least one letter of recommendation prepared in accordance with Pda 305.06(b)~~[(40)]~~(7) from a pilot appointed by the Pease development authority or the former New Hampshire port authority; and
- (7) Documentation that the applicant has met the passage requirements of Pda 305.07, including:
- a. Description of the pilotage route for each passage;
  - b. The name, gross tonnage and official number, if applicable, of the vessel on which each passage was made;
  - c. The inbound or outbound beginning and ending times for each passage; and
  - d. Certifying signatures of the master of the vessel and the pilot for each passage.
- (g) The applicant shall certify whether or not the applicant:
- (1) Is a citizen of the United States of America;
  - (2) Was ever refused an authorization to pilot a vessel;
  - (3) Was ever convicted of a felony or misdemeanor, which has not been annulled;
  - (4) Was ever treated by a physician for drug or alcohol addiction or abuse;
  - (5) Was ever hospitalized for any mental or emotional illness within the past year;
  - (6) Has ever had a mental or physical illness or disability that restricted the applicant's ability to operate as a pilot for more than 30 days;
  - (7) Has ever held an authorization to pilot vessels in New Hampshire or any other state or jurisdiction that has been suspended or revoked; and
  - (8) Holds a valid license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes a:
    - a. Valid Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire; ~~and~~
    - b. Valid Coast Guard ~~radar~~**radar-observer** endorsement~~[-]; and~~
    - c. **Bridge resource management certificate from a Coast Guard approved course in bridge resource management.**
- (h) An applicant unable to certify a true answer for any item in subparagraphs (g)(1) - (8) shall submit an explanatory report that includes:

(1) A complete explanation of the circumstances which cause any statement in subparagraphs (g)(1) - (8) to be untrue; and

(2) For each circumstance which causes a statement in subparagraphs (g)(1) – (8) to be untrue, an explanation as to why the authority should not find it to be grounds for denying the applicant’s appointment as a pilot.

(i) The form shall then be signed and dated. By signing the application form, the applicant shall certify that the information provided in the application is true, to the best of the applicant’s knowledge.

(j) The form shall contain the following certification language:

“I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my appointment as a pilot may be withdrawn or suspended by the Pease Development Authority for submitting false statements and information or omitting required statements and information.”

(k) The application shall require the applicant to separately sign and date a release authorization for a background investigation, as follows:

“To all courts, probation departments, Selective Service boards, employers, physicians, health care facilities, health care providers, educational institutions, and government, including all agencies and departments thereof:

I, \_\_\_\_\_, as an applicant for appointment by the Pease Development Authority as a pilot of vessels, have hereby authorized the Pease Development Authority to conduct an investigation into my background for the purpose of determining my suitability and eligibility for such appointment. You are hereby authorized to release any and all information pertaining to me, documentary or otherwise, as requested by an appropriate employee, agent or representative of the Pease Development Authority. This authorization shall supersede and countermand any prior request or authorization to the contrary.”

Pda 306.02 Application Form for Pilot Reappointment.

(a) Each person seeking reappointment as a pilot shall complete an application for reappointment provided by the division and deliver or mail the completed application to:

Delivery Address:	Mail Address:
Pease Development Authority	Pease Development Authority
Division of Ports and Harbors	Division of Ports and Harbors
555 Market Street	P.O. Box 369
Portsmouth, NH 03801	Portsmouth, NH 03802-0369

(b) The applicant shall provide the following on the application for reappointment:

- (1) The applicant’s full legal name;
- (2) The applicant’s maiden name or other names used by the applicant, if applicable;
- (3) The applicant’s date and place of birth;

- (4) The address of the applicant's residence, including:
    - a. Street number and name;
    - b. City or town;
    - c. State; and
    - d. Zip code;
  - (5) Mailing address, if different from residence address;
  - (6) The applicant's home telephone number;
  - (7) The applicant's mobile/cell telephone number, if the applicant has a mobile/cell telephone;
  - (8) The applicant's fax number, if the applicant has a fax machine;
  - (9) The applicant's e-mail address, if the applicant has an e-mail address;
  - (10) The name of and information required under (4) – (9) relating to the applicant's business, if applicable;
  - (11) The class of pilot licensure for which the applicant is applying;
  - (12) The applicant's employment history relating to piloting or operation of vessels within the past 5 years, including:
    - a. The name and address of any previous employer;
    - b. Where and when the applicant was employed;
    - c. The type and gross tonnage of vessels on which the applicant was employed; and
    - d. The positions held and the dates when the positions were held under previous employers;
  - (13) A list of harbor areas where the applicant has served as pilot, including a description of any special navigational features associated with each harbor area, including, but not limited to:
    - a. Exceptional currents or tides; or
    - b. Difficult navigational obstructions; and
  - (14) A description of the training the applicant has received pertaining to pilotage skills.
- (c) The applicant shall indicate on the application whether the applicant:
- (1) Was ever convicted of violating a controlled drug law of the United States, District of Columbia, or any state, or territory of the United States, including NH RSA 318-B, Controlled

Drug Act, and laws relating to possession, use or sale of marijuana, which conviction has not been annulled;

(2) Has ever tested positive for a controlled drug, including marijuana, within the past 180 days, or has ever refused a test for a controlled drug;

(3) Was ever convicted by any court, including a military court, for an offense other than a minor traffic violation, which conviction has not been annulled;

(4) Was ever convicted of a traffic violation, which conviction has not been annulled, arising in connection with a fatal traffic accident, reckless driving, racing on the highway, or operating a motor vehicle while under the influence of or impaired by alcohol or a controlled drug;

(5) Has ever had his or her driver's license revoked or suspended for refusing to submit to an alcohol or drug test;

(6) Was ever given a Coast Guard Letter of Warning or been assessed a civil or administrative penalty by a federal or state agency or a court of competent jurisdiction for violation of maritime or environmental laws; and

(7) Has ever had any Coast Guard license or document voluntarily surrendered, revoked, or suspended.

(d) If there is an affirmative response to any of the items listed in subparagraphs (c)(1) – (7) above, the applicant shall attach an explanatory statement(s) to the application. If the applicant responds affirmatively to:

(1) Subparagraph (c)(1), the applicant shall attach a statement describing the violation and sentence;

(2) Subparagraph (c)(2), the applicant shall attach a statement explaining the circumstances of such refusal or positive drug test result;

(3) Subparagraph (c)(3) or (4), the applicant shall attach copies of any court order or judgment rendered;

(4) Subparagraph (c)(5), the applicant shall attach a statement describing the grounds for the revocation and conviction, and supply the name of the state issuing the license;

(5) Subparagraph (c)(6), the applicant shall attach a copy of the Letter of Warning and/or penalty assessment; and

(6) Subparagraph (c)(7), the applicant shall attach a statement describing the action taken by the Coast Guard and the reasons for the action;

(e) The applicant shall sign and date the application form, indicating agreement to the following statement relating to (d) above:

“I have attached a statement of explanation for all areas marked “yes” above. I have signed this section with full understanding that a false statement is a basis for denial of the application as well as criminal prosecution. I understand that failure to answer every question may delay my application.”

(f) The applicant shall include, as part of the application:

- (1) A copy of a government-issued photo identification card of the applicant, such as a:
  - a. State-issued driver's license;
  - b. Merchant Marine identification document; or
  - c. Valid United States passport;
- (2) A certified copy of the applicant's current license issued by the United States Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes the applicant's:
  - a. Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire; ~~and~~
  - b. *Valid* Coast Guard ~~radar~~*radar-observer* endorsement[-]; *and*
  - c. *Bridge resource management certificate from a Coast Guard approved course in bridge resource management;*
- (3) A copy of the record of any appointment granted to the applicant by the Pease development authority or the former New Hampshire port authority;
- (4) A copy of the applicant's military record, if the applicant is currently in the military or was in the military during the term of the applicant's most recent appointment as a pilot; and
- (5) Documentation that the applicant has met the passage requirements of Pda 305.08, including:
  - a. Description of the pilotage route for each passage;
  - b. The name, gross tonnage and official number, if applicable, of the vessel on which each passage was made;
  - c. The inbound or outbound beginning and ending times for each passage; and
  - d. Certifying signatures of the master of the vessel and the pilot for each passage.

(g) The applicant shall certify whether or not the applicant:

- (1) Is a citizen of the United States of America;
- (2) Was ever refused an authorization to pilot a vessel;
- (3) Was ever convicted of a felony or misdemeanor, which has not been annulled;
- (4) Was ever treated by a physician for drug or alcohol addiction or abuse;
- (5) Was ever hospitalized for any mental or emotional illness within the past year;

(6) Has ever had a mental or physical illness or disability that restricted the applicant's ability to operate as a pilot for more than 30 days;

(7) Has ever held an authorization to pilot vessels in New Hampshire or any other state or jurisdiction that has been suspended or revoked; and

(8) Holds a valid license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes a:

a. Valid Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire; ~~and~~

b. Valid Coast Guard ~~radar~~*radar-observer* endorsement[-]; *and*

*c. Bridge resource management certificate from a Coast Guard approved course in bridge resource management;*

(h) An applicant unable to certify a true answer for any item in subparagraphs (g)(1) – (8) shall submit an explanatory report that includes:

(1) A complete explanation of the circumstances which cause any statement in subparagraphs (g)(1) – (8) to be untrue; and

(2) For each circumstance which causes a statement in subparagraphs (g)(1) – (8) to be untrue, an explanation as to why the authority should not find it to be grounds for denying the applicant's appointment as a pilot.

(i) The form shall then be signed and dated. By signing the application form, the applicant shall certify that the information provided in the application is true, to the best of the applicant's knowledge.

(j) The form shall contain the following certification language:

"I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my appointment as a pilot may be withdrawn or suspended by the Pease Development Authority for submitting false statements and information or omitting required statements and information."

(k) The application shall require the applicant to separately sign and date a release authorization for a background investigation, as follows:

"To all courts, probation departments, Selective Service boards, employers, physicians, health care facilities, health care providers, educational institutions, and government, including all agencies and departments thereof:

I, \_\_\_\_\_, as an applicant for appointment by the Pease Development Authority as a pilot of vessels, have hereby authorized the Pease Development Authority to conduct an investigation into my background for the purpose of determining my suitability and eligibility for such appointment. You are hereby authorized to release any and all information pertaining to me, documentary or otherwise, as requested by an appropriate employee, agent or representative of

the Pease Development Authority. This authorization shall supersede and countermand any prior request or authorization to the contrary.”

Pda 306.03 Application Form for Temporary Pilot Appointment.

(a) Each person seeking an appointment as a temporary pilot shall complete an application form provided by the division and deliver or mail the completed application to:

Delivery Address:	Mail Address:
Pease Development Authority Division of Ports and Harbors 555 Market Street Portsmouth, NH 03801	Pease Development Authority Division of Ports and Harbors P.O. Box 369 Portsmouth, NH 03802-0369

(b) The applicant shall provide the following on the application form for temporary pilot appointment:

- (1) The applicant’s full legal name;
- (2) The applicant’s maiden name or other names used by the applicant, if applicable;
- (3) The applicant’s date and place of birth;
- (4) The address of the applicant’s residence, including:
  - a. Street number and name;
  - b. City or town;
  - c. State; and
  - d. Zip code;
- (5) Mailing address, if different from residence address;
- (6) The applicant’s home telephone number;
- (7) The applicant’s mobile/cell telephone number, if the applicant has a mobile/cell telephone;
- (8) The applicant’s fax number, if the applicant has a fax machine;
- (9) The applicant’s e-mail address, if the applicant has an e-mail address.
- (10) The name of and information required under (4) - (9) relating to the applicant’s business, if applicable;
- (11) The class of pilot licensure for which the applicant is applying;
- (12) The applicant’s employment history relating to piloting or operation of vessels within the past 5 years, including:

- a. The name and address of any previous employer;
- b. Where and when the applicant was employed;
- c. The type and gross tonnage of vessels on which the applicant was employed; and
- d. The positions held and the dates when the positions were held under previous employers;

(13) A list of harbor areas where the applicant has served as pilot, including a description of any special navigational features associated with each harbor area, including, but not limited to:

- a. Exceptional currents or tides; or
- b. Difficult navigational obstructions; and

(14) A description of the training the applicant has received pertaining to pilotage skills.

(c) The applicant shall indicate on the application whether the applicant:

(1) Was ever convicted of violating a controlled drug law of the United States, District of Columbia, or any state, or territory of the United States, including NH RSA 318-B, Controlled Drug Act, and laws relating to possession, use or sale of marijuana, which conviction has not been annulled;

(2) Has ever tested positive for a controlled drug, including marijuana, within the past 180 days, or has ever refused a test for a controlled drug;

(3) Was ever convicted by any court, including a military court, for an offense other than a minor traffic violation, which conviction has not been annulled;

(4) Was ever convicted of a traffic violation, which conviction has not been annulled, arising in connection with a fatal traffic accident, reckless driving, racing on the highway, or operating a motor vehicle while under the influence of or impaired by alcohol or a controlled drug;

(5) Has ever had his or her driver's license revoked or suspended for refusing to submit to an alcohol or drug test;

(6) Was ever given a Coast Guard Letter of Warning or been assessed a civil or administrative penalty by a federal or state agency or a court of competent jurisdiction for violation of maritime or environmental laws; and

(7) Has ever had any Coast Guard license or document voluntarily surrendered, revoked, or suspended.

(d) If there is an affirmative response to any of the items listed in subparagraphs (c)(1) - (7) above, the applicant shall attach an explanatory statement(s) to the application. If the applicant responds affirmatively to:

(1) Subparagraph (c)(1), the applicant shall attach a statement describing the violation and sentence;

(2) Subparagraph (c)(2), the applicant shall attach a statement explaining the circumstances of such refusal or positive drug test result;

(3) Subparagraph (c)(3) or (4), the applicant shall attach copies of any court order or judgment rendered;

(4) Subparagraph (c)(5), the applicant shall attach a statement describing the grounds for the revocation and conviction, and supply the name of the state issuing the license;

(5) Subparagraph (c)(6), the applicant shall attach a copy of the Letter of Warning and/or penalty assessment; and

(6) Subparagraph (c)(7), the applicant shall attach a statement describing the action taken by the Coast Guard and the reasons for the action;

(e) The applicant shall sign and date the application form, indicating agreement to the following statement relating to (d) above:

“I have attached a statement of explanation for all areas marked “yes” above. I have signed this section with full understanding that a false statement is a basis for denial of the application as well as criminal prosecution. I understand that failure to answer every question may delay my application.”

(f) The applicant shall include, as part of the application:

(1) A copy of a government-issued photo identification card of the applicant, such as a:

- a. State-issued driver’s license;
- b. Merchant Marine identification document; or
- c. Valid United States passport;

(2) A certified copy of the applicant’s current license issued by the United States Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes the applicant’s:

- a. Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire; ~~and~~
- b. **Valid** Coast Guard ~~[radar]~~**radar-observer** endorsement[-]; **and**
- c. **Bridge resource management certificate from a Coast Guard approved course in bridge resource management;**

(3) A copy of the record of any appointment granted to the applicant by the Pease development authority or the former New Hampshire port authority;

(4) A copy of the applicant’s military record, if the applicant is currently in the military or was in the military during the term of the applicant’s most recent appointment as a pilot; and

(5) At least one letter of recommendation prepared in accordance with Pda 305.06~~(+)~~(7) from a pilot appointed by the Pease development authority or the former New Hampshire port authority.

(g) The applicant shall certify whether or not the applicant:

- (1) Is a citizen of the United States of America;
- (2) Was ever refused an authorization to pilot a vessel;
- (3) Was ever convicted of a felony or misdemeanor, which has not been annulled;
- (4) Was ever treated by a physician for drug or alcohol addiction or abuse;
- (5) Was ever hospitalized for any mental or emotional illness within the past year;
- (6) Has ever had a mental or physical illness or disability that restricted the applicant's ability to operate as a pilot for more than 30 days;
- (7) Has ever held an authorization to pilot vessels in New Hampshire or any other state or jurisdiction that has been suspended or revoked; and
- (8) Holds a valid license issued by the Coast Guard as master or mate, for ocean, near coastal, or inland, for vessels over 1,600 gross tons that includes a:
  - a. Valid Coast Guard pilotage endorsement for Portsmouth Harbor and the Piscataqua River up to and including Dover Point, New Hampshire; ~~and~~
  - b. Valid Coast Guard ~~radar~~**radar-observer** endorsement~~[-]; and~~
  - c. Bridge resource management certificate from a Coast Guard approved course in bridge resource management.**

(h) An applicant unable to certify a true answer for any item in subparagraphs (g)(1) – (8) shall submit an explanatory report that includes:

- (1) A complete explanation of the circumstances which cause any statement in subparagraphs (g)(1) – (8) to be untrue; and
- (2) For each circumstance which causes a statement in subparagraphs (g)(1) – (8) to be untrue, an explanation as to why the authority should not find it to be grounds for denying the applicant's appointment as a pilot.

(i) The form shall then be signed and dated. By signing the application form, the applicant shall certify that the information provided in the application is true, to the best of the applicant's knowledge.

(j) The form shall contain the following certification language:

“I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that my appointment as a pilot may be withdrawn or suspended by the Pease Development Authority for submitting false statements and information or omitting required statements and information.”

(k) The application shall require the applicant to separately sign and date a release authorization for a background investigation, as follows:

“To all courts, probation departments, Selective Service boards, employers, physicians, health care facilities, health care providers, educational institutions, and government, including all agencies and departments thereof:

I, \_\_\_\_\_, as an applicant for appointment by the Pease Development Authority as a pilot of vessels, have hereby authorized the Pease Development Authority to conduct an investigation into my background for the purpose of determining my suitability and eligibility for such appointment. You are hereby authorized to release any and all information pertaining to me, documentary or otherwise, as requested by an appropriate employee, agent or representative of the Pease Development Authority. This authorization shall supersede and countermand any prior request or authorization to the contrary.”

Adopt Pda 306.04 to read as follows:

Pda 306.04 Updating of Certain Information Provided on Application Forms Required. In order to maintain updated contact and business information with the division, any person appointed as a pilot under Pda 305.01 shall notify the division in writing, within 30 days of the change, of any changes to information provided on an application form under Pda 306.01(b)(4)-(10), Pda 306.02(b)(4)-(10), and Pda 306.03(b)(4)-(10).

Readopt Pda 307.01 – Pda 307.02, effective 4-12-03 (Document #7870), to read as follows:

Pda 307.01 Application Decision. The authority shall take action on any application for appointment or reappointment as a pilot no later than 60 days from the receipt of a complete application. All decisions of the authority approving or denying an application for appointment or reappointment shall be in writing. If an application for appointment or reappointment as a pilot is denied, the applicant may appeal that decision to the board.

Pda 307.02 Grounds for Denial. The authority shall deny an application for an initial appointment, reappointment, or temporary appointment if the authority determines that:

(a) The applicant or the application fails to meet or comply with any requirement of Pda 305 applicable to the type and class of appointment for which the applicant has submitted an application;

(b) The applicant fails to submit any information requested by the authority necessary to evaluate the applicant’s fitness for appointment as a pilot;

(c) The physical health of the applicant, as a result of a physical condition or the use of drugs, including alcohol, or any other substance, is such that the applicant is not physically capable of competently exercising or performing the functions, duties, and responsibilities of a pilot without creating an unreasonable risk of harm to the applicant, the environment, or the person or property of others;

(d) The mental or emotional health of the applicant, as a result of a mental or emotional condition or the use of drugs, including alcohol, or any other substance, is such that the applicant is not competent to

exercise or is unable to perform the functions, duties, and responsibilities of a pilot without creating an unreasonable risk of harm to the applicant, the environment, or the person or property of others;

(e) The applicant has been convicted of a criminal act, the facts and circumstances of which bear a demonstrable relationship to the exercise or performance of the functions, duties and responsibilities of a pilot, as determined by the authority;

(f) The applicant has submitted false or misleading information as part of the person's application for appointment as a pilot or has otherwise engaged in conduct involving dishonesty or misrepresentation, the facts and circumstances of which bear a demonstrable relationship to the exercise or performance of the functions, duties and responsibilities of a pilot; or

(g) The authority determines that making the requested appointment is not necessary to ensure an adequate number of pilots.

Readopt Pda 308.01 – Pda 308.05, effective 4-12-03 (Document #7870), to read as follows:

Pda 308.01 Submission of Written Request.

(a) A pilot shall request in writing to the authority to receive approval to be absent from the pilotage area for a period of more than 60 days without termination of the pilot's appointment.

(b) The written request shall include:

(1) The time period that the pilot will be away from the pilotage area; and

(2) The reason(s) that the pilot will be away from the pilotage area.

Pda 308.02 Denial.

(a) The authority shall deny the pilot's request under Pda 308.01 if the authority determines that, if the request were granted, there would be insufficient pilots available to safely manage vessels in the pilotage area.

(b) If the authority denies the pilot's request under Pda 308.01 to be absent from the pilotage area, the reasons for denial shall be stated in writing.

Pda 308.03 Request for Reconsideration. If a written request submitted pursuant to Pda 308.01 is denied by the authority, the pilot may request the authority to reconsider its decision and may request a hearing. If the pilot includes a request for a hearing in his or her request for reconsideration, the authority shall provide the pilot with a hearing before the board.

Pda 308.04 Termination of Appointment. The appointment of any pilot absent from the pilotage area for more than 60 days without the written permission of the authority shall be automatically terminated.

Pda 308.05 Extended Absence from Pilotage Area. A pilot who has been absent from the pilotage area for more than 180 days with the permission of the authority shall notify the authority in writing of the pilot's intention to return to the pilotage area, including the proposed date of return, and shall make as many trips under the supervision of a pilot as the authority determines are necessary to refamiliarize the pilot with the pilotage area.

Readopt with amendments Pda 309.01, effective 4-12-03 (Document #7870), to read as follows:

Pda 309.01 Suspension or Revocation of Federal License; *Pilot Required to Notify Division.*

*(a) Any pilot whose federal license as required by Pda 305.06(b) is suspended or revoked for any reason shall immediately notify the division of the suspension or revocation.*

*(b) The appointment of any pilot under Pda 305 whose federal license as required by Pda 305.06(b) is suspended or revoked for any reason shall be subject to immediate and automatic suspension or revocation on the same terms and conditions as the suspension or revocation of the federal license.*

*(c) Suspension or revocation of the pilot's appointment shall be co-terminus with the suspension or revocation of the pilot's federal license, including immediate and automatic reinstatement of the pilot's appointment on the same terms and conditions as any reinstatement of the pilot's federal license.*

Readopt Pda 309.02 – Pda 309.03, effective 4-12-03 (Document #7870), to read as follows:

Pda 309.02 Grounds for Suspension or Revocation. The authority shall suspend or revoke a pilot's appointment, subject to such conditions as the authority deems necessary to protect the safety of vessels in the pilotage area, public health, property or the environment, if the authority finds that:

(a) The pilot fails to meet or comply with any requirement of Pda 305 applicable to the type and class of appointment for which the pilot has received an appointment;

(b) The physical health of the pilot is such, as a result of a physical condition or the use of drugs, including alcohol, or any other substance, that the pilot is not physically capable of competently exercising or performing the functions, duties, and responsibilities of a pilot without creating an unreasonable risk of harm to the pilot, the environment, or the person or property of others;

(c) The mental or emotional health of the pilot is such, as a result of a mental or emotional condition or the use of drugs, including alcohol, or any other substance, that the pilot is not competent to exercise or is unable to perform the functions, duties and responsibilities of a pilot without creating an unreasonable risk of harm to the pilot, the environment or the person or property of others;

(d) The pilot has been convicted of a criminal act, the facts and circumstances of which bear a demonstrable relationship to the exercise or performance of the functions, duties and responsibilities of a pilot;

(e) The pilot has submitted false or misleading information as part of his or her application for appointment as a pilot or has otherwise engaged in conduct involving dishonesty or misrepresentation, the facts and circumstances of which bear a demonstrable relationship to the exercise or performance of the functions, duties, and responsibilities of a pilot;

(f) The pilot, when requested to provide information to the authority or the division required under RSA 12-G or any rule of the authority, has failed to provide such information;

(g) The pilot has failed to exercise or perform the functions, duties, and responsibilities of a pilot competently or diligently;

(h) The pilot has violated any provision of RSA 12-G or any rule of the authority; or

(i) The pilot has failed to obey a directive issued by an officer of the United States Customs Service, the United States Coast Guard, or other law enforcement agency when such a directive could have been complied with safely.

Pda 309.03 Appeal from Decision to Suspend or Revoke Appointment. If the authority suspends or revokes a pilot's appointment, the pilot may appeal that decision to the board.

Readopt Pda 310.01 – Pda 310.02, effective 4-12-03 (Document #7870), to read as follows:

Pda 310.01 Monthly Passage Reports.

(a) Each pilot shall submit a monthly passage report to the division for all passages completed during the calendar month, including any shifting at berth. Pilots employed by the same employer may file a combined monthly report, provided that the pilot for each passage or shifting at berth is separately identified and that each pilot individually executes the certification set forth below in (d) for the passages or berth shiftings identified in the monthly report as piloted by him or her.

(b) The report shall include the following information with respect to each passage and shifting at berth completed during the month to which the report applies:

- (1) Name of pilot;
- (2) Vessel name and official number, if applicable;
- (3) Name of towing tug(s), if any;
- (4) Horsepower of assisting tug(s), if any;
- (5) Length of vessel;
- (6) Beam of vessel;
- (7) Draft of vessel;
- (8) Vessel registry;
- (9) Gross tonnage of vessel;
- (10) Deadweight capacity tonnage of vessel;
- (11) Cargo of vessel;
- (12) Passage start point;
- (13) Passage start date;
- (14) Whether passage start was in daylight or darkness;

- (15) Passage end point;
- (16) Passage end date;
- (17) Whether passage end was in daylight or darkness;
- (18) Weather conditions;
- (19) Tide conditions, including:
  - a. High slack;
  - b. Low slack; or
  - c. Other, as specified in the report;
- (20) Tonnage loaded;
- (21) Tonnage discharged; and
- (22) Shifting of the vessel at berth, other than normal mooring line adjustments due to tide or current fluctuations.

(c) The report shall be filed within 30 days of the end of each reported month.

(d) Any pilot required under (a) above to certify a monthly passage report in whole or in part shall use the following form:

“I certify that the statements and information in the enclosed report relative to those passages or shiftings at berth for which I am designated as the pilot are to the best of my knowledge and belief true, accurate and complete. I am aware that my appointment as a pilot may be withdrawn or suspended by the Pease Development Authority for submitting false statements and information or omitting required statements and information.”

(e) The division shall provide each pilot with the necessary report forms.

Pda 310.02 Incident Reports; Duty to Report.

(a) If any incident occurs on a vessel while a pilot is engaged in the provision of pilotage service for such vessel, the pilot providing pilotage service shall file a written report of the incident with the division. The report shall be filed by the close of business no later than 5 days following the incident or 5 days after the date upon which the pilot first became aware of the incident, whichever is later. In the case of an incident involving loss of life or serious physical injury, the pilot shall immediately notify the division of the incident.

(b) Any report filed pursuant to (a) above shall include, at a minimum, the following:

- (1) The name, address, and telephone number of the pilot making the report;
- (2) Date, time and location of the incident;
- (3) Detailed narrative description of the nature of the incident;

- (4) Cause of the incident to the extent known by the pilot;
- (5) Remedial action taken, if any; and
- (6) Names and addresses of any witnesses to the incident.

(c) Any pilot who, at any time, has reasonable grounds to believe that an incident has occurred and that such incident has not been reported to the division, shall contact the division and determine whether a report of the incident has been filed with the division. If a report of the incident has been filed with the division, the pilot making the inquiry shall have no further reporting responsibility. If no report of the incident has been filed, the inquiring pilot shall make a written report to the division within 5 days of becoming aware that no report was filed in accordance with (a) above regarding the suspected incident including, to the extent known, the information required under (b) above. After filing this report, the reporting pilot shall have no further reporting responsibility.

(d) Upon receipt of an incident report filed by the involved pilot or another pilot or upon receipt of a written complaint from any person, the division shall conduct an investigation.

(e) Upon receipt of an incident report from another pilot regarding a pilot or upon receipt of a complaint regarding a pilot, the division shall provide the involved pilot with a copy of the report or complaint.

(f) When the involved pilot receives from the division a copy of an incident report filed by another pilot or a copy of a complaint filed with the division, the involved pilot shall provide the division within 5 days of receipt with a written statement including, but not limited to the following:

- (1) Detailed narrative explanation of the incident or subject of the complaint; and
- (2) Detailed response to the statements in the report or complaint.