

# NEWS FROM THE DOCKS



ASSOCIATION OF LOUISIANA

*Louisiana Ports Deliver*

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## Message from the PAL Office

PAL is happy to see FALL arriving! Maybe this ill-conceived moratorium will finally end and Louisiana's oil and gas industry can get back to business... with new safety measures in place.

As we mentioned last month, the room block is now available at Sam's Town Casino Hotel in Shreveport for our annual conference. The conference dates are March 23-25, 2011. The PAL group rate is \$80 per night and reservations may be made by calling 877/429-0711. Our block code is S07PAL. The room block will be released on February 22, 2011.

October begins PAL's last quarter membership drive. Any associate member who joins during the last quarter of 2010 will receive membership through 2011. This is the best time of year to join! Visit our web site and click on the "Join" tab for more information.

## Corporate Member News

### *Port of New Orleans*

#### ***Foreign-Trade Zone Seminar Explores How to Improve Business Model, Bottom Line***

The Port of New Orleans will host an in-depth seminar on the benefits and operation of the United States Foreign-Trade Zone (FTZ) Program on October 27, 2010 from 9 a.m. to 1 p.m.

There are five FTZ Grantees in Louisiana: The Port of South Louisiana, The Port of Baton Rouge, The Port of Lake Charles, the Port of

Shreveport/Bossier and the Port of New Orleans. The Port of New Orleans is one of the first

locations in the U.S. to provide a new streamlined FTZ option called the Alternative Site Framework (ASF). This can reduce the FTZ application approval time from twelve months to one month and streamline the application data required to secure financial savings for a company in metro New Orleans.

A Foreign-Trade Zone (FTZ) is a restricted-access site, which is treated, for the purposes of U.S. tariff laws and Customs entry purposes, as being outside the Customs territory of the United States. Under FTZ procedures, foreign and domestic merchandise may be admitted into FTZ's for operations such as storage, exhibition, assembly, manufacture and processing, without being subject to formal Customs entry procedures, the payment of Customs duties or the payment of federal excise taxes.

The content of the seminar will, in part, cover which companies can benefit from the FTZ program, how an FTZ works, FTZ manufacturing authority, how to establish an FTZ for your company, questions and answers and one-on-one sessions.

The seminar will be given by Mr. Scott Taylor, partner at Miller & Company, P.C., Kansas City. Miller & Co. is one of this country's premier law firms specializing in Foreign-Trade Zones and other import/export trade issues.

There will be a fee of \$25 to attend the seminar payable by check in advance or at the door and payable to the Port of New Orleans. However, advance registration is required. Please register by calling (or emailing) Jim Reese at 504.813.4870 ([jim@portno.com](mailto:jim@portno.com)) or calling Mary Square at 504.528.3258.

The seminar will be conducted at the Port of

New Orleans administration building located at 1350 Port of New Orleans Place, New Orleans, LA., 70130. Parking will be available.

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***LaGrange Promotes Cargo Gains, Board Investments In Annual Address***

Less than three weeks following the fifth anniversary of Hurricane Katrina, Port of New Orleans President and CEO Gary LaGrange said the entire Port community should be proud of their resilience and highlighted several recent gains made in new cargoes, services and within the cruise industry, during his annual address sponsored by the International Freight Forwarders and Customs Brokers Association of New Orleans.



“We all felt a calling – a responsibility to the rest of the nation, to ourselves and to our community,” LaGrange said of the weeks following Aug. 29, 2005. “Five years later, I look back at our successes with great pride. Our collective work provided a reason for people to return – and most importantly – it provided hope.”

In the last five years, the Port has worked tirelessly to secure funding necessary not only to rebuild infrastructure, but to position New Orleans as a world-class port for growth and development, LaGrange said.

“The Port is in the process of investing more than \$100 million into facilities. Some \$67 million is being spent on recovery projects either completed, under construction or in the design phase. Another \$44 million is currently being spent on capital projects. Included in those numbers are two new container gantry cranes scheduled for delivery in early 2011, Napoleon Avenue Container Terminal expansion, a new Riverfront Cold Storage Terminal, the complete refurbishment of the Julia Street Cruise Terminal and a new modern dredge.

LaGrange also highlighted cargo gains, especially during the first half of 2010. So far in 2010, total cargo is up 6.6 percent over a year ago with a 60 percent surge in containerized cargo leading the way. Top Port commodities, such as natural rubber and coffee, also realized gains of 14 percent and 5.4 percent respectively so far in 2010. After a many year absence, the Port reinstated banana imports, as Seaboard Marine imports about 15,000 40-pound boxes of bananas each week.

In step with the world economic climate and the weak dollar, the Port continues to see gains in exports, as well. Total exports rose 55 percent so far in 2010, with chemicals up 74.3 percent. Overall, break-bulk exports are up some 15.3 percent, while container exports rose 61 percent.

LaGrange also cited new services and value-added projects slated to significantly grow cargo volumes within the Port. Topping the list is the recent announcement by the London Metals Exchange to certify New Orleans as its first U.S. port for the delivery and storage of steel billets. LME metals, such as aluminum, copper and zinc helped buoy the Port during the recent recession. In 2009, the Port handled more than 720,000 tons of aluminum, copper and zinc - all LME metals.

“LME’s announcement is expected to further grow business in the New Orleans transportation and warehousing sectors, while creating new options for steel buyers and sellers who want to protect themselves from price fluctuations,” LaGrange said.

Last month, Hapag-Lloyd – one of the world’s largest container shipping companies – announced it added an additional vessel to its existing Mediterranean service, providing a true fixed-day weekly service and adding another 12 port calls annually. Also, Transportation Consultants Inc. recently dedicated its new headquarters and container-packaging warehouse on France Road.

“We’re very excited about TCI’s investment in New Orleans,” LaGrange said. “This new facility will build value-added cargo and grow business within the Port, while creating more than 60 new jobs.”

Perhaps the most publicized growth within the Port is the return of the Cruise industry.

Currently, there are two home-ported cruise ships in New Orleans; however, the figure could top five within the next two years.

Carnival Cruise Lines is returning its Carnival Conquest and Ecstasy for year round cruising, while Norwegian Cruise Line's Norwegian Spirit will begin year-round seven-day itineraries from New Orleans beginning in November. NCL has traditionally sailed seasonally from November to April from the Crescent City. In addition, Royal Caribbean Cruise Lines announced it will return service to New Orleans in 2011 with its Voyager of the Seas – 1,020-foot cruise ship accommodating 3,114 guests – making it the largest cruise ship to ever call on New Orleans. Port officials continue to meet with several other cruise lines keenly interested in home-porting vessels here in the future.

To accommodate the growth of the cruise industry, Port officials will soon begin the complete renovation of the Julia Street cruise Terminal, converting two smaller terminals into a single modern terminal able to berth the industry's largest cruise ships. The renovation is expected to be completed by next summer.

LaGrange also congratulated the Port community and the U.S. Coast Guard with its handling of the recent Deepwater Horizon oil spill.

“Due to everyone’s efforts, commerce was undeterred on the Mississippi River throughout the entire incident,” LaGrange said. “Not a single cargo vessel or cruise ship was rerouted.”

In fact, New Orleans Board of Trade figures show vessel arrivals rose 11.87 percent during the 120-day period from April 20 until August 17 when the well was finally capped.

“Looking ahead, the Port is poised to capture additional cargoes, attract the cruise industry’s finest ships and, most importantly, create jobs for our region and state,” LaGrange concluded.

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**Fay Elected Board Chairman**

*Mumphrey, Cahill Elected Vice Chair,  
Secretary-Treasurer*

The Board of Commissioners of the Port of New Orleans elected John Fay, a partner in the law

firm of Deutsch, Kerrigan & Stiles its chairman today. Fay succeeds Thomas D. Westfeldt, whose term as chairman has expired. Westfeldt will continue to serve on the board as a commissioner.

A native of Baltimore, Md., Fay earned degrees in economics and history from the University of Pennsylvania in 1979 and graduated cum laude from the Tulane School of Law in 1983. Fay served as associate and partner in the maritime law firm of O’Neil Eichin in New Orleans from 1983 until 1999, when he became partner in the civil litigation firm of Deutsch, Kerrigan & Stiles LLP. Fay’s practice focuses on litigation and arbitration of maritime disputes.



A member of the New Orleans Board of Trade, Fay has served in various positions on its board since 1999. Fay also served on the board of the Louisiana Association of Waterways

Operators and Shipyards from 1998 to 2003 and as a member of the Trinity Episcopal School Board of Trustees.

“The Port of New Orleans helps create jobs and economic activity for Louisiana. I’m looking forward to continuing to propel the Port on the path of success that has been established by my predecessors and to take advantage of new opportunities,” Fay said.

Wayne Mumphrey, principal to Mumphrey Law Firm LLC, was elected vice chairman of the Board of Commissioners and Valerie Cahill, an independent investment banker from Jefferson Parish, was named secretary-treasurer.

The Board’s commissioners serve five-year staggered terms as commissioners, and every nine months the commissioners elect new officers. The unsalaried board members are appointed by the Governor of Louisiana from a list of three nominees submitted by local civic, labor, education and maritime groups. The Board reflects the three-parish jurisdiction, with four members from Orleans Parish, two from Jefferson Parish and one from St. Bernard

Parish. Other members include Capt. A.J. Gibbs, Joseph Toomy and Daniel Packer.

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### ***Port of Morgan City***

#### ***'Start of Installation of Storm Hardened NOAA Resource for the Port of Morgan City and Atchafalaya Area Starting This Week'***

A new storm hardened station by NOAA to measure, and report in real time, weather, water and storm surge information is seeing the start of installation at the Port of Morgan City this week announced Mr. Jerry Hoffpauir, Executive Director of the Port.

"We are very glad to see that our working relationship with NOAA is paying off in better and more storm resistant environmental monitoring systems to serve the Port, our Community and the Atchafalaya Area industries," said Mr. Hoffpauir.

The Center for Operational Oceanographic Products and Services, a program office of NOAA (the National Oceanic and Atmospheric Administration) is responsible for measuring and reporting tide and water level data across the United States and operates the National Water Level Observation Network (NWLON) System that the upgraded station will be a part of.

Replacing a small system in Berwick located at Martin Mainstream Fuel Services, the new NOAA station will be elevated approximately 17 feet above the water, have a full weather station and operate and report in real time with the use of satellite communications from the station to NOAA. The information from the station can be found at the NOAA CO-OPS web site and Berwick station site

<http://tidesandcurrents.noaa.gov/geo.shtml?location=8764044>

A large NOAA Sentinel Station, designed to continue operations up through a Category 4 Hurricane, is located in the Atchafalaya Delta near the Atchafalaya Navigation Channel.

Data from this station is found at [http://tidesandcurrents.noaa.gov/station\\_info.shtml?stn=8764227%20Lawma,%20Amerada%20Pass,%20LA](http://tidesandcurrents.noaa.gov/station_info.shtml?stn=8764227%20Lawma,%20Amerada%20Pass,%20LA)

"The importance of this new installation is that we see federal resources being put here to operate in real time through even severe storms

and hurricanes to support not only the Port but also the entire Atchafalaya area and the communities and State," stated Jerry Hoffpauir. "The Port has proven time and again to be a critical resource in good times and bad and these new systems give us more tools to keep our port operating and doing it safely."

Updates on the progress of the installation work and a notice on the completion and start of operation of the new Berwick station will be made by the Port.

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### **Port Manchac**

#### ***Jindal Names Four to Port Commission***

Governor Bobby Jindal has appointed four Hammond and Ponchatoula residents to the South Tangipahoa Port Commission, the governing authority for Port Manchac.

"Port Manchac is fortunate to retain three great commissioners and while adding another fine local business leader," said the port's executive director, Pat Dufresne.

Jindal re-appointed Port President Parker Layrisson and veteran port commissioners Don Bankston and Don Boihem. The governor also tabbed newcomer Daryl Ferrara to replace former commissioner Paul Hooks.

Port Manchac has seven commissioners who serve six year terms. They are not paid for their service.

"Daryl Ferrara will be an excellent addition. His financial acumen should be a real asset to the port," said Layrisson.

Layrisson is a Ponchatoula attorney practicing with the Parker Layrisson Law Firm. Bankston is president and co-founder of Care Inc. and On-Site Guardian in Hammond. Don Boihem recently retired as Entergy's longtime customer service manager in Hammond. Finally, Daryl Ferrara is vice president of Hancock Bank in Hammond.

"We appreciate this opportunity to serve the public and we thank Governor Jindal for his faith in us," said Layrisson. "I am particularly excited that Don Boihem and Don Bankston have agreed to stay on for a second term. Those local legends taught me a great deal during their

successful terms as port president, and I look forward to relying on their experience and counsel as I lead the port forward."

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### **Port of Lake Charles**

Most people are unaware of the full scope of the Port of Lake Charles' operations, a port official told the Sulphur Kiwanis Club. "What people don't realize is the Port of Lake Charles actually has the jurisdiction that covers about 67 miles of waterway," said Operations Director Bill Rase. "The actual port, which is a terminal district, actually starts just below the I-10 Bridge and goes out 30 miles into the Gulf. Regulations mandate that the ship channel be 40 feet deep and 400 feet wide."

Rase said most of the port's income comes not from the City Docks, which handles most of the district's grain activity, but from Bulk Terminal 1 — a 71-acre spread at Rose Bluff Cutoff on the Calcasieu Ship Channel. The terminal handles petroleum coke, calcined coke, barite, rutile, wood chips and other dry bulk commodities.

A new facility is on the horizon for port property. The Lake Charles Cogeneration facility, still in the planning stage, will be built on 70 acres south of Sulphur, near Sulphur's Regional Wastewater Treatment Facility on Bayou d'Inde Road. Construction is projected to begin next month.

"The size of this facility and the economic benefit it's going to bring the community is very big," said Rase. He said the project has been in the works for five years. "It's been a long time coming," he said. "In my experience, I've probably seen over 60 or 70 of these on the drawing board. I've yet to see one of these go. So, I'm kind of hoping this one goes."

He said a lot of people don't know that the Port of Lake Charles is the 11th-largest port in the country. "We have a little over 62 million tons that move up and down this channel (Calcasieu Ship Channel) every year," Rase said. "Energy-wise, we produce probably 25 to 30 percent of the energy in the country from the different chemical companies and refineries along the channel."

BY HEATHER REGAN WHITE

AMERICAN PRESS  
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### **Lake Charles to Secure New \$350 Million Gaming Resort**

At a special board meeting, the Board of Commissioners for the Port of Lake Charles took initial steps to secure a new \$350 million gaming resort to replace the cancelled Sugarcane Bay Resort formerly proposed by Pinnacle Entertainment, Inc. (Pinnacle).

Following the announcement by Pinnacle in April 2010 that it was canceling the Sugarcane Bay gaming resort project, the Port sought proposals from interested developers for a replacement project. The Port has received three separate proposals. Each of the three proposed gaming resort projects desire to be located on the Port's 230 acres adjacent to Interstate 210 and the successful L'Auberge gaming resort. These three projects significantly vary in size and scope.

As a result of the Port's action, a final Option to Lease Agreement will be negotiated with one or more of the interested parties. These interested parties, along with possibly other parties who might propose projects for other properties around the state, will file applications with the Louisiana Gaming Control Board by September 23, 2010. The Gaming Control Board will, thereafter, select the best proposed project and location for award of the gaming license given up by Pinnacle canceling the Sugarcane Bay project.

The Port Commission instructed its staff to ensure that any final Option to Lease Agreement with any potential developer mandate that the developer construct and operate a gaming resort comparable to the former Sugarcane Bay project. This would require that any project must generally meet the following requirements:

- Minimum project investment of \$350 million
- 400 room hotel/meeting rooms and support facilities
- Minimum 30,000 square feet of casino gaming on a single level
- 2500 seat Theater/Entertainment facility

- Resort quality amenities such as a spa, swimming pools, golf course; a minimum of three restaurants; retail and other entertainment and recreational facilities

The required minimum project is expected to create 2,000 permanent jobs over an 18-month period and 1,500 permanent jobs and generate millions in local and state revenues and economic impact.

In making its decision, the Port decided not to pursue an offer by Pinnacle to continue to lease the Port's property, previously designated for the Sugarcane Bay resort, for other non-gaming development. Pinnacle proposed keeping the lease and paying for a study to consider possible other retail and entertainment development on the property. Under the Pinnacle proposal, the type of development and timing of any particular type of development was considered to be too uncertain.

The Board is interested in pursuing further discussions with Pinnacle about its non-gaming retail and entertainment proposal on other properties.

“While Pinnacle has been an excellent tenant and partner of the Port, which we hope continues as to the outstanding L’Auberge resort development, the proposal by Pinnacle to use the former Sugarcane Bay site for some sort of non-gaming retail and entertainment development was too uncertain. This is especially true considering the fact that the Port has several reputable developers with a definite development plan and timeline for implementation once the Gaming Board makes its decision,” said Wade Shaddock, Port Board President.

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**Lake Charles Harbor and Terminal District Hosts 13<sup>th</sup> Annual Rice Cook-Off Celebrating National Rice Month**

September is National Rice Month and in celebration, the Calcasieu-Cameron Rice Growers sponsored the 13<sup>th</sup> Annual Rice Cook Off September 21, 2010, at the Port of Lake Charles. The Port of Lake Charles hosted the event and was the sponsor of the awards luncheon. Family and Consumer Science students from seventeen area middle schools and high schools participated in the event.

1<sup>st</sup> place for the “Best Dish” category and “Most Heart Healthy” dish went to Monet Pittman (Seafood and Brown Rice Combo) of Molo Middle School, 2<sup>nd</sup> place went to Taylor Canik (Festia Rice Fajita Rolls) of South Cameron School, and 3<sup>rd</sup> place was awarded to Michael Fruge (Black Bean and Brown Rice w/ Chicken Casserole) of Sulphur High School. Farmers Rice Milling Co., Inc. sponsored rice cookers for each contestant.



*From left to right back: Dan Loughney, Director of Marketing & Trade Development Port of Lake Charles, Adam Habetz, President Calcasieu-Cameron Rice Growers Association, and Marvin Lehrer, USA Rice Federation Senior Adviser on Cuba and Mexico.---From left to right front: Michael Fruge (3<sup>rd</sup> place), Taylor Canik (2nd Place), Monet Pittman (1st Place and Heart Healthy dish)*

The production, milling, and exporting of rice has a major economic affect on Southwest Louisiana and the education of our students in Family and Consumer Sciences is important in combating health, nutrition, and family issues that are major problems for our community.

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**Port of South Louisiana  
Port of South Louisiana Celebrates Maiden Voyage of M/V Colorado**

On September 3<sup>rd</sup>, the Port of South Louisiana, Nord-Sud Shipping, and ArcelorMittal welcomed the crew of the M/V Colorado as they made their first call to the Port of South Louisiana. To commemorate the vessel's maiden voyage to the port district, the ship's Captain Mykhaylo Neboga was presented a Harbor Master Certificate and a ceremonial plaque by Linda Prudhomme (Port of South Louisiana), Dustin Berthelot and Brandt Morgan (Nord-Sud Shipping), and Robert Crais (ArcelorMittal).



*Pictured (L-R): Linda Prudhomme, Port of South Louisiana's Director of Business Development; Captain Mykhaylo Nebog; and Robert Crais, ArcelorMittal's Shipping & Depots Division Manager*

Operating under the Antigua and Barbuda flag, the Panamax-sized vessel sailed from Haiti and arrived at the ArcelorMittal facility in St. John the Baptist Parish to take on over 30,000 metric tons of steel billets bound for Manilla, Philippines. Nord-Sud Shipping, whose corporate headquarters is located within the Port's jurisdiction in Lutcher, Louisiana, served as the ship's agent during its journey to the Port of South Louisiana.

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Port Fourchon

***Department of Commerce Announces \$3.8 Million for BP Oil Spill Recovery Efforts in Louisiana***

U.S. Commerce Secretary Gary Locke today announced \$3.871 million in U.S. Economic Development Administration (EDA) grants to help advance BP oil spill recovery efforts in Louisiana and the Gulf Coast region.

"The Obama administration remains committed to helping the Gulf Coast's economy recover in the wake of the BP oil spill," Locke said. "These critical EDA grants will assist in the development of a more diversified business climate and support business recovery plans that will foster new jobs and increased economic competitiveness in Louisiana."

The investments announced include:

1) \$2.196 million to the Greater Lafourche Port Commission and the Lafourche Parish Water District No. 1 in Galliano, La., to make infrastructure improvements at Port Fourchon to support new business opportunities in alternative energy development, inspection hubs for offshore rigs and seafood, and emergency and environmental solutions.

2) \$175,000 to the Greater New Orleans Development Foundation to help create sustainable green jobs and technologies by supporting the development of a feasibility plan for a Green Technology Triangle that will enable southeast Louisiana to become a world-class center of economic development and environmental stewardship.

3) \$1.5 million to The University of Texas at San Antonio (UTSA) to help Louisiana communities affected by the BP oil spill enhance their competitiveness by providing assistance to businesses that are threatened with closures or reductions in workforce. Businesses applying for assistance that meet the classification of "oil spill impacted" will receive help from UTSA in creating and implementing a recovery plan to address both short- and long-term economic outlooks.

These grants from the EDA are part of the Obama administration's overall commitment to the Gulf Coast, to help the region regain its economic footing. At the President's direction, Navy Secretary Ray Mabus and other federal officials have met with people in impacted communities throughout the region to discuss long-term economic and environmental restoration ideas. The framework to address those issues will be released this fall. In addition, the administration's "Economic Solutions Team" team is focused on the transition from "response" to "economic recovery" as a result of the BP Deepwater Horizon spill in order to strengthen the coastal economy and help restore a healthy ecosystem. The team is working in partnership with experienced economic development and disaster recovery specialists in the Gulf region, who are providing vital capacity and technical assistance.

To date, EDA has distributed nearly \$10 million in grants to help the Gulf Coast recover through its Economic Adjustment Assistance (EAA) program. In July, Congress provided \$225 million for oil spill recovery in the Supplemental Appropriations Act, including \$83 million for unemployment assistance, \$14 million to respond to economic impacts on fishermen for various agencies, and \$5 million for EDA to conduct economic recovery activities. The state of Louisiana has already received more than \$1.57 million in EDA funding related to the BP oil spill recovery.

## Legal News



### *CELL PHONE USE IN THE MARITIME INDUSTRY*

On December 5, 2009, in Charleston, South Carolina, two Coast Guard vessels, each with a crew of three, were returning to base after escorting a cargo ship. One of the boats collided with the THRILLER 09, a small vessel that was carrying twenty-two passengers on a tour of Christmas light displays, injuring six passengers.

A second collision occurred on December 20, 2009, when a Coast Guard vessel with a crew of five collided with a crew on a twenty-four foot pleasure boat during the San Diego Bay Parade of Lights. There were thirteen people aboard the civilian boat, an eight-year-old boy was killed and four others were seriously injured. In the San Diego incident, four Petty Officers are facing U.S. Coast Guard charges ranging from involuntary manslaughter to negligent homicide and dereliction of duty. A United States Coast Guard District Commander will decide whether they will face a Court Martial. A civil suit has been brought by the parents of the decedent child against the Government.

What links these two events is that Federal Safety Investigators discovered that the crew members aboard the two Coast Guard vessels were using wireless devices for conversation or text messaging unrelated to the vessel's operations. The National Transportation Safety Board did not divulge how many crewmembers were using wireless devices, or what their responsibilities were on the boats, but said that the accidents raised concerns about the potential for distraction.

As a consequence of these two casualties, the NTSB issued on August 11, 2010, a Safety Recommendation to the Coast Guard urging that it develop and implement national policies that address using cellular telephones and other wireless devices aboard U.S. Coast Guard vessels, and issue a Safety Advisory to the maritime industry that; (1) promotes awareness of the risk posed by the use of cellular

telephones and other wireless devices, and (2) encourages the voluntary development of operational policies to address the risk.

The recommendation stated that the use of cellular telephones and other wireless devices has been proven to be visually, manually, and cognitively distracting. It also noted that the Coast Guard considers all crew members on small vessels to be lookouts while the vessels are underway. Existing Coast Guard directives recognize that coordination between boat crew team members is an essential element of risk management in safe vessel operation. The use of telephone or other wireless devices for personal communication or for activity unrelated to operations could impede the exchange of vital operational information, as well as delay reaction time. The NTSB noted that findings from recent accidents in other transportation modes have shown that the use of cellular telephones and other wireless devices can degrade performance, slow response time and increase attention lapses of those in safety sensitive positions.

That cell phone regulations are spreading to the marine industry is not unexpected. A recent executive order signed by President Obama prohibits text messaging by federal employees, including contractors, when driving government vehicles, when driving privately owned vehicles on government business, or when using electronic equipment supplied by the government while driving. The order directs all agencies of the Executive Branch to consider new rules and programs for prohibiting text messaging while driving and to educate federal employees about the safety risks associated with text messaging while behind the wheel. According to the Insurance Institute for Highway Safety, thirty states and the District of Columbia have banned texting while driving in nine states plus the District of Columbia, have banned the use of hand held cellular telephones while driving. In January, 2010, the Secretary of the Department of Transportation announced that published regulatory guidance prohibiting texting by drivers of commercial vehicles, such as large trucks and busses would go into effect immediately.

In its recommendation, the NTSB noted that lessons learned from previous accidents and the preventive measures in place to prohibit distracted driving can be incorporated into

existing Coast Guard guidance governing crew change, crew training, seamanship and cutter and boat operations, as well as into the guidance and directives that the United States Coast Guard disseminates to the marine industry as a whole. In its letter to Admiral Robert Papp, Commandant, United States Coast Guard, the NTSB asked that he provide a response within ninety days addressing the actions the Coast Guard has taken or intends to take regarding the limitations of these recommendations.

Just as we have seen state and local governments implement rules regarding use of wireless devices on highways, it is only a matter of time before strict Coast Guard regulations will be issued concerning use of wireless devices on vessels plying our navigable waters. Because of the threat of litigation, it is advisable for vessel owners and operators to institute company guidelines restricting and/or prohibiting use by crew on duty of cell phones or other wireless communication devices.



BY WILTON E. BLAND, PARTNER  
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## America's WETLAND



### *Diverse Coastal Interests Release Recommendations to Sustain Gulf Region In Aftermath of Oil Spill*

Representatives of the America's Energy Coast (AEC) initiative of the America's WETLAND Foundation (AWF) released recommendations to Congress and the Administration on sustaining economic and ecological assets of the Gulf region in the wake of the Deepwater Horizon spill.

The group, representing NGOs, the energy industry, and coastal stakeholders in the Gulf region, presented Congressional Members and Obama Administration officials its report - SECURE GULF PROJECT: Sustaining Natural

Resources and the Communities of America's Energy Coast. The report outlines key findings and recommendations. The following are some examples:

~ Creation of a federal Trust Fund for Gulf Coast Restoration, seeded with penalties paid by BP and shared among all five Gulf Coast states impacted by the spill.

~ Accelerate OCS oil and gas revenue sharing with the four Gulf Coast offshore producing states and begin with sharing portion of funds from March 2011 lease sale for Gulf Coast restoration.

~ Gulf oil and gas operations suspended after the Deepwater Horizon incident should be evaluated, with new procedures and requirements clarified and implemented with a sense of urgency, to offset impacts to the region's economy and to ensure continued operational capacity.

~ The region is positioned to lead the nation in new energy technologies and practices through enhanced natural gas production and innovative use and re-use of carbon. Policy initiatives should create new market mechanisms and establish protocols for coastal wetland use in carbon sequestration.

R. King Milling, chair of the America's WETLAND Foundation, said, "Along with the serious impacts this region has incurred due to the Deepwater Horizon spill, are opportunities as well. Through both economic initiatives and environmental restoration efforts, there is real potential to make this coast more resilient and sustainable. The report highlights these opportunities and calls for actions to make them reality."

U.S. Sen. Mary Landrieu, D-LA, called the recommendations "common sense."

"As I have said many times, these are not just Louisiana's wetlands," said Sen. Landrieu. "They are America's wetlands, and this is America's working coast. The oil and gas, fishing, shipping, ecotourism, and hospitality industries all share it, and have thrived together for decades."

"But all of this is at risk if we do not work together on a long-term plan to save our coast. The report released today by the America's WETLAND Foundation lays out a number of

common-sense solutions to help the Gulf Coast recover from the BP oil spill and build a sustainable future for residents and businesses along the coast," she said.

"The report is right in line with the consistent, bipartisan message our Congressional Delegation has been delivering for months. The deepwater drilling moratorium must be lifted before any further economic damage can be inflicted on the region. The flow of revenue from offshore drilling must be accelerated to Gulf Coast states to be used for coastal restoration and protection," Landrieu said.

"And at least 80% of the penalty money from BP must go to the region directly affected by the spill," Landrieu said. "These steps alone will not solve every problem caused by the oil spill or the years the federal government has spent neglecting our working coast. But without them, the path to Gulf Coast recovery will be impeded, which is something our country cannot afford to let happen."

From across the aisle, U.S. Rep. Michael Burgess, R-TX, also welcomed the recommendations.

"The Gulf Coast region is home to a diverse combination of ecological and economic activity," said Burgess. "This report highlights the fact that it is in the best interest of the entire nation that we strive to reach a balance that allows the ecosystems to be sustained, while also fostering the economic advantages the region offers."

Karen Gautreaux, regional director of governmental relations for The Nature Conservancy, said, "The coastal areas of this region are in need of immediate and concentrated attention. The federal trust fund recommended by the AEC can be a powerful step in restoration efforts."

Warner Williams, Vice President, Chevron Gulf of Mexico Business Unit, said, "It is important to have all views at the table when dealing with challenges facing the Gulf region. Chevron appreciates the willingness of cooperation and compromise displayed by those participating in the AEC. This report is a good example of how cooperative discussion can lead to progress in addressing very difficult issues."

Ted Falgout, former director of Port Fourchon, the nation's critical port, also called for a balanced approach. "The recommendations make good common sense," said Falgout. "It's important that federal procedures be expedited and conflicting policies reconciled. This is about restoring the environment, protecting communities, and providing energy for America - a tough combination, but critical to the future of our country."

### New Associate Members

This month PAL welcomes two new associate members:

Inland Rivers Ports and Terminals is a professional trade association. They will be represented by Mr. Maurice Owens of Yellow Bank Terminals.

The Stuart Consulting Group is a consulting engineering firm located in Metairie, LA. They will be represented by Ms. Connie Smith.

### MARK YOUR CALENDARS

- October 7, PAL Monthly Meeting, 10AM , Richmond Suites, Baton Rouge, LA
- October 27, Foreign Trade Zone Seminar – 9am-1pm- Port of New Orleans
- November 4<sup>th</sup>, PAL monthly meeting, 10AM, Port of New Orleans
- December 16<sup>th</sup>, PAL monthly meeting, Natchitoches, LA
- March 23-25, 2011, PAL Annual Conference, Sam's Town Hotel and Casino, Shreveport, LA

