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Delaware River Remains Premier Destination for Perishable Products

Maintaining the Delaware River's reputation as the destination of choice for foreign shippers of perishable cargoes is about more than high tech refrigerated warehouses, skilled labor and the region's accessibility to 60 percent of the nation's population within a day's drive.

Though all are critical pieces in keeping an estimated $2.5 billion industry thriving, the river's long and successful history in the fruit business and the management style of service providers who work hard at nurturing international business relationships are often overlooked.

"Deals that are made on a handshake," says Barbara Hunter in describing the hard-earned trust that exists on the river between long-term suppliers and customers. "The perishable business is extremely fragile and time sensitive," added Hunter, marketing director for Western Fumigation.

"Cargo can't sit in a warehouse because somebody isn't paying attention. Customers know we get it right and that breeds trust and loyalty. They understand the relationship part of this business and are not swayed by who's charging a penny less. People occasionally may dabble elsewhere, but they return to the Delaware."

Ronald Bown, president of the Chilean Fruit Exporters Association (ASOEX), cited infrastructure, service and location as key factors in his country's more than 50-year relationship with the Delaware River. But what makes it "unique," he added, is his deep-rooted connection with a stable group of private stakeholders and political representatives.

"When export volume began increasing in the 1960s, better infrastructure on the Delaware ports and the location of the distribution centers; shipping lines, importers and exporters defined those ports as the main destination for our products," recalled Bown in a recent interview.

Today, the Delaware River receives 52 percent of total fruit exports from Chile to the US, followed by Los Angeles with 21

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FY14 Budget Includes $20 Million for Channel Deepening

In April, the Delaware River Port Community learned that President Obama's FY14 budget proposal would include $20 million in funding for the Delaware River Deepening Project. "This is a huge win for our port," said Exchange president Dennis Rochford. "It shows that when we work together and present a united front, there is little we can't accomplish, and it gets us that much closer to completing the work and beginning to realize the benefits of this important project."

This announcement followed an aggressive letter-writing campaign supported by a coalition of regional and key stakeholders, and comprised of industry colleagues in business, labor, and chambers of commerce, as well as several members of the tri-state Congressional delegation, all of whom wrote to President Obama requesting his continued support of this critical project.

The letters were proof of the community's understanding of the impact this project bears on preserving the approximately 135,000 existing direct and indirect port related jobs, and its potential in creating up to 75,000 direct and indirect jobs at family-sustaining wages.

"This announcement is clearly the end result of sustained cooperation and leadership among the maritime community and local, state and Federal elected officials in Pennsylvania and Delaware," Rochford said.

Pennsylvania Senator Robert Casey (D) and Representative Bob Brady (D) are long-standing and ardent advocates of the 45' Main Channel Deepening Project. Casey said he "made the case for deepening the Delaware to the President personally, and I'm pleased his budget includes $20 million to move the project forward. I'll be pushing Congress relentlessly to ensure that the Federal government's commitment to this project remains."

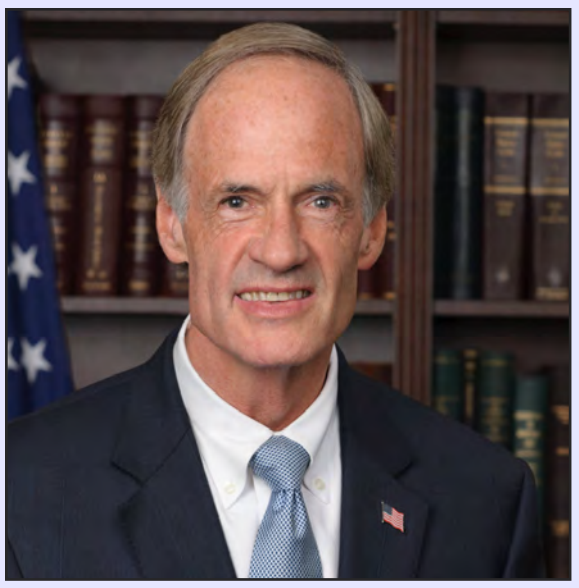
continued on page 3

Casey Lauds Progress on Channel Deepening



On April 15, Senator Robert Casey (D-PA) held a press conference at the Race Street Pier to discuss the current state of the 45' Main Channel Deepening Project and to highlight his continued efforts to move the project forward. Since joining the Senate, Senator Casey has helped to secure $95 million for the Deepening Project. (l-r): Maritime Exchange President, Dennis Rochford, Executive Director of the PRPA, James T. McDermott, Jr., Senator Robert P. Casey, Jr. and Philadelphia Deputy Mayor of Transportation and a PRPA Board member, Rina Cutler.

Interview with Senator Tom Carper (D-DE)



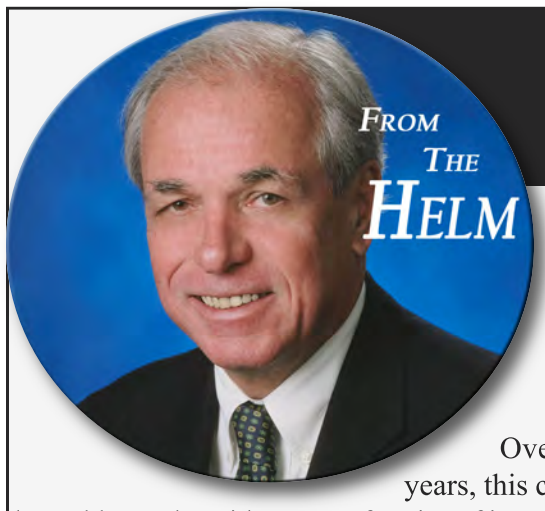
During more than 30 years of public service, Senator Carper has worked tirelessly to develop practical solutions to real problems. His ability to work across party lines has earned him a reputation for consensus-building that is unique in today's political climate. We asked the newly-appointed Chair of the Senate Homeland Security and Governmental Affairs Committee to share his views and thoughts on some of the items currently on the maritime community's agenda.

Q: You have been a strong leader in the lengthy and difficult battle to deepen the Delaware River to 45 feet. Now that half of the dredging work is complete, what impact, and what associated benefits, do you anticipate for the State of Delaware and the region as we move forward towards the completion of the project?

A: The Delaware River has one of the few remaining navigation channels on the East Coast with a depth that is less than 42 feet. After long and careful deliberation, I concluded that a deeper channel is vitally important to accommodate larger vessels in order to give ports on the Delaware River the chance to remain economically competitive with other East Coast ports. The Diamond State Port Corporation has also reviewed the Delaware River Deepening Project and concluded that this project is critical to both the current and future growth of the Port of Wilmington.

The Delaware River Deepening Project will not only create short-term construction jobs, but it will also create thousands of permanent, direct and indirect jobs to support the increased ship traffic at the ports. Infrastructure projects like this that support commercial activity are vital to our economic recovery. It has been estimated that the deepening project could create up to 75,000 jobs, which will help alleviate stubborn unemployment in the Greater Wilmington region and provide both short-term and permanent jobs. Once the Delaware River Deepening Project is complete, it will also be a boon to the maritime industry. Maritime transportation will be more efficient, shipping costs will decrease, and new cargo will be drawn to the port. This is especially important to enable our region to remain competitive as the Panama Canal is expanded, which will result in larger cargo vessels looking for new business at ports along the East Coast.

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21st Century Navigational Technology Critical to the Delaware River and Bay

Over the years, this column has addressed a wide range of topics of interest and importance to our tri-state port complex.

Elsewhere in this newsletter, U.S. Coast Guard Captain of the Port Kathy Moore, Delaware Bay, addresses one such issue: continued funding of our PORTS® (Physical Oceanographic Real-Time System) system. In my view, this issue is every bit as vital to keeping our port competitive in the global marketplace as is the deepening of the Delaware River main shipping channel from 40 to 45 feet.

In her column, Capt. Moore provides a comprehensive and detailed description of the capabilities of the system, as well as the navigational, commercial and environmental benefits that flow from capturing and disseminating this tidal and atmospheric data.

The current challenge is the need to find a new source of funding to maintain this system on an annual basis.

Working with the NOAA National Ocean Service, the Exchange initially worked to build the Delaware River PORTS system in 1998 with grant from the Delaware River Port Authority. There were sufficient funds in this grant to cover the operations and maintenance expenses for the first couple of years, and when these funds ran out, the Commonwealth of Pennsylvania provided the $300,000 a year necessary to maintain this regional port-wide system. Earlier this year, this funding stream, which had been included in the Philadelphia Regional Port Authority (PRPA) budget, was discontinued due to financial constraints.

In the face of this loss of funding, our port community has been pressed to identify a source of funding to ensure this key component of our port's critical infrastructure remains on line. We needed both short- and long-term strategies.

As is typical of our region when facing an extreme challenge, port stakeholders have collaboratively identified a potential solution. The Diamond State Port Corporation, the South Jersey Port Corporation, the PRPA, the Pilots' Association, the Mariners Advisory Committee, and the Maritime Exchange have addressed the immediate funding requirements for the next twelve months.

In a cooperative fashion the three port authorities have each agreed to contribute $100,000 to cover the maintenance costs for the next year. This immediate infusion of funds, as Capt. Moore points out, is crucial to preventing NOAA from shutting this system completely down on September 1 of this year.

The long-term strategy revolves around funding the maintenance of the Delaware River system and the other 21 PORTS systems around the country through an annual federal appropriation for NOAA. This is clearly a federal responsibility, as noted in in the 2002 reauthorization of the Hydrographic Services Improvement Act (HSIA), Section 103, which provided that NOAA "shall, subject to the availability of appropriations, design, install, maintain and operate real-time hydrographic monitoring systems to enhance navigation safety and efficiency. The fact is the total annual cost to maintain these 21 systems approaches just under $5 million.

The benefits derived from PORTS systems around the country are far reaching and touch myriad constituents. Though initially installed to assist with the safe navigation of commercial cargo ships, PORTS is used for preparation for and response to natural and man-made disasters, environmental protection, recreational boating and all manner and means of scientific research. Asking the port industry to fund the system maintenance is akin to requiring that only truck drivers pay for maintenance of roads used by automobiles, cyclists and joggers.

The bottom line is that many individuals and organizations derive substantial benefit from PORTS. We and our colleagues at other ports around the country have a persuasive story to tell and will now work diligently to secure the political support in Washington, D.C. to fund this program.



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Philadelphia Welcomes Horizon Lines, New Rickmers-Linie Service

In April, Pennsylvania Governor Tom Corbett visited the Packer Avenue Marine Terminal to officially welcome Horizon Lines to the Port of Philadelphia. The weekly service, connecting Philadelphia and Puerto Rico, began on April 11 and brings a vessel each week to the terminal.

The Governor lauded the major economic impact Horizon Lines brings to the region, which includes 400 to 600 direct and indirect jobs, plus substantial business and tax revenues.

He also discussed his administration's overall support of the port's efforts, in particular his administration's major funding support for the ongoing Delaware River Main Channel Deepening Project.

Philadelphia Regional Port Authority (PRPA) Executive Director James T. McDermott, Jr. highlighted the major financial commitment of the Governor's administration, noting that it began almost immediately upon the Governor taking office. "Twenty-two million dollars flowed to this port directly because of Governor Corbett, and that money was used to make this port more attractive to the shipping industry," said Mr. McDermott. "And when you have that kind of support, great things like this new Horizon service result."

Horizon Lines' new service will connect Philadelphia with San Juan, Puerto Rico, with a 3.5-day transit time between the two points. Horizon Lines will handle a variety of containerized cargoes, including general cargo, pharmaceuticals, and perishables.

A month earlier, PRPA Chairman Charles G. Kopp, Esq. announced that Rickmers-Linie, a regular carrier at the Port of Philadelphia since 2008, would expand its service here with the addition of a Westbound Round-The-World Service that will connect markets in Asia, South America, and North America. The new monthly service complements Rickmers' fortnightly Eastbound Round-The-World "Pearl String" service at the Port of Philadelphia.



With the HORIZON TRADER working cargo behind him, Pennsylvania Governor Tom Corbett welcomes Horizon Lines to the Port of Philadelphia.

Like the earlier service, the new westbound service calls at PRPA's Tioga Marine Terminal, operated by Delaware River Stevedores, Inc.

"This is wonderful news for the Port of Philadelphia," Kopp said. "Not only will the port's connections to Asia be enhanced, but it's extremely exciting that we'll have a new service that will serve emerging markets along the East Coast of South America. That's an exciting area to do business, ripe with opportunities, and now we'll be in the thick of it."

Rickmers Chief Operating Officer and Managing Director Ulrich Ulrichs said, "Having introduced our Round-The-World "Pearl String" service with an eastbound rotation ten years ago, we are convinced that the time to start up a similar concept in the other direction has now come. This move further confirms our commitment to, and trust in, the Asian and South American Markets."

In addition to the Port of Philadelphia, Rickmers-Linie's new Westbound Round-The-World service will call ports in Yokohama, Masan, Xingang, Shanghai, Singapore, Cape Town, Buenos Aires, Santos Rio de Janeiro, Vitoria, Savannah, and Houston.

Rickmers employs two to three multi-purpose heavy-lift vessels for the new service. Project cargoes are the primary cargoes handled, including turbines, machine parts, air exchangers, and other large items used in the building of factories and other major construction projects.

Burning The Mortgage



The Exchange celebrated the final payment on its office building at 240 Cherry Street on May 8 with an Open House for members and colleagues. *More photos of the event on page 7.*

Customs Announces New CES

This time last year, Customs and Border Protection (CBP) Office of Field Operations issued a new policy directive establishing the selection, operation and termination of a CES. Since that time, local CBP began the selection process which involved publishing the list of CES applicants with their applicable fees and equipment information as well as visiting each location to determine if the facility met the requirements.

On May 28, CBP Area Port Director of Philadelphia Allan Martocci announced the tentative selection of GWSI Incorporated as the new CES for the consolidated port. The newly-approved facility is located at 800 West Front Street in Chester, and the effective date will be announced at a later time.

Tom Johnston, Chairman of the Exchange's Maritime Operations Committee said, "We applaud the work being done by our local U.S. CBP in responding to the commercial interests of the port in facilitating the movement of containerized cargoes through the port complex. The addition of the CES will greatly improve the movement of containerized cargoes and help keep our port competitive with our surrounding neighbors to the north and south."

GWSI will operate as the CES for a period of five years. All containers designated for CBP examination will be drayed to the CES location for devanning and examination by CBP Officers and Agriculture Specialists.

The CES does not include the ports of Salem, New Jersey and Wilmington, Delaware, which are accommodated separately.

45' Channel Receives Continued Funding

continued from page 1

And in Delaware, Senator Christopher Coons (D) said, "Delaware's maritime trade supports our state's economy by expanding commerce and creating high-quality jobs. While progress has been made in deepening of the Delaware River, there's a lot of work that still remains to be done to complete the work."

This project has moved significantly towards completion. As of the end of May, approximately 50% of the physical construction required to deepen the Delaware River channel from 40 to 45 feet was completed.

Pennsylvania Representative Patrick Meehan (R) has led a bipartisan coalition in support of federal funding for the deepening. "The deepening of the Delaware River is vital to the future economic prosperity of the entire Philadelphia region," he said.

"This project is critical to commerce, as is the stimulus that will create upwards of $1 billion of investment in port infrastructure projects here on the Delaware River," said Ward Guilday, newly-elected president of the Pilots' Association for the Bay & River Delaware. "We are encouraged by the funding for the deepening project in the President's FY14 proposed budget and hopeful that this commitment will also be demonstrated in the forthcoming work plan for the Army Corps for the remainder of FY13."



Maritime Exchange Annual Election

The Maritime Exchange extends its appreciation to those members who voted in the Annual Election held in March. The following were elected to three-year terms:

William F. Anderson
General Marine Refrigeration

Jean Wm. Cureton
Delaware Valley Marine, Inc.

Richard E. DeGennaro
Consultant

Edward Hazzouri
Hazzouri & Associates

Michael Holt
Holt Logistics Corp.

Thomas Johnston
Norton Lilly International

James Lyons
J. H. Stevedoring Company

Steven Nutter
Wilhelmsen Ships Service, Inc.

John Reynolds
Atlantic Logistics, Inc.

H. Hickman Rowland
Wilmington Tug, Inc.

James D. Schine
Delaware River Stevedores, Inc.

At the Organizational meeting in May, Exchange Directors elected the following officers for the next year:

John T. Reynolds
Chairman

Dorothy Mather Ix
Treasurer

Uwe Schulz
Vice Chairman

A.Robert Degen, Esq.
Secretary/Solicitor

The Exchange Welcomes Two New Directors



Capt. J. Ward Guilday, President of the Pilots' Association for the Bay and River Delware



Michael J. Holt, President of Delaware Avenue Enterprises, Inc.

The Exchange has two new additions to its Board of Directors. Capt. J. Ward Guilday, newly-elected president of the Pilots' Association for the Bay and River Delaware and Michael J. Holt of Holt Logistics.

Capt. Guilday has been an active member of the Pilots' Association since 1993. After graduating from NY Maritime College in 1982, Capt. Guilday sailed for several years with two local steamship companies: Sun Transport and the Keystone Shipping Company. He has also worked on the Cape-May Lewes Ferry and captained the Spirit of Philadelphia while attending graduate school. In 1989, Capt. Guilday earned a JD from the Widener University School of Law in Wilmington, Delaware. Prior to becoming a river pilot, Capt. Guilday practiced maritime law with the Mattioni Law Firm in Philadelphia. He is a long-standing and proactive member of the Mariners' Advisory Committee and the Ports of Philadelphia Maritime Society.

Mr. Holt is a native of Philadelphia and has been active in the port community for over eighteen years. Throughout that time Mr. Holt has held various positions of authority in the marine transportation, logistics and distribution industries. Mr. Holt is currently the President of Delaware Avenue Enterprises, Inc., a distribution service provider located in the port of Philadelphia that focuses on international and domestic distribution. He is a graduate of Villanova University with a B.A. in History, and he received his MBA from Drexel University. Mr. Holt also serves on the boards of a number of trade related groups including the World Trade Association of Philadelphia (past president), Ports of Philadelphia Maritime Society, and member of the Chilean Chamber of Commerce and Ship Philly First.

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Report of the Board of Directors

Following is the annual report provided by Chairman John Reynolds at the 138th Annual Meeting of the Maritime Exchange held in March.

2012 was a busy year for the Maritime Exchange. We achieved a number of important goals and made substantial progress on key projects and issues. Following are just some of the highlights of our activities over the last twelve months.

Last year will be remembered for its great strides in the progress to deepen the Delaware River to 45 feet. Meticulous groundwork laid by a coalition of port stakeholders bore fruit in February when both the FY12 COE Civil Works and the Administration's FY13 budgets collectively allocated approximately $48 million in funding for the project. Several sections of the channel were dredged last year, and we closed out 2012 with approximately half the length of the channel having been deepened to 45 feet.

In addition to the Exchange, the Philadelphia Regional Port Authority (local project sponsor), Delaware River stakeholders, business and labor leaders throughout the region, and elected officials at all levels of government are all to be recognized for their efforts and the success of this project to date.

In addition to addressing Army Corps of Engineers issues, the Exchange remained at the forefront of discussions with other federal agencies on myriad issues affecting vessel, cargo and crew processing.

Last summer, the Exchange participated in discussions with CBP Agriculture regarding new enforcement activities for existing USDA regulations; these would increase the volume of inspections for certain cargoes with no offsetting increase in inspector capacity. The port community looked to the Exchange for guidance and leadership, and as a result of the several meetings and discussions held on this issue, CBP was able to acquire additional resources on a temporary basis to help alleviate backlogs. The work is not yet over, and discussions with members, CBP, and the Congressional delegation are ongoing.

In response to Environmental Protection Agency concerns, work with the Cold Storage Facility Task Force on implementing best management practices continued full steam in 2012. The Exchange met with EPA in November 2012 to review the previous year's progress, and EPA expressed its appreciation for the efforts displayed by the Exchange and the Task Force members. At stake is the region's coveted position as the principal destination for Chilean grapes.

The Transportation Worker Identification Credential (TWIC) again took main stage in 2012 as 850,000 TWIC cards nationally would begin to expire in October, with Delaware River cardholders among the first to require re-enrollment. During the months leading up to this deadline, the Exchange pressed TSA to increase enrollment capabilities to accommodate the re-enrollment surge.

On the legislative front, support continued to grow for the "Realize America's Maritime Promise" (RAMP) Act and its companion legislation in the Senate, The Harbor Maintenance Act, both of which promote the usage of funds collected through the Harbor Maintenance Tax for their intended purpose of dredging and maintaining coastal ports, harbors, and waterways. The Exchange remains committed to passage of this legislation.

We have also been active in engaging our regional Congressional delegation in seeking operating and maintenance funding for the Delaware River and Bay Physical Oceanographic Real Time System (PORTS®). Last April, the Exchange joined the PRPA, the Pilots' Association for the Bay and River Delaware, local labor and others as a signatory on a letter to the Senate Commerce, Justice and Science Subcommittee requesting funding in the amount of $4 million be included for PORTS® in 2013 appropriations. Follow up meetings with local policy makers and legislators, as well as ongoing activities with stakeholders in other port regions highlighted the importance of the system. While it will be difficult to gain support for any new funding initiatives in Washington, the Exchange and its coalition are highlighting the low price tag of the PORTS systems through the country and its importance to both navigational safety and the national economy.

Over the course of 2012, the Exchange took advantage of opportunities to showcase its Maritime On-Line suite of services with visitors from all over the world. Dignitaries and government and port officials briefed on Exchange technology included delegations from the ports of Valparaíso and San Antonio, Chile, and Africa. We also engaged with port-related individuals from Lithuania, Argentina, Jamaica and Australia concerning the Exchange's role in the maritime industry.

And of course, the Exchange's work as Fiduciary Agent for the Port Security Grant Program continues to set the industry standard as to how best maximize the full effectiveness of the benefits of this program.

Information Technology and Operations staff had a busy 2012, as the Exchange focused on ensuring compliance with federal requirements. Last year we successfully converted TRACS, the community-based cargo manifesting and Customs release system, from the legacy Customs Automated Manifest System to the new Automated Commercial Environment (ACE). The effort was intensive and involved a closely coordinated effort between the Exchange, Customs and the user community.

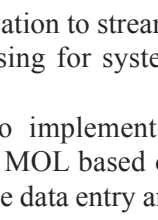
Another major undertaking in 2012 was the upgrade of the electronic Notice of Vessel Arrival/Departure (eNOA/D) module of MOL to meet new U.S. Coast Guard (USCG) requirements. In addition to reprogramming MOL to accommodate the federal data rules, the project work also included a major modification to streamline data entry processing for system users.

The Exchange also implemented other modifications to MOL based on user requests to enhance data entry and reporting functionality as it continues to be a community-based system that hears and responds to the directions and demands of its constituents. These projects were financed (in part) by a grant from the Commonwealth of PA, Department of Community and Economic Development.

Work on many of the agenda items initiated last year remains underway, and 2013 is already presenting significant challenges of its own.

In January of 2013, the Maritime Exchange Board of Directors approved a budget that takes into account a slower-than-anticipated economic recovery yet still allows the Exchange the necessary flexibility to meet its mission of effectively representing its members and the regional port community as a whole.

This year is proving to be yet another busy year for the Maritime Exchange. We appreciate the opportunity to serve our members.









Port of Wilmington Marks 90th Anniversary

Exciting international trade opportunities supporting the export and manufacturing requirements of the local ship building, railroad car construction and carriage making industries as well as those of an industrial area encompassing five million people in five states were envisaged when the Board of Harbor Commissioners of the City of Wilmington opened the Port of Wilmington for commerce on May 2, 1923. As the Port of Wilmington commemorates its 90th Anniversary, it also celebrated growth. Starting as a hundred-acre facility with three berths, 25 feet of water at its berths and two storage sheds, today it encompasses 308 acres, offering 10 operating deep-water berths, over 1,000,000 square feet of temperature-controlled and dry warehouse space, sophisticated cargo handling equipment and an experienced, capable workforce; all of which have created an impressive worldwide reputation for Delaware's port.

Imports have surpassed export cargo as manufacturing activity along the Delaware River and its hinterlands diminished. However, the port has adapted to this changed commerce paradigm, and 90 years later it leads the nation in perishable cargo imports and is the top banana port for North America. Still very active on the export side, Wilmington loads more live cattle for Middle Eastern and European markets than any other East Coast port.

The Port of Wilmington still fulfills its international supply chain responsibilities for many Delaware-based and regional companies and the products they ship or receive, such as steel products for Evraz Claymont Steel and Helmark Steel,

Port of Wilmington circa 1923



petroleum coke exports produced by the Delaware City Refining Company, Wawa gasoline for its convenience stores, orange juice concentrates for Citrosuco North America, organic corn for Perdue, road salt for local municipalities, and tons of fresh fruit for local and regional retail markets. Automobiles, apple and pear juice concentrates, specialty ores and chemicals, forest products and project cargo round out the port's extensive and diversified cargo portfolio.

The port has always been an economic engine for the State of Delaware and the surrounding region and in the intervening years its impact has grown considerably. It is now responsible for over 4,300 family sustaining regional jobs, $363 million in business revenue, $340 million in annual personal income, and $34 million in annual regional tax revenue.

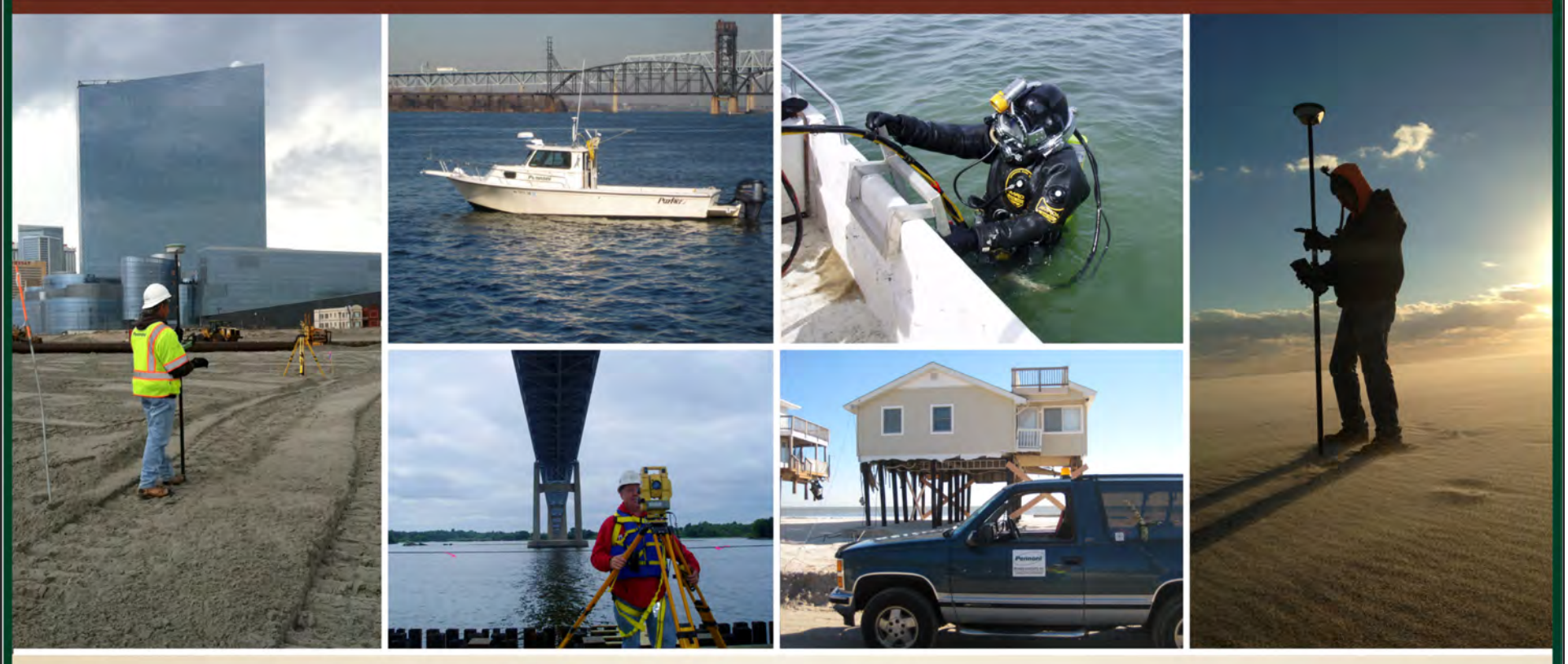
"Since its founding in 1923, the Port of Wilmington continues to generate tremendous employment opportunity and regional economic activity for Delaware," said Governor Jack Markell. "Its strategic location, coupled with its meticulous operation as the 'Port of Personal Service' have attracted new business to Delaware. The vast amount of imports and exports successfully travelling through the port over the past 90 years will continue to lead to future business opportunities for our state."

The State of Delaware purchased the port from the City of Wilmington in 1995, and established the Diamond State Port Corp. (DSPC), a state entity, to manage the port. Since 1995, the State has invested over $187 million in port development and expansion, and it is estimated by independent economists that port activities have produced more than $403 million in local and regional tax revenue.

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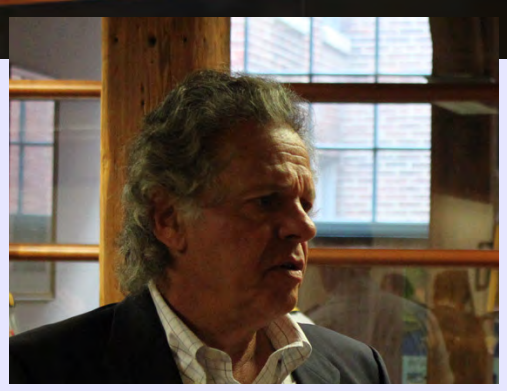
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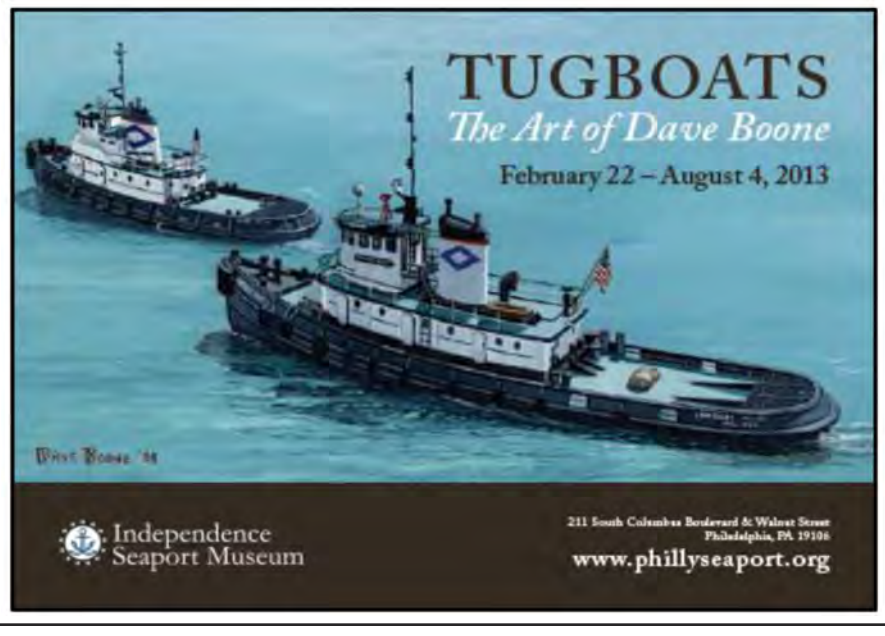
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MLA and the Admiralty and Maritime Jurisdiction of the United States

Legal Ease

By: Eugene Mattioni, Esq., Mattioni, Ltd.

The Maritime Law Association of the United States (MLA) was founded in 1899. It is a professional organization concerned with improvements in Maritime Law and through its standing and special committees provides lectures, seminars, and panel discussions on developments in Maritime Law. The MLA membership includes lawyers involved in Maritime matters, judges active in matters involving Admiralty issues, Admiralty Law Professors, and non-lawyers who are selected because they hold positions in the maritime field and have rendered distinguished service in the advancement of Maritime Law or its administration.

The MLA will hold its fall 2014 meeting in Philadelphia. Association President Robert Parish has appointed Frank DeGiulio and Henry Lucas to serve as co-chairs of the Arrangements Committee. The tentative schedule begins on October 21 with a golf outing, and the week ends with a with a general meeting and dinner at the National Constitution Center.

Many members of the Philadelphia Bar will be hosts and serve on subcommittees to aid in making the week-long fall meeting a success. We ask that the membership of the Maritime Exchange reserve time in October, 2014 for this important event. The week of learning and festivities will be an opportunity to showcase the ports on the Delaware River and Bay.

With this fall meeting in mind it is fitting to discuss the rich historical history of the Admiralty and Maritime Law of the United States.

Maritime law and our constitution

Admiralty, or Maritime Law, is the body of law governing contracts, torts, and workplace injuries involving seamen, longshoremen and harbor workers occurring in the course of maritime commerce and other maritime activities. It deals with the rules, concepts, and legal practices that have its own body of law relating to marine insurance, salvage, pollution and general average and is one of the world's oldest legal subjects. It led to the creation of special courts in coastal towns to deal with maritime controversies. The rules of these special courts were codified and some of the codes included the Tablets of Amalfi, from a town near Naples, and the Rules of Olcron, from an island off France's west coast. In England the local Maritime courts were replaced by courts under the jurisdiction of the Lord of the Admiralty – Admiralty courts.

The great body of law and tradition from Roman times and onward crossed the Atlantic and became part of the General Maritime Law recognized in the United States Constitution and the Judiciary Act of 1789. The British crown established Vice-Admiralty courts in its American colonies to dispose of Maritime disputes. Colonial courts heard and solved seaman's wage cases, and cases for the negligent carriage of cargo, charter parties for unpaid charter hire, shipbuilding, ship repairs and necessaries, and cases for a vessel's unseaworthiness coupled with a claim for unpaid wages.

In a seaman's wage case in 1763 the advocates for the seaman were young lawyers, William Paca and Samuel Chase, who later became signers of the *Declaration of Independence*. The dispute arose when the crew of the vessel alleged cruel treatment and left the vessel. The master claimed desertion and refused to pay their wages. The judge found for the seaman and ordered the vessel condemned and sold.

There was a rich tradition of the Admiralty and Maritime Law in the Vice Admiralty and some instances the common law colonial courts. This history is distinct from the Court's history as the enforcer for the unpopular English revenue laws. By example, the phrase in the Declaration of Independence, "For depriving us in many cases, of the benefits of Trial by Jury" refers to the practice of Parliament giving the Admiralty Courts power to enforce the Stamp Act and other revenue Acts in the American Colonies.

Admiralty Courts did not, as is true today, grant trial by jury. The Vice Admiralty Court of the colonies was criticized by the writers of the Declaration of Independence in 1776 as the non-jury collection agency of the British Crown. In the short span of 13 years the businessmen who participated in drafting the United States Constitution in 1789 with little debate gave exclusive Admiralty and Maritime jurisdiction to the newly created federal courts. After the Revolution, the Articles of Confederation gave Congress the power to regulate prizes and piracies and to establish an Admiralty Appeals Court. However, original jurisdiction over Maritime cases was vested in state courts. This resulted in inconsistent decisions and procedures, and a lack of uniformity in enforcement of the decrees of the Admiralty Federal Appellate Courts. The framers of the Constitution understood that a uniform body of Maritime Law was essential for survival of the new democracy. This experience prompted the inclusion in the United States Constitution of federal power over "Admiralty and Maritime" matters and the subsequent establishment of special Federal Courts and substantive rules to resolve maritime disputes. The framers of the Constitution gave the Federal Courts the very Admiralty and Maritime jurisdiction and procedure about which they had bitterly complained before the American Revolution.

The Constitution and the Judiciary Act of 1789 pre-supposed the existence in the United States of a general body of Admiralty



and Maritime Law prior to the Constitution. The Judiciary Act of 1789 gave exclusive Admiralty and Maritime jurisdiction to the newly-created Federal Courts, the non-jury trial and a procedure that mirrored the High Court of Admiralty in England and the colonial Vice Admiralty Courts.

The provision envisioned a very broad jurisdiction similar to that exercised by the colonial Vice Admiralty Courts with the power to proceed in all matters of a Maritime nature. We have a Judge, Clerk, and Marshall. They had a Judge, Register, and Marshall. Ever cognizant of the cherished right to trial by jury the Judiciary Act of 1789 and the current version, 28 U.S.C. §1333 provides that: "The District Courts shall have original jurisdiction, exclusive of the courts of the States, of: (1) Any civil case of Admiralty or Maritime jurisdiction, saving to suitors in all cases other remedies to which they are otherwise entitled."

To this very day concurrent jurisdiction of admiralty and maritime claims are the rule and not the exception. Admiralty and maritime claims are frequently litigated in our state courts applying the substantive Admiralty Law and Maritime Law of the United States, to the extent that distinctive Admiralty remedies are not involved and if not prohibited by statute. Under the Maritime Law, a claimant may proceed *in rem*, which in Admiralty Law are generally against a vessel, exclusively in federal court. Limitation of Ship-owners Liability Act, the Ship Mortgage Act, and other specific statutes may be heard exclusively under Federal Admiralty jurisdiction. These distinct procedures and remedies remain the exclusive domain of the Federal Admiralty practice. State courts are excluded from exercising what otherwise might be within their exercise of judicial jurisdiction and power.

The MLA meeting at the Constitution Center provides a fitting opportunity to us to experience the rich history that has brought us to where we are today in Admiralty and Maritime Law.

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2013 Hurricane Season Could be Harsh

With Hurricane Sandy a mere seven months behind us and recovery still ongoing in many areas, no one wants to think about a storm barreling up the Delaware River anytime soon.

However, the 2013 Atlantic Hurricane Season officially started June 1, and according to the Hurricane Season Outlook released by the National Oceanic and Atmospheric Administration (NOAA), it is expected to be rough.

NOAA's latest models indicate, with a 70% probability, 13-20 named storms. It has included in this prediction 7-11 hurricanes and 3-6 major hurricanes. NOAA has reached this conclusion utilizing climate signals and evolving oceanic and atmospheric conditions, in conjunction with statistical model forecasts.

When Hurricane Sandy hit the East Coast, the Delaware River region did not experience the same level of damage as compared to the Delaware and New Jersey coasts, nevertheless it is important that we remain vigilant in our planning. Ray Kruzdlo, Senior Service Hydrologist for the National Weather Service said "Inland flooding can be as severe as or even more severe than coastal flooding as tropical storms tend to dump a large amount of rain. We didn't see a lot of rain with Sandy north of Wilmington and those residents were fortunate."

The United State Coast Guard Sector Delaware Bay takes planning for the region seriously and has released the 2013 Hurricane Season Plan information.

"Hurricanes in recent years have clearly demonstrated their destructive power and cannot be taken lightly" said Robert Ward, Port Security Specialist, Sector Delaware Bay. "It is imperative that all attempts be made to prepare properly for the arrival of any hurricane."

Available documents from the sector include storm preparation checklists for facilities and vessels, precautionary measures for ships and barges, and preparedness planning for oceangoing vessels remaining in port. The Maritime Exchange encourages all port stakeholders to review these documents, which can be found on our website.

For more information, contact Paul Myhre, Director of Operations at pmyhre@maritimedelriv.com or visit www.maritimedelriv.com/Port_Security/USCG/USCG_hurricane.htm

Senator Frank Lautenberg – Always a Fighter



Senator Frank Lautenberg (D-NJ), the oldest member of the Senate and the only remaining World War II veteran in the chamber, died on June 3, 2013 at the age of 89.

During his years in the Senate, Senator Lautenberg championed causes near and dear to his heart, always remembering his humble beginnings, and fighting for the common, hard working people of the state he loved. He enjoyed career highlights in advocating for transportation improvements, the environment, and public health.

Senator Lautenberg held the record for the most votes cast by a New Jersey senator, and cast his last vote earlier this year on April 17, when he raised his hand to vote "aye" on a series of bills to strengthen gun laws.

The Exchange worked with this five-term Senator and his staff over the years on key issues of importance to the Delaware River maritime community. Most recently, these included funding for the Physical Oceanographic Real Time System (PORTS®), Port Security Grant Program issues, Harbor Maintenance funding for full utilization of shipping channels, and Customs and Border Patrol issues. In addition, he was a strong advocate for responsible and effective port security policies, international trade facilitation and Coast Guard operations.

Senator Lautenberg's drive and passion will be missed. He fought hard for the issues he believed in, from which our regional port benefited on so many occasions.

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WITA Honors Ann Waiters



The recipient of this year's Women's International Trade Association Woman of the Year award is Dr. Ann G. Waiters, Ed.D., the executive director of the Maritime Academy Charter School, which enrolls 820 students from grades 4 to 12 with the overarching theme of marine engineering and shipboard operations. The award was presented to Dr. Waiters on June 5 at Romano's in Philadelphia.

Dr. Waiters is a graduate of Cheyney University of Pennsylvania and Temple University. She began her career in the School District of Philadelphia as an elementary school teacher and continued her career in various positions within the School District of Philadelphia, including Reading Teacher, Instructional Supervisor, founding member of Bodine High School, Executive Director of Special Admissions at various technical high schools and Regional Superintendent in Northeast Philadelphia. After leaving the city and working in the William Penn School District, Dr. Waiters started her own consulting firm and led charter school development in Arizona, Pennsylvania, and New York. She is the originator of the Maritime Academy Charter School and its current chief executive officer.

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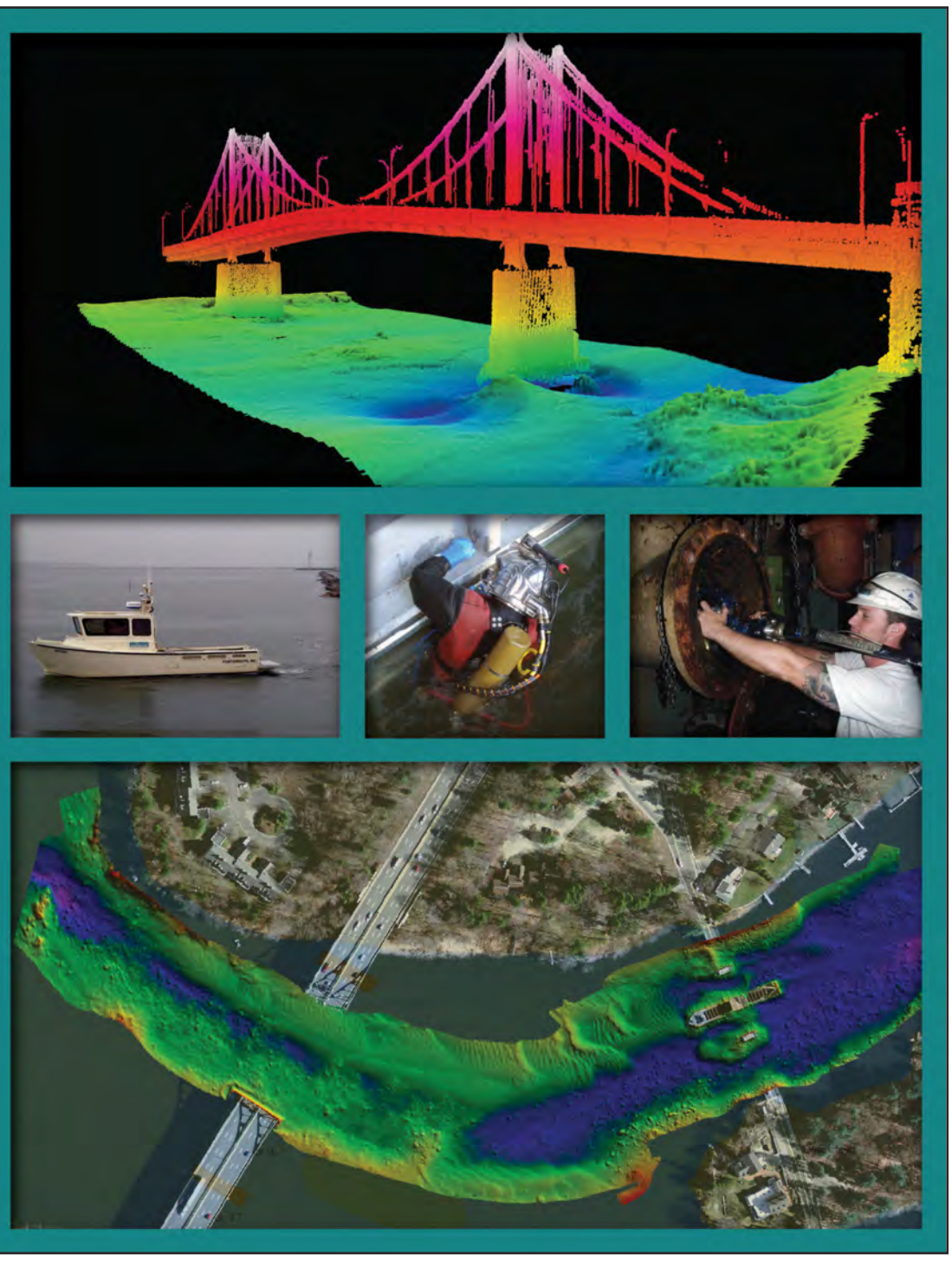
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Delaware River Top Destination for Perishables

continued from page 1

percent.

Chile is the largest fruit exporter in the Southern Hemisphere. Worldwide, it is the leading exporter of table grapes, plums, blueberries and within the top five countries for avocados, cherries, apples and pears, according to ASOEX which represents 6,000 growers who generate 96 percent of Chilean fruit for export.

Unlike weather and the value of the dollar, the personal side of business is something companies can control.

Last month Pennsylvania Governor Tom Corbett and an entourage of business representatives took a ten-day trip to Brazil and Chile to enhance existing business relationships and to encourage new ones.

Delaware Governor Jack Markell made a similar trip in 2011.

Moving perishables from farms and orchards around the globe to the Delaware River is a powerful industry. Not only it is an important link in the food supply chain for half the country, but it also generates about 10,000 jobs.

David Schiro, president of Jac.Vandenberg, Inc., one of the largest and oldest importers of fresh fruit on the Delaware, said Philadelphia emerged as the fruit capital by default. "Years ago winter fruit was discharged in Brooklyn. Terminals weren't heated. Product couldn't be fumigated dockside, so it had to be trucked to the Bronx. It was very inefficient and product suffered from all the temperature change. Philadelphia built what the industry needed and continues to do so."

Vandenberg imports approximately 12 million boxes of fresh fruit a year from Argentina, Brazil, Peru, Spain, South Africa, Israel, Italy and New Zealand to the privately-owed Gloucester Terminal and the state-owed Port of Wilmington. This year marks the family's 54th year to import from Chile.

"It's not just the weather to worry about any more. Traceability is huge, so compliance with all regulations from FDA and USDA is critical. Then there's OSHA and Homeland Security. Technology has advanced to the point that suppliers can monitor the temperature of their products from farm to supermarket. Operators of terminals and storage facilities here along the river are doing an excellent job in keeping current," Vandenberg said.

The Exchange, which represents all sectors along the river, works closely with federal agencies to facilitate timely inspection of perishable commodities. "On behalf of our nearly 300 members, Exchange staff is continually engaged with both the local Customs, Agriculture and FDA officials, but also with elected officials in all three states to ensure resources are available to process the 470 ships that arrive laden with agricultural products each year," said Exchange president Dennis Rochford. "Most recently, we were successful in working with CBP to arrange for additional officers from other areas to handle the volumes of cargoes requiring inspections."

The Exchange was also recently asked by local stakeholders to coordinate the Cold Storage Facility Task Force, which under the direction of the U.S. Environmental Protection Agency is working to improve worker safety. ASOEX is providing financial support for this initiative.

Those who are not directly involved in the movement of these commodities are often unaware of the complexities involved. Pat Farrell, vice president of operations at Murphy Marine in the Port of Wilmington, knows the business from all angles. First a longshoremen, then a Chiquita employee and now he oversees movement of Chiquita and Dole products from Costa Rica, Columbia and Honduras.

"They're like Ford and GM. They are good customers – going on 25–30 years – and we give them value added, plus some. On a weekly basis, we handle more than 55 million pounds of bananas. The companies used to call on multiple ports on the East Coast but found that to be inefficient."

The Delaware River is poised for a windfall of new business with the expansion of the Panama Canal – which is expected to double traffic by 2015 - and the completion of a $300 million federal dredging project that will increase the channel depth from 40 to 45 feet, predicts Leo Holt, president of Holt Logistics Corp.

"The Delaware is looking more attractive than ever because it is inland and less susceptible to volatile weather like we've seen in New York and Miami. In addition, our proximity to 60 percent of the country's population is becoming more important with the growing awareness of our carbon footprint. Compact travel routes and use of our three Class A rail lines means less fuel, less emissions and less tired truck drivers on the road."

Because of the river's historic expertise in handling perishable fruit, the third generation Holt has his sights on increasing the flower trade here. "Why not? They require the same care and we are closer than Florida to the customer base. We can never rest on our laurels in this business."

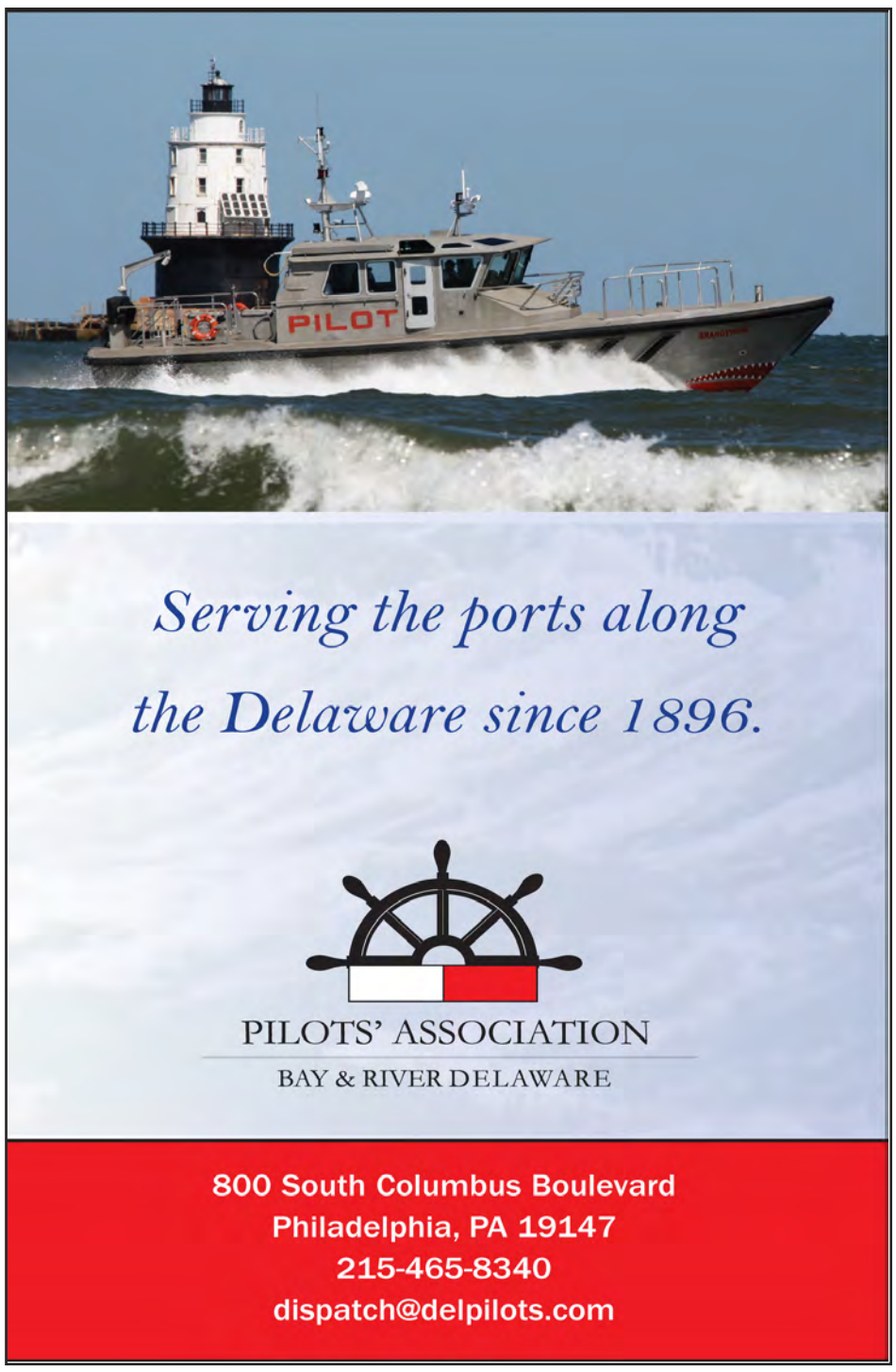
Robert Palaima, president of DRS Services which operates out of Camden and Wilmington, said the more the region builds its fruit trade, the more other ports will want a piece of it. "We always face competition. It makes you stronger. A number of ports in the south and the Gulf have targeted our fruit business; but they can't compare to what we have demographically and service wise in the mid-Atlantic."

The Philadelphia Regional Port Authority is charged with maintaining and marketing publicly-owned facilities in Philadelphia.. Recently, it announced the arrival of weekly service by Horizon Lines between Puerto Rico and Packer Avenue.

"We prefer Chilean fruit and other perishables arrive at facilities of the Philadelphia Regional Port Authority," said spokesman Joseph P. Menta. "If for whatever reason we don't handle a particular shipment, we're happy if it, at least, stays on the Delaware River rather than going to some other port. We're doing all we can to keep our breakbulk and container facilities as modern and efficient as possible, so our perishables get the very best attention at the best possible price."

There are any number of emerging markets in this trade, and terminal operators throughout the tri-state port are well poised to handle increasing volumes. The Exchange and its members are confident the benefits of distributing through the Delaware River region – such as its expert labor force, proximity to consumers, modern and improving infrastructure, and customer-oriented approach to service across the region – are becoming increasingly apparent to shippers and carriers.





Roche Receives 2013 SCI "Spirit of Port" Award



Jim Roche receives the "Spirit of the Port" Award from Rev. Stube. Also shown are Dennis Rochford, Exchange President, and Tom Johnston, SCI Board Chair.

On March 12, the Seamen's Church Institute (SCI) honored Capt. James Roche, immediate past president of the Pilots' Association for the Bay and River Delaware, with the Spirit of the Port award for the critical work he and his fellow pilots do to keep commerce flowing safely in the region's vital maritime industry.

"Jim is to be commended for his tireless commitment to the success of our port. He and his successor, Capt. Ward Guilday, and all the members of the Association are true partners to the businesses and customers in this region on any number of fronts," said Exchange President Dennis Rochford, who had the honor of introducing Jim at the event luncheon.

Capt. Roche is a graduate of the SUNY Maritime College at Fort Schuyler. Upon graduation he was commissioned into the United States Navy Reserves and was later honorably discharged as a lieutenant. He worked within the petroleum and cruise industries before coming to the Pilots' Association for the Bay and River Delaware in 1989. He has been a federal and state licensed pilot with the Pilots' Association for 20 years.

True to form, Capt. Roche very humbly accepted the award from SCI's new Executive Director, the Rev. Dr. Peter B. Stube. "I am usually a behind-the scenes, get-it-done kind of guy and not used to the spotlight," Roche said. "But I am pleased to be honored for doing what I consider to be part of my job and deeply appreciative of this recognition."

Welcome for Rev. Stube

The Episcopal Diocese of Pennsylvania will celebrate the Service of Welcome and Installation of Rev. Stube on June 18, 2013 at 11:00am at the Chapel of the Redeemer, 475 North Fifth Street, Philadelphia, PA. During the service, those of the port community who passed away in the last year will be memorialized. A reception will follow the service.

RSVP to Ronnie Barlow at barlow@sciphiladelphia.org or 215-940-9900.

WTA/Autism Speaks Honor Meehan



In April, the World Trade Association (WTA) of Philadelphia and Autism Speaks honored Congressman Patrick Meehan for his support of the autism community at a fundraising event. Shown above, Congressman Meehan (left) accepts the award from WTA President Harvey Weiner.

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Q&A with Carper

continued from page 1

Furthermore, our ports have been working to secure millions of dollars in private investment, but that will only be delivered as long as the deepening project continues to move forward. This funding will ensure that critically needed private investment will not be lost to our ports, which are seeking to expand and enhance their operations.

Q: Your interest in ensuring enhanced port safety and security and balancing those needs with trade facilitation long predates your assumption of the Chair of the Homeland Security and Governmental Affairs Committee and is well-known throughout the tri-state maritime business community. There are two key federal programs which have had major impacts on both security and trade: the Port Security Grant Program (PSGP) and the Transportation Worker Identification Credential (TWIC).

1. The PSGP has provided much-needed funding to private and public sector stakeholders who have day-to-day responsibility to protect our maritime infrastructure, and while FEMA has taken measures to streamline program administration, any number of opportunities for improvement have been identified. What thoughts might you have on how to best engage both maritime organizations and FEMA to address ongoing concerns about the program with the goal of implementing changes to improve its success going forward?

A: Though there's always room for improvement, the Port Security Grant Program has proven to be one of the Department of Homeland Security's better grant programs when it comes to focusing on and awarding grants according to risk. The Coast Guard has been using the Maritime Security Risk Analysis Model, a tool to assess and manage risk of individual facilities and port regions, since its creation in 2005. Through it, a Captain of the Port can compare the risk of one facility to another and prioritize projects for port security grant funding. But the Department and the Coast Guard should not and do not make decisions unilaterally; they must engage and work with the local facility operators to ensure all of the stakeholders understand their shared security responsibilities. This is where Area Maritime Security Committees are invaluable. These committees, which include representatives from the Coast Guard, private sector enterprises operating in the ports, and local government and port authorities, help determine what critical infrastructure needs to be monitored and protected based on the risk and threats to the port, and develop plans to respond to potential incidents. One of the major challenges we face in administering homeland security grant programs is in measuring our progress and understanding how past security investments have mitigated risk. As we do this, I believe we need to engage the stakeholders – through mechanisms like the Area Maritime Security Committee and through the legislative process – to address important port security issues, like how to build better metrics in both an effective and cost-efficient manner, and find out what works and what we can do better. We must all work together to safeguard our ports and our communities.

2. After over 10 years of working on the Transportation Worker Identification Credential (TWIC) program, we are still at least three years away from a requirement to use the card readers. There are many who claim that TWIC does little to improve security, has impeded commerce (to be exacerbated when readers are in use), and the public would be better served if the dollars required to implement and maintain the TWIC program were dedicated to more critical initiatives. Others remain convinced of the program's efficacy and importance. Will the Committee be reviewing TWIC status and what, if any, discussions are underway regarding its future?

A: Our ports are a vital gateway to the global economy, and as a result they could be a target for terrorism. An attack at or through a U.S. port could cause billions of dollars in economic damage, and have ripple effects across the nation. For that reason I believe we must remain committed to securing our ports, and managing access to a port is key to that effort. The TWIC program is designed to ensure only trustworthy individuals have access to our ports, and that criminals and terrorists are not able to smuggle weapons or other dangerous goods or people into this country. It is unfortunate that it has taken as long as it has to fully develop the TWIC program. The first major hurdle was cleared in 2007, when DHS began issuing TWIC cards to workers able to pass the necessary background check. It took an additional six years to develop a proposed rule for TWIC card readers, but I was happy to see DHS finally release the proposed rule on March 22, 2013, and happier to see that the Department has tried to address a number of concerns stakeholders have already expressed. That said, the program has faced a number of challenges and it is why I have asked my staff on the Homeland Security and Governmental Affairs Committee to take a good look at the program, work with the Government Accountability Office, and see what my colleagues and I on the committee and in Congress can do to make TWIC a more effective and efficient program.

Q: Following the fiscal cliff negotiations earlier this year, you spoke of interest in crafting a long-term budget deal with an approach similar to the bi-partisan plan put forward by the Bowles-Simpson Fiscal Commission. Given your new role as Homeland Security/Governmental Affairs Committee Chair, what steps will you need to take to bring this idea forward?

A: Unfortunately, over the last few years, the federal government has had to operate through several debt ceiling crises, numerous and sometimes lengthy continuing resolutions, the threat of government shutdowns, the prospect of going over the fiscal cliff, and now sequestration. This kind of crisis budgeting represents a bipartisan and bicameral failure of leadership. Ultimately, it makes our government less efficient and more costly for taxpayers. These budgeting challenges require us to take a tough and honest look at how we can better manage the scarce resources taxpayers entrust to the federal government and demand that we find ways to get better results for less money.

Overall, we need a comprehensive, bipartisan budget plan that gives federal agencies and businesses certainty and, once again, shows the American people that we can lead. This grand budget compromise that we need to address this fiscal crisis must have three essential elements. It must address both spending and revenues in a balanced approach. It must rein in the costs of our entitlement programs in a way that doesn't savage the poor or the elderly. And it must demand that through better management of government programs, we deliver better services to the American people at a lower cost. As Chairman, I will continue to work with my colleagues on the Committee and the Administration to ensure that Department of Homeland Security and programs across government are improving key management functions, getting better results with the resources we entrust to them, and finding ways to do more with less in everything they do.

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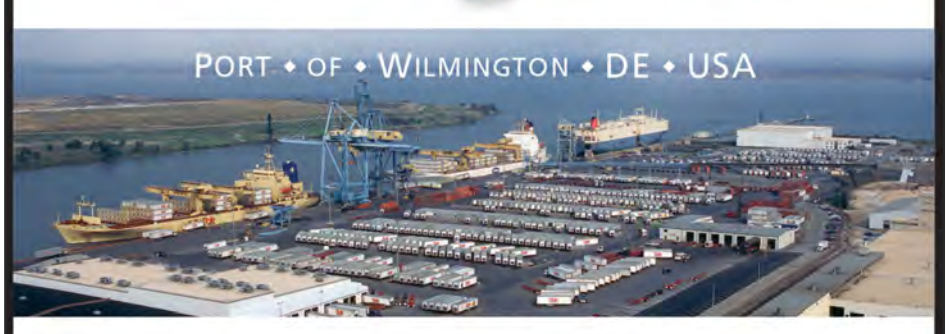
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Engine and Propellar Delivered for Aframax Tanker



Photo courtesy of Steve Perry

The main engine and propeller for the second Aframax tanker being built at Aker Philadelphia Shipyard ASA recently arrived from South Korea. The Aframax tanker, built for for SeaRiver Maritime, Inc., Exxon Mobil Corporation's U.S. marine affiliate, will be 820 feet long and be capable of carrying 115,000 tons of crude oil. The engine and propellar weighed in at approximately 360 tons & 29 tons respectively.

In addition to the two Aframax tankers for SeaRiver, Aker Philadelphia Shipyard is also currently constructing one 46,000 deadweight ton product tanker for delivery in early 2013 to Crowley.

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Chilean and American Chamber of Commerce Celebrates 25 Years

On April 24, members of the regional maritime community found themselves at the duPont Country Club in Wilmington, Delaware to help the Chilean and American Chamber of Commerce (CACC) celebrate a unique dual event: the CACC'S 8th Annual "Experience the Taste of Chile" reception and dinner and the Chamber's Silver Anniversary in its partnership with the greater Philadelphia region.

The evening's festivities included unique and authentic Chilean foods and premium, eco-friendly wines.

The 2013 Visionary Award was presented to Ronald Bown, President, Chilean Fruit Exporters Association, for his contribution to the promotion of Chilean fruit in the U.S. and for his role in strengthening relationships between the two countries. Also receiving an award was honoree Cristian Allende Marin, President, Fruit Growers Federation of Chile (Fedefruta).



(l-r) Delaware Senator Tom Carper; His Excellency Felipe Bulnes, Ambassador of Chile to the United States; Ronald Bown, President of the Chilean Fruit Exporters Association; and Robert Palaima, President of the Chilean & American Chamber of Commerce are on hand to help the CACC celebrate 25 years of service.

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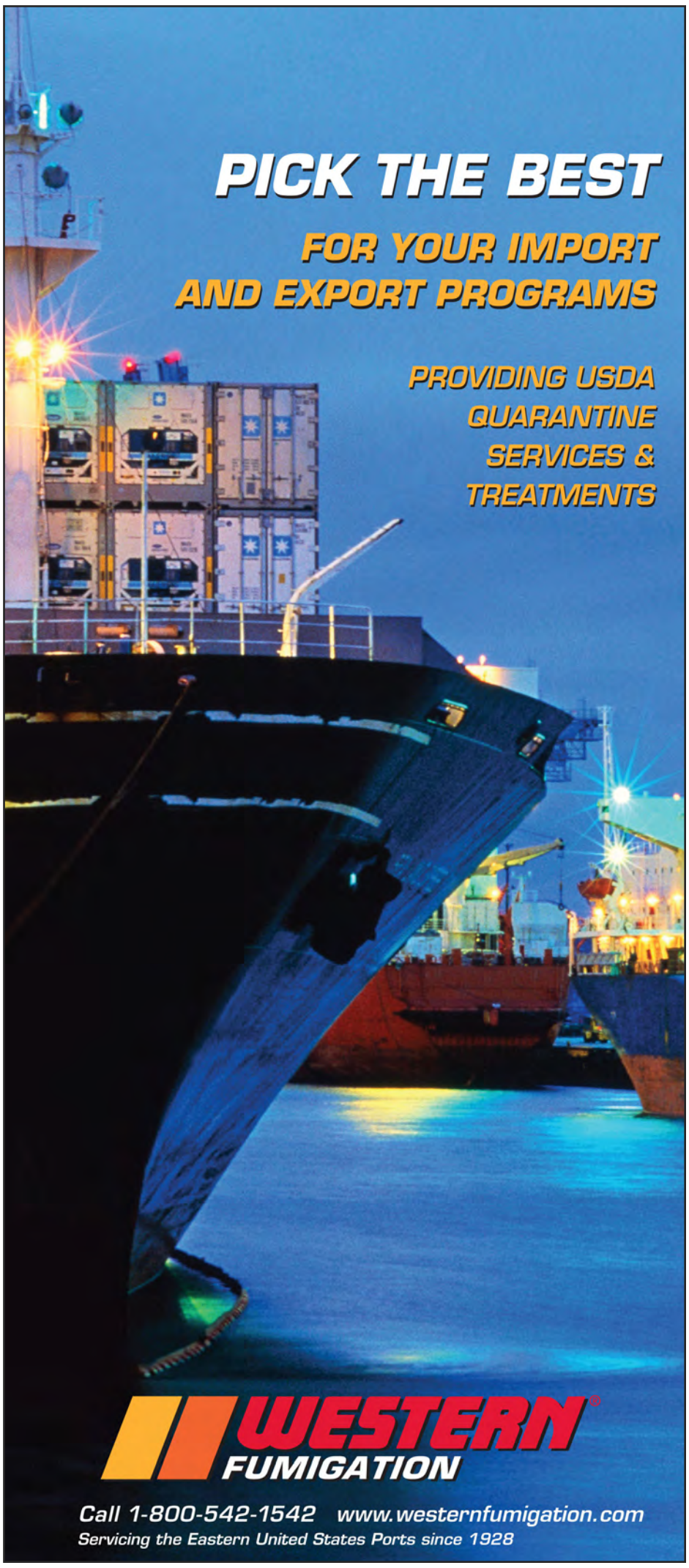
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Editorial

Port Grants: Feds Take a Major Wrong Turn

Call it chutzpah, but sometimes looking a gift horse in the mouth is exactly the right thing to do. That's the position we find ourselves in now with the Federal Emergency Management Agency and its Port Security Grant Program.

Since 2001, the federal government has allocated billions of dollars for Homeland Security Grants, of which PSGP is just one program. These funds have helped strengthen an often-overlooked component of our nation's transportation system. Ports today are better poised to prevent criminal and terrorist events, responders and law enforcement have more sophisticated tools, and enhanced recovery planning should help ensure we get back to normal business faster than might have been the case a decade ago.

And the dramatic improvements in individual facility, regional, and national preparedness are largely due to the financial support these federal grants have provided.

But in 2012, that all changed.

Of course we all know that the economy tanked in 2008-2009. This finally caught up with the non-disaster grant programs last year when DHS Secretary Janet Napolitano issued a directive saying, in essence, the homeland security grant programs are focusing on the need for further economic stimulus.

One of the outcomes of that directive was to all but eliminate the possibility that grant recipients could seek and obtain extensions to their port security grants. The initial grant period of performance is three years, and the law allows up to an additional two years' extension if needed. Given that in general a full year is taken up with the FEMA review and approval process, grantees are often allotted only two years to complete project work.

For some projects, two years is more than sufficient. For others, and for certain grantees, such as local government agencies, it takes two years just to complete environmental reviews or complete internal administrative requirements.

This problem is exacerbated now that the grant program is down to a two-year performance period.

With Congress and the administration fighting for every budget dollar, there is a microscope on unspent grant funds. As a result, FEMA, as grantor agency, is taking a hard line approach to reviewing extensions in order to compel grantees to spend money more quickly; the longer the it remains unspent, the bigger target it becomes and the more likely it will be poached by another program or agency. In the Delaware River and at other ports around the country, granting the extensions has become the exception, not the norm. For the FY10 program year, over $5 million in funding that could have been used to improve our local security posture is being returned to the federal government due to denials of extensions requests.

Whatever the rationale for making these decisions, what our federal government has done is to ensure taxpayer funded grant dollars will be used for a lot of cool gadgets which can be purchased quickly – whether or not they're truly needed – instead of projects designed to improve some of the very real deficiencies that still exist – projects that require well thought out plans and collaboration.

DHS has gone way far off the mark on this one.

Regional decisions still the better model

While we're on the subject of PSGP grants, we might also note that once again FEMA has taken the local Area Maritime Security Committee out of the grant decision making process. Like last year's program, the FY13 grant program is a direct competition, meaning that applications from the Delaware River area will be evaluated against those from other Group I ports, such as New York/New Jersey and LA/Long Beach.

Needless to say, we believe this is completely inappropriate.

We never had a problem with the amount of money allocated for our region versus other ports, but we have a serious concern with giving the AMSC only a perfunctory look at applications for potential port security grant projects in our region. Further, consolidating the grant applications through the AMSC provides greater visibility into the types of projects being implemented and increased opportunity for collaboration among regional partners.

FEMA should reinstate the port-level allocations and AMSC evaluation in future PSG programs.

GAO Study Echoes Exchange Position on TWIC

The General Accountability Office study released in May, wherein the oversight agency categorically stated that the TWIC reader program should be halted until the Transportation Security Administration can demonstrate the effectiveness of the program has certainly created a lot of buzz.

Most pundits have tended to agree with the GAO, although TWIC still has its many supporters.

We're not going to reiterate our thoughts at length here. Anyone interested in the Maritime Exchange's position is invited to read the Fall 2012 issue of this newsletter (see www.maritimedelriv.com/Publications/Beacon/issues/Fall2012/body.htm).

Suffice it to say that the GAO studied and found what most of us knew intrinsically: the reader pilot program did not provide sufficient data to make an informed decision about the future of the program.

After reading the study and some of the counter arguments, our opinion remains the same as it did last fall. "Rather than investing hundreds of millions of additional dollars to acquire biometric readers and associated infrastructure, we need to evaluate alternatives that include those core TWIC components which complement the other facility security improvements put in place over the past ten years. We need to eliminate those measures that are both technologically and operationally unworkable — and all too costly to be justified."

Instead of forging ahead as originally planned, TSA and Coast Guard should take a long and hard look at the program and work with industry to determine the appropriate course.

Tom Warwick: Saluting a True Civil Servant

Every couple of years we say goodbye to the outgoing Coast Guard Captains of the Port and Army Corps District Engineers in this column of *The Beacon*. These individuals come in fresh, complete their two- or three-year tours, and move on. There is hardly time to build any long-lasting relationships.

Now it's time to say goodbye to a true friend of the port, a gentlemen who has worked tirelessly in government service on our collective behalf.

Tom Warwick is a Coast Guard Port Security Specialist and has been Executive Secretary of the Area Maritime Security Committee since its inception. He's had to work in conditions unknown to most of us in the private sector – dealing with a new boss (bosses) and their differing management styles every three years. But the requirements of the PSC go further than that: he's also had to deal with us, the port stakeholder community, and all of our demands as well.

Tom has executed his mission faithfully and with unceasing good cheer. He has been a font of wisdom, knowledge and experience, and he has always been willing to lend a helping hand. But beyond that, Tom been a good friend.

Congratulations, Tom, on a well-earned retirement. From all your friends at the Maritime Exchange, we wish you only fair winds and following seas!

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The Beacon *is the official newsletter of the Maritime Exchange for the Delaware River and Bay. The Exchange encourages its readers to submit letters to the editor at any time in response to articles that appear in* The Beacon *or to address other topics of interest to the port community.*

Please direct any correspondence or inquiries regarding the contents of this newsletter to:

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NOAA PORTS® Supports Navigation Safety and Preparedness in the Delaware River and Bay

By: CAPT Kathy Moore, U.S. Coast Guard
Sector Delaware Bay

NOAA, through its National Ocean Service, hosts the PORTS®—Physical Oceanographic Real Time System, that provides real-time data on tides, water temperature, current speed and direction, and other data to promote navigation safety, improve economic efficiency and assist with providing information to support improvements in coastal resource protection. In reality, the data provided by the system is used daily in all of these ways and a few additional ways that may surprise you.

In the Delaware River and Bay, sensors are deployed in 14 locations and provide real-time information on the water bodies including water level, water temperature, current vector and conductivity/salinity. Additionally these sensors are capable of providing important atmospheric data including air temperature, wind speed and direction, barometric pressure, and visibility. Certain sensors also provide air gap readings for specific bridges. A critical tool in the hands of local mariners, the PORTS system allows them to make sound decisions with respect to both commercial vessel movements and even recreational use of our waterways.

Funding that supports the maintenance of the system in our area has run out, and currently, any failure of a PORTS sensor will result in the loss of real time marine information in that area of the Delaware River and Bay. Of greater concern is the fact that, if funding is not restored prior to September 1 of this year, our local PORTS, in its entirety, will be shut down and the actual sensors removed.

As one of the first ports to benefit from this real time data, the maritime community has benefited for many years of sound decision making support provided by the PORTS system. While it's difficult to measure, the accurate water level readings provide mariners important information concerning the combined effects of tide, current and wind on our waterways, and allows for prudent decisions ensuring adequate under-keel clearances and carefully timed transits to make the safest possible commercial vessel voyages. Current readings are invaluable and the rest of the atmospheric data is highly utilized.

Our region has also benefitted from PORTS in the area of preparedness and response. Most notably, during Superstorm Sandy, but also during all of our Nor'easter events, water level sensors provided real time information concerning the amount of storm surge that was to be experienced above the tides.

As many of you remember, Superstorm Sandy was a flooding event for much of coastal New Jersey and Delaware. The Coast Guard and other first responding agencies were well informed concerning the wind, tide, and storm surge expected during the event much to the credit of the PORTS system. Equipped with this information, the Coast Guard was able to safely protect our small boats and crews from the storm's fury and from damage to coastal infrastructure by directing evacuations for impacted areas.

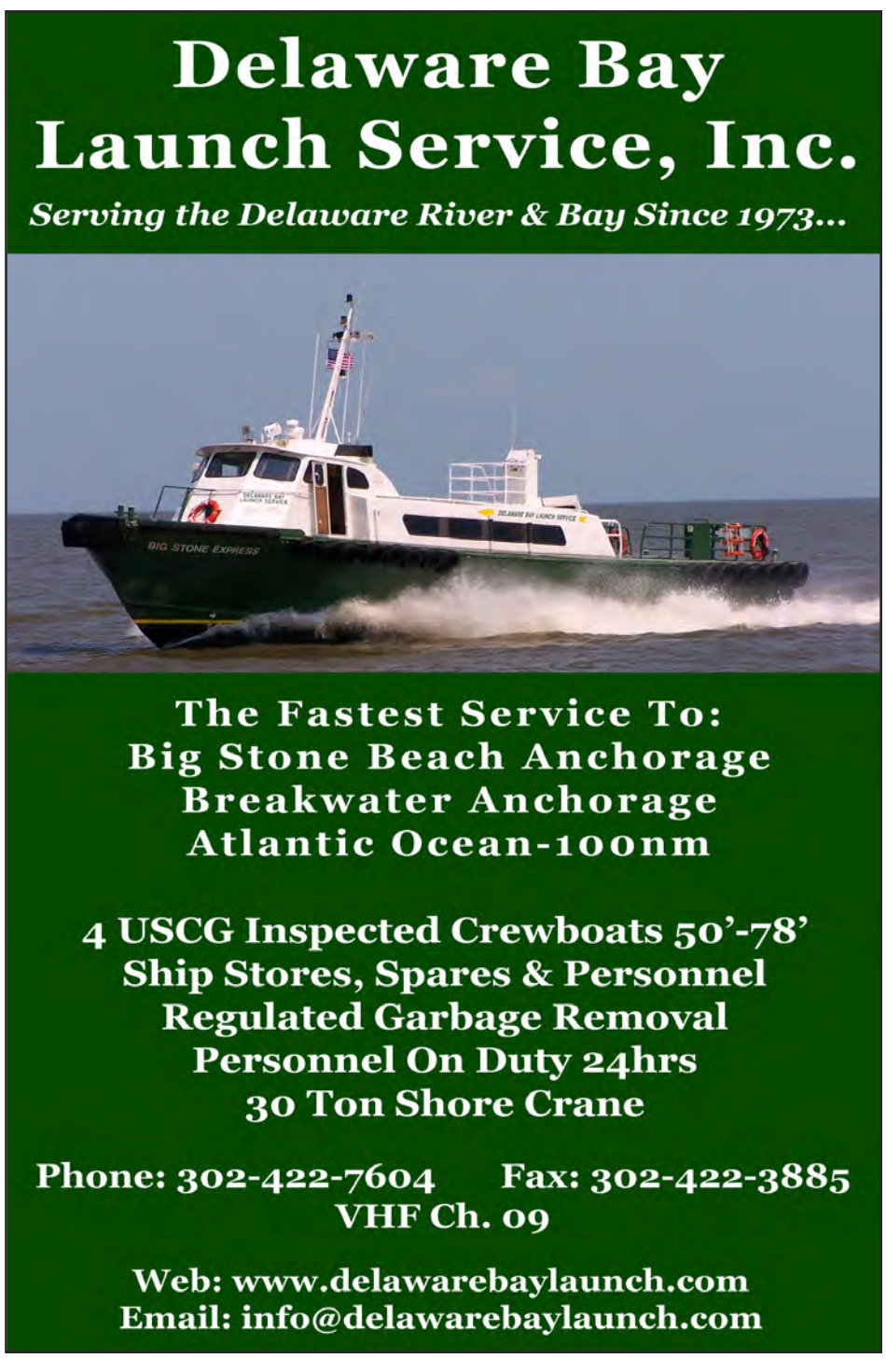
The Coast Guard, along with other responding agencies, also makes important use of current velocity and direction data in designing and deploying booming strategies and supporting spill trajectory analyses to guide on-water collection activities during oil spill responses. Water level and predicted and actual tides are also key pieces of information in the timing of salvage activities associated with grounded vessels and reducing the risk of further vessel damage. The 2010 final report of the Delaware River and Bay Oil Spill Advisory Committee strongly recommended an expansion of the current PORTS, as it recognized the systems potential to prevent marine accidents that can destroy sensitive habitat and damage ecosystems, as well as cost potentially millions in response costs and economic losses. The report noted the system's funding vulnerability in difficult economic times. The report also recommended the system be expanded to include sensors for monitoring ocean waves and surface currents, citing their utility in improving the effectiveness of oil spill response.

While it is easy to understand the contribution this real time data makes in terms of improving our safety, response and preparedness, there are other beneficial uses of the data that provide a pay off in the long term. Another use of the data provided by PORTS is in the area of monitoring the salt line in the bay for both drinking water and estuary management. This ongoing monitoring is key for decision makers, providing reliable historical data for analysis. We all recognize an increased interest in the need for high-quality data as the region begins to assemble a coastal estuary inundation model and plans for future seawater rise and coastal infrastructure protection.

The PORTS sensors and data are a critical component of our maritime safety infrastructure. As a vested and enthusiastic partner in the safety, security and stewardship of the Delaware River and Bay, I encourage our community to come together with commitment and creativity and restore the funding of this system 'at best speed.'

Capt. Moore is Captain of the Port for Sector Delaware Bay





Notes & News

Mattioni Ltd. announced that **Stephen J. Galati, Esq.** was a recent speaker and panel moderator at the Pollution Prevention Workshop held at the Corinthian Yacht Club, Essington, Pennsylvania. The workshop was sponsored by **Sea Grant Pennsylvania**, an organization that conducts and supports research and education that addresses environmental issues relevant to Pennsylvania's coastal resources. Mr. Galati's presentation discussed legal aspects and environmental regulations concerning pollution and spills. Also in Mattioni news, **Christian T. Johnson, Esq.** has joined the firm as an associate in their Admiralty and Maritime practice area. Mr. Johnson is a graduate of Tulane Law School where he earned both his J.D. and LLM in Admiralty Law. The Firm is pleased to expand its professional talent in this area, which has been a core practice area since its inception.

Carl D. Buchholz, III, Chair of the Maritime, Insurance Coverage and Appellate Sections of **Rawle & Henderson LLP** was recently honored by the Supreme Court of Pennsylvania for his service on the Disciplinary Board of the Court from 2006-2012 and presented with several awards by Chief Justice Ronald D. Castille.

The **Delaware River Port Authority** Board of Commissioners appointed **Captain John L. Stief**, a 29-year veteran of the DRPA police force, to serve as chief of police and **Robert J. Shiver**, a regional director with the Office of the Attorney General of Pennsylvania, to serve as homeland security director.

Hoffberger Holdings, Inc. (HHI), parent company of MTC Logistics announced three recent appointments: **Harry D. Halpert** to Chief Executive Officer of HHI and Chairman of MTC Logistics; **F. Brooks Royster, III** as President of MTC Logistics; and **Kenneth W. Johnson** to Vice President, Operations for MTC Logistics.

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Upcoming Events

06/17/13	World Trade Association of Philadelphia Annual Golf Outing Little Mill Country Club, Marlton, NJ Contact Deborah Ingravallo: 856-642-3957 or WTAPHILA@comcast.net
06/18/13	Welcome and Installation for The Rev. Canon Dr. Peter Stube Seamen's Church Institute of Philadelpia & South Jersey Contact Ronnie Barlow: 215-940-9900 or barlow@sciphiladelphia.org
	Philadelphia Regional Port Authority Board Meeting
06/19/13	DRPA/PATCO Board Meetings
07/09/13	Tri-State Maritime Safety Association Board Meeting
07/10/13	**Maritime Exchange Board Meeting**
07/16/13	Seamen's Center of Wilmington Board Meeting
	Philadelphia Regional Port Authority Board Meeting
07/17/13	DRPA/PATCO Board Meetings
08/02/13	Area Maritime Security Committee Managing Board Meeting USCG Sector Delaware Bay
08/14/13	**Maritime Exchange Executive Committee Meeting**
08/16/13	Area Maritime Security Committee Meeting, USCG Sector Delaware Bay
08/20/13	Philadelphia Regional Port Authority Board Meeting
08/21/13	DRPA/PATCO Board Meetings
09/10/13	Tri-State Maritime Safety Association Board Meeting
09/11/13	**Maritime Exchange Board Meeting**
	Seamen's Center of Wilmington Fall Fun(d) Raiser Contact Joan Lyons: 302-575-1300 or seamenscenterwilmde@yahoo.com
09/12/13	Mariner's Advisory Meeting - La Veranda, Philadelphia, PA Contact Scott Anderson: marinersadvisory@yahoo.com or 215-925-1524
09/17/13	Seamen's Center of Wilmington Board Meeting
09/18/13	World Trade Association of Philadelphia Annual Banquet Cescaphe Ballroom, Philadelphia, PA Contact Deborah Ingravallo: 856-642-3957 or WTAPHILA@comcast.net

For a complete schedule and event details, visit www.maritimedelriv.com

