



November 13, 2019

Bouchard Transportation Co., Inc.
58 South Service Road, Suite 150
Melville, New York 11747

Mr. Morton S. Bouchard
President & CEO
Bouchard Transportation Co., Inc.

MSBIII@bouchardtransport.com

You have made known your dissatisfaction with ABS's services for some time, and while we have done our very best to assist Bouchard Transportation Co., Inc. and its related companies, consistent with our obligations as an independent and impartial classification society and delegate of the United States Coast Guard, we have found it increasingly difficult to work with your increasing demands, constantly changing staff, inconsistent maintenance practices, and failure to pay almost \$200,000 in outstanding, owed and unpaid fees.

Accordingly, ABS hereby gives Bouchard Transportation Co., Inc. thirty days' notice of the termination of all contracts or agreements between ABS and Bouchard Transportation Co., Inc., and its subsidiaries and affiliated companies. The affected agreements include all Agreements for Maritime Labor Convention, 2006 Certification, all Applications for Marine Management System Certification, all Agreements for Classification of new or existing vessels, all Applications for Load Line made to ABS or serviced by ABS, and all other agreements, contracts, or understandings of any kind pertaining to Bouchard's fleet. Please be advised ABS will withdraw all representations as to the classification of Bouchard's vessels upon termination of the class agreements, thirty days from the date of this letter.

We note that your company is scheduled for a full scope ISM audit on 22 November 2019. We recommend that you select a replacement Recognized Organization (RO) in time for that audit as a change of ROs requires a full scope audit.

Please be assured that ABS will do its part to effectuate an orderly transition of Class and other services to the new Class/RO organization.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Richard Pride", written over a horizontal line.

Richard Pride
ABS
Senior Vice President
Western Hemisphere Operations



Bouchard Transportation Co., Inc.

58 South Service Road, Suite 150
Melville, NY 11747
Tel.: (631) 390-4900
Fax: (631) 390-4955
E-mail: MSBIII@bouchardtransport.com

ATLANTIC COAST • LONG ISLAND SOUND
GREATLAKES • GULFCOAST

From the Office of:
Morton S. Bouchard III
Chairman / CEO

Via E-Mail: Richard.Timme@uscg.mil

December 8, 2020

RADM Timme
United States Coast Guard

Ref: Official Appeal of American Bureau of Shipping DOC Decision

Dear RADM Timme,

It is with much disappointment that I must send this request to the USCG.

I would like to start by thanking Captain Tama, yourself and your staff for everyone's patience and guidance through these most difficult times in Bouchard Transportation Co., Inc.'s (Bouchard) 100 plus year history.

On Monday, in response to a letter from my new President of Bouchard Transportation Co., Inc. asking American Bureau of Shipping (ABS) to conduct a Document of Compliance (DOC) audit on behalf of the United States Coast Guard within the next week or two, Bouchard received a letter from the American Bureau of Shipping refusing our request. As you and I have discussed on several occasions, Bouchard Transportation Co., Inc. is unable to return to operation without a DOC, particularly from ABS, being a United States Jones Act operator (one of the largest).

As you know, Bouchard personnel have been working very diligently in the last several months since the filing of its Chapter 11 Petition to correct all deficiencies previously noted, as well as to improve its compliance policies and protocols. We believe we have made great strides in this regard, and that we are ready to participate in and pass a DOC compliance audit. ABS has been Bouchard's Classification Society for over 100 years and, as a result, it is most familiar with the Bouchard equipment and compliance policies, procedures and protocols, and is the Class Society in the best position to conduct the requested DOC compliance audit. As you are also aware, the Coast Guard has delegated its statutory authority to ABS and other worldwide Classification Societies to conduct DOC compliance audits for and on behalf of the US Coast Guard. We believe that ABS, as the Congressionally recognized Classification Society of the United States, is the only Class that can effectively and timely conduct a Jones Act operator's DOC Compliance Audit. For Bouchard time is of the essence under the current circumstances that it finds itself in respect to obtaining its DOC so that it can become operational again, work its way out of the Chapter 11 situation, and be a productive operator again in the US Jones Act trade.

Bouchard Transportation Co., Inc. is respectfully requesting that the US Coast Guard intervene and instruct ABS to abide by the statutory obligations delegated to them by the US Coast Guard and perform the audit in the time frame requested in a professional manner. Bouchard and I appreciate all of your support and look forward to returning Bouchard Transportation Co., Inc. to operation by year end.

I thank you for your time and consideration.

Very truly yours,



Morton S. Bouchard III
Chairman / CEO

MSBIII/md

cc: Adm Karl Schultz
Senator Chuck Schumer
Senator Kirsten Gillibrand
Congressman Peter King
Congressman Lee Zeldin
Congressman Alfonse D'Amato (Retired)
Chairman Sean Patrick Maloney (NY)
Ranking Member Bob Gibbs (OH)
Chairman Corey Gardner
Ranking Member Tammy Baldwin
Elaine Chao

Sincerely,



Morton S. Bouchard III
Chairman / CEO

MSBIII/md

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector St. Petersburg

600 8th Avenue SE
St. Petersburg, Florida 33701
Staff Symbol: s
Phone: (727) 824-7543
Fax: (727) 824-7610

16670
March 20, 2019

OWNER, T/B B NO 285, ON 923249
B NO 285 CORP
58 South Service Road, STE 150
Melville, NY 11747
Ph: (631)390-4900
Email : kdonohue@bouchardtransport.com

CAPTAIN OF THE PORT ORDER 19-009: T/B B NO 285, ON 923249

Due to the vessel's invalid Certificate of Inspection (COI) and International Load Line Certificate (ILLC), I deem that the T/B B NO 285 presents a potential hazard to the navigable waterways, vessels, and structures therein. Under the authority of the Ports and Waterways Safety Act, 33 USC 1221, et seq., I hereby issue the following order:

- 1. The T/B B NO 285 must possess a valid ILLC or request a single voyage Load Line Exemption,**
- 2. Make internal structures available for inspection, and**
- 3. Possess a valid COI or obtain a current gas-free certificate for all cargo tanks prior to departure from Sector St. Petersburg Captain of the Port (COTP) zone.**
- 4. A written request must be submitted to this office and approved by the COTP prior to any movement within the COTP zone.**

This order is issued under the authority of the Ports and Waterways Safety Act (33 USC 1221 et seq.) and the regulations promulgated there under (33CFR160). In accordance with 33 USC 1232, failure to comply with this Captain of the Port Order is punishable by a civil penalty of not more than \$91,901 for each day the vessel is in violation. Willful and knowing violation of this order is a class D felony, punishable by up to six years in prison (18 USC 3581) or fines of no more than \$250,000 for an individual or \$500,000 for an organization (18 USC 3571).

This order will remain in effect until canceled by me.

Should you be aggrieved by this order, you may request reconsideration of this order to me directly. If I do not rescind this order based on your request, you may appeal my decision to the Commander, Seventh Coast Guard District. While any request or appeal is pending, all provisions of this order remain in effect. All reconsideration requests or appeals must follow the procedures prescribed in 33 CFR 160.7.

Subj: Captain of the Port Order 19-009

16670

March 20, 2019

If you have any questions or comments, you can contact the Domestic Vessel Branch during the hours of 8:00 AM to 4:00 PM local time Monday thru Friday at (813) 228-2191 Ext 8155 or by

fax (813) 228-2050. After 4:00 PM and during weekend hours, you can contact the Sector Command Center at (727) 824-7543, by fax (727) 824-7610, or e-mail cgs@uscg.mil.

Ordered at Sector St. Petersburg, Wednesday, March 20, 2019.

Sincerely,



H. L. NAJARIAN

Captain, U.S. Coast Guard

Captain of the Port

Copy: Tampa Bay Pilots
Tampa Port Authority
CVTS
Sector St. Petersburg Arrivals Watchstander

Received by: _____

Date: _____ Time: _____

Witnessed by: _____

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Unit Port Arthur

2901 Turtle Creek Dr, Ste 200
Port Arthur, TX 77642 8067
Phone: (409) 723-6500
Fax: (409) 723-6541

16200
10 Feb 2020

Master, DANIELLE M. BOUCHARD
and
BOUCHARD TRANSPORTATION CO, INC
58 South Service Road Suite 150
Melville, NY 11747

CAPTAIN OF THE PORT ORDER 010-20: DANIELLE M. BOUCHARD (O.N. 1053010)

On February 9, 2020, while your vessel was approximately five miles off the coast of Port Arthur TX, in this Captain of the Port Zone, the Captain of M/V DANIELLE M. BOUCHARD, which is connected to and in control of the B. NO. 245 barge, threatened to abandon post while at anchorage in violation of 33 CFR 164.19. In addition, on February 9, 2020, Marine Safety Unit Port Arthur received notification that the Master of the DANIELLE M. BOUCHARD and barge B. NO. 245 declared that the vessels are critically unsafe. The Master's allegation is that the crew on board the DANIELLE M. BOUCHARD is unable to respond to an emergency because some crew members departed the vessel without replacements. Abandonment of the vessel poses a greatly increased risk to safe navigation and the marine environment.

Per 46 CFR 15.105, it is the responsibility of the owner, charterer, managing operator, master or person in charge or in command of the vessel to ensure that appropriate personnel are carried to meet the requirements of the applicable navigation and shipping laws and regulations.

Therefore, under the authority of the Ports and Waterways Safety Act, 46 USC 70031 *et seq.*, (Formerly, 33 U.S.C. 1221 *et seq.*) and the regulations issued thereunder in 33 CFR 160.111, I hereby issue this order to your vessel to ensure the safety of vessels and waterfront facilities and the protection of the navigable waters and the resources therein.

1. No later than 2300 February 11, 2020, make arrangements to be adequately manned with credentialed mariners. While you remain inside the Boundary Line, I require at a minimum, one master, one mate, one able seaman and one ordinary seaman. I will accept the engineer as a substitute for the ordinary seaman. Please provide a report which details any additional manning required by the Master.
2. Alternatively if the vessel can't maintain the minimum manning, transit to a safe berth.
3. The vessel must maintain a daily communication watch with VTS until these matters are resolved.

PENALTY FOR VIOLATING THIS ORDER

Section 70036 of Title 46 U.S. Code (formerly Section 1232 of Title 33 U.S. Code) provides the penalties for violation of this order. The statute, as amended by the Federal Civil Penalties

PENALTY FOR VIOLATING THIS ORDER

Section 70036 of Title 46 U.S. Code (formerly Section 1232 of Title 33 U.S. Code) provides the penalties for violation of this order. The statute, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990, Section 27.3 of 33 Code of Federal Regulations, authorizes a maximum civil penalty in the amount of \$94,219 for each violation. The statute further states that: "Any vessel subject to the provisions of this chapter, which is used in violation of this chapter, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed ... and may be proceeded against in the United States district court for any district in which such vessel may be found." A willful and knowing violation of this order may also result in a class D felony criminal charge. A class D felony is punishable by up to 6 years in prison (18 USC § 3581) and a fine of up to \$250,000 for an individual or \$500,000.00 for an organization (18 USC § 3571).

APPEAL OF THIS ORDER

Should you be aggrieved by this order, you may appeal under the procedures described in Title 33, Code of Federal Regulations, Section 160.7, appeal orally or in writing to the official who issued this order or in whose name it was issued. Should you be further aggrieved, appeal orally or in writing through this office to the Commander, Eighth Coast Guard District. However, if the appeal is made orally, a written submission is required within five days of the oral presentation.

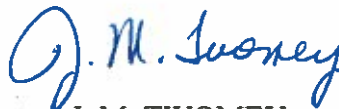
COAST GUARD POINT OF CONTACT FOR THIS ORDER

All questions pertaining to this order may be directed to my Command Duty Officer at (409) 723-6511 or (409) 284-5767.

TERMINATION OF THIS ORDER

This order will remain in effect until rescinded by me in writing. My Command Duty Officer will inform you when I have issued the rescission order.

Sincerely,



J. M. TWOMEY
Captain, U.S. Coast Guard
Captain of the Port

Received by: _____ Position: _____ Date: _____ Time: _____

Copy: Attorneys for Bouchard Transportation

James F Buchanan, Welder Leshin LLP, Email: jbuchanan@welderleshin.com

John Walsh, Freehill, Hogan & Mahar, Email: walsh@freehill.com

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Unit Port Arthur

2901 Turtle Creek Dr, Ste 200
Port Arthur, TX 77642 8067
Phone: (409) 723-6500
Fax: (409) 723-6541

16200
19 Feb 2020

Owner, DANIELLE M. BOUCHARD
and
BOUCHARD TRANSPORTATION CO, INC
58 South Service Road Suite 150
Melville, NY 11747

**CAPTAIN OF THE PORT ORDER AMENDMENT 010-20: DANIELLE M. BOUCHARD
(O.N. 1053010)**

On February 13, 2020, we received notification that the M/V DANIELLE M. BOUCHARD, which is connected to and in control of the B. NO. 245 barge, experienced oil dilution in the main engines and in the storage tank. Reportedly, the apparent contamination is suspected to be from a crack in the lube oil tank that is contained within the #5 fuel oil tank. Allowing the vessels to remain anchored offshore or abandonment of the vessel poses an increased risk to safe navigation, the marine environment, and crew.

Therefore, under the authority of the Ports and Waterways Safety Act, 46 USC 70031 *et seq.*, (Formerly, 33 U.S.C. 1221 *et seq.*) and the regulations issued thereunder in 33 CFR 160.111, I hereby issue this order to your vessel to ensure the safety of vessels and waterfront facilities and the protection of the navigable waters and the resources therein.

1. No later than 2000 February 20, 2020, enter port and moor your vessel at a suitable dock until evidence can be provided that the vessel does not pose a hazardous condition or other safety or security threat to the waterway and crew.
2. Alternatively, the vessel must make repairs to the affected systems to the satisfaction of the MSU Port Arthur Chief of Prevention.
3. Additionally, the vessel must maintain minimum safe manning during the transit to a safe berth or be under a deadship tow.
4. The vessel must maintain twice a day communications, at 0700 and 1900, with the Port Arthur Vessel Traffic Services (VTS) until these matters are resolved.

PENALTY FOR VIOLATING THIS ORDER

Section 70036 of Title 46 U.S. Code (formerly Section 1232 of Title 33 U.S. Code) provides the penalties for violation of this order. The statute, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990, Section 27.3 of 33 Code of Federal Regulations, authorizes a maximum civil penalty in the amount of \$94,219 for each violation. The statute further states that: "Any vessel subject to the provisions of this chapter, which is used in violation of this chapter, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed ... and may be proceeded against in the United States district court for any district in which such vessel may be found." A willful and knowing violation of this order may also result in a class D

felony criminal charge. A class D felony is punishable by up to 6 years in prison (18 USC § 3581) and a fine of up to \$250,000 for an individual or \$500,000.00 for an organization (18 USC § 3571).

APPEAL OF THIS ORDER

Should you be aggrieved by this order, you may appeal under the procedures described in Title 33, Code of Federal Regulations, Section 160.7, appeal orally or in writing to the official who issued this order or in whose name it was issued. Should you be further aggrieved, appeal orally or in writing through this office to the Commander, Eighth Coast Guard District. However, if the appeal is made orally, a written submission is required within five days of the oral presentation.

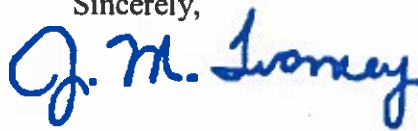
COAST GUARD POINT OF CONTACT FOR THIS ORDER

All questions pertaining to this order may be directed to my Command Duty Officer at (409) 723-6511 or (409) 284-5767.

TERMINATION OF THIS ORDER

This order will remain in effect until rescinded by me in writing. My Command Duty Officer will inform you when I have issued the rescission order.

Sincerely,



J. M. TWOMEY
Captain, U.S. Coast Guard
Captain of the Port

Received by: _____ Position: _____ Date: _____ Time: _____

Copy: Master, DANIELLE BOUCHARD, Attorneys for Bouchard Transportation (James F. Buchanan, Welder Leshin LLP, Email: jbuchanan@welderleshin.com; John Walsh, Freehill, Hogan & Mahar, Email: walsh@freehill.com)

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Unit Port Arthur

2901 Turtle Creek Dr, Ste 200
Port Arthur, TX 77642 8067
Phone: (409) 723-6500
Fax: (409) 723-6541

16200
21 Feb 2020

Owner, DANIELLE M. BOUCHARD
and
BOUCHARD TRANSPORTATION CO, INC
58 South Service Road Suite 150
Melville, NY 11747

**CAPTAIN OF THE PORT ORDER AMENDMENT TWO 010-20: DANIELLE M.
BOUCHARD (O.N. 1053010)**

On February 20, 2020, we received a request from Bouchard Transportation Company's Dedicated Person Ashore for an extension to comply with the amendment to COTP Order 010-20 issued on February 19, 2020 for the M/V DANIELLE M. BOUCHARD, which is connected to and in control of the B. NO. 245 barge. The request is due to a complete crew relief conducted on February 20, 2020, robust efforts to secure adequate berthing and efforts by the oncoming Chief Engineer to diagnose the cause of the lube oil contamination. Your request for an extension is approved as detailed below.

Therefore, under the authority of the Ports and Waterways Safety Act, 46 USC 70031 *et seq.*, (Formerly, 33 U.S.C. 1221 *et seq.*) and the regulations issued thereunder in 33 CFR 160.111, I hereby issue this order to your vessel to ensure the safety of vessels and waterfront facilities and the protection of the navigable waters and the resources therein.

1. No later than 2000 February 23, 2020, enter port and moor your vessel at a suitable dock until evidence can be provided that the vessel does not pose a hazardous condition or other safety or security threat to the waterway and crew.
2. Alternatively, the vessel must make repairs to the affected systems to the satisfaction of the MSU Port Arthur Chief of Prevention.
3. Additionally, the vessel must maintain minimum safe manning during the transit to a safe berth or be under a deadship tow.
4. The vessel must maintain twice a day communications, at 0700 and 1900, with the Port Arthur Vessel Traffic Services (VTS) until these matters are resolved.

PENALTY FOR VIOLATING THIS ORDER

Section 70036 of Title 46 U.S. Code (formerly Section 1232 of Title 33 U.S. Code) provides the penalties for violation of this order. The statute, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990, Section 27.3 of 33 Code of Federal Regulations, authorizes a maximum civil penalty in the amount of \$94,219 for each violation. The statute further states that: "Any vessel subject to the provisions of this chapter, which is used in violation of this chapter, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed ... and may be proceeded against in the United States district court for any district in which such

vessel may be found." A willful and knowing violation of this order may also result in a class D felony criminal charge. A class D felony is punishable by up to 6 years in prison (18 USC § 3581) and a fine of up to \$250,000 for an individual or \$500,000.00 for an organization (18 USC § 3571).

APPEAL OF THIS ORDER

Should you be aggrieved by this order, you may appeal under the procedures described in Title 33, Code of Federal Regulations, Section 160.7, appeal orally or in writing to the official who issued this order or in whose name it was issued. Should you be further aggrieved, appeal orally or in writing through this office to the Commander, Eighth Coast Guard District. However, if the appeal is made orally, a written submission is required within five days of the oral presentation.

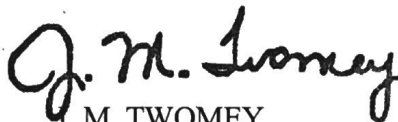
COAST GUARD POINT OF CONTACT FOR THIS ORDER

All questions pertaining to this order may be directed to my Command Duty Officer at (409) 723-6511 or (409) 284-5767.

TERMINATION OF THIS ORDER

This order will remain in effect until rescinded by me in writing. My Command Duty Officer will inform you when I have issued the rescission order.

Sincerely,



J. M. TWOMEY
Captain, U.S. Coast Guard
Captain of the Port

Received by: _____ Position: _____ Date: _____ Time: _____

Copy: Master, DANIELLE BOUCHARD, Attorneys for Bouchard Transportation (James F. Buchanan, Welder Leshin LLP, Email: jbuchanan@welderleshin.com; John Walsh, Freehill, Hogan & Mahar, Email: walsh@freehill.com)

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Unit Port Arthur

2901 Turtle Creek Dr, Ste 200
Port Arthur, TX 77642 8067
Phone: (409) 723-6500
Fax: (409) 723-6541

16200
28 Feb 2020

Owner, DANIELLE M. BOUCHARD
and
BOUCHARD TRANSPORTATION CO, INC
58 South Service Road Suite 150
Melville, NY 11747

CAPTAIN OF THE PORT ORDER AMENDMENT THREE 010-20: DANIELLE M. BOUCHARD (O.N. 1053010)

The previous amendment remains in effect. Additionally:

On February 25, 2020, I visited the DANIELLE. M BOUCHARD which is connected to and in control of the B. NO. 245, while your vessel was approximately five miles off the coast of Louisiana. During my visit I received additional information concerning the safety and operational requirements of the vessel.

Therefore, under the authority of the Ports and Waterways Safety Act, 46 USC 70031 *et seq.*, . (Formerly, 33 U.S.C. 1221 *et seq*) and the regulations issued thereunder in 33 CFR 160.111, I hereby issue this order to your vessel to ensure the safety of vessels and waterfront facilities and the protection of the navigable waters and the resources therein.

After further consideration of the situation and taking into account my conversations with the vessel's crew, historical precedent, the general arrangement of vessel equipment as it relates to crew operational requirements, the level of qualification of each crew position to perform tasks demanded by the vessel, ongoing maintenance of machinery and equipment and guidance contained in 46CFR15.501, I have determined that to ensure the safety of the vessels, the crew and to respond to emergencies, a minimum of Six (6) persons are required to be onboard. I hereby amend my order as follows:

1. No later than 2300 March 02, 2020, make arrangements to be adequately manned with credentialed mariners. I require at a minimum, One (1) master, One (1) mate, One (1) chief engineer, One (1) assistant engineer, One (1) able seaman, and One (1) ordinary seaman. Please provide a report which details any additional manning required by the Master.
2. Alternatively if the company cannot meet the minimum manning requirements, the vessel must transit to a safe berth.
3. The vessel must maintain twice a day communications, at 0700 and 1900, with the Port Arthur Vessel Traffic Services (VTS) until these matters are resolved.

PENALTY FOR VIOLATING THIS ORDER

Section 70036 of Title 46 U.S. Code (formerly Section 1232 of Title 33 U.S. Code) provides the penalties for violation of this order. The statute, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990, Section 27.3 of 33 Code of Federal Regulations, authorizes a maximum civil penalty in the amount of \$94,219 for each violation. The statute further states that: "Any vessel subject to the provisions of this chapter, which is used in violation of this chapter, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed ... and may be proceeded against in the United States district court for any district in which such vessel may be found." A willful and knowing violation of this order may also result in a class D felony criminal charge. A class D felony is punishable by up to 6 years in prison (18 USC § 3581) and a fine of up to \$250,000 for an individual or \$500,000.00 for an organization (18 USC § 3571).

APPEAL OF THIS ORDER

Should you be aggrieved by this order, you may appeal under the procedures described in Title 33, Code of Federal Regulations, Section 160.7, appeal orally or in writing to the official who issued this order or in whose name it was issued. Should you be further aggrieved, appeal orally or in writing through this office to the Commander, Eighth Coast Guard District. However, if the appeal is made orally, a written submission is required within five days of the oral presentation.

COAST GUARD POINT OF CONTACT FOR THIS ORDER

All questions pertaining to this order may be directed to my Command Duty Officer at (409) 723-6511 or (409) 284-5767.

TERMINATION OF THIS ORDER

This order will remain in effect until rescinded by me in writing. My Command Duty Officer will inform you when I have issued the rescission order.

Sincerely,



J. M. TWOMEY
Captain, U.S. Coast Guard
Captain of the Port

Received by: _____ Position: _____ Date: _____ Time: _____

Copy: Master, DANIELLE BOUCHARD, Attorneys for Bouchard Transportation (James F. Buchanan, Welder Leshin LLP, Email: jbuchanan@welderleshin.com; John Walsh, Freehill, Hogan & Mahar, Email: walsh@freehill.com)

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Unit Port Arthur

2901 Turtle Creek Dr, Ste 200
Port Arthur, TX 77642 8067
Phone: (409) 723-6500
Fax: (409) 723-6541

16200
02 Mar 2020

Owner, DANIELLE M. BOUCHARD
and
BOUCHARD TRANSPORTATION CO, INC
58 South Service Road Suite 150
Melville, NY 11747

**CAPTAIN OF THE PORT ORDER AMENDMENT FOUR 010-20: DANIELLE M.
BOUCHARD (O.N. 1053010)**

The previous amendment remains in effect. Additionally:

On March 02, 2020, we received a request from Bouchard Transportation Company's dispatch for an extension to comply with the amendment to COTP Order 010-20 issued on February 28, 2020 for the M/V DANIELLE M. BOUCHARD, which is connected to and in control of the B. NO. 245 barge. The request is due to your assurances that you will secure necessary finances this afternoon, and that time is needed to arrange for crew members to transit to the vessel. Your request for an extension is approved as detailed below.

Therefore, under the authority of the Ports and Waterways Safety Act, 46 USC 70031 *et seq.*, . (Formerly, 33 U.S.C. 1221 *et seq*) and the regulations issued thereunder in 33 CFR 160.111, I hereby issue this order to your vessel to ensure the safety of vessels and waterfront facilities and the protection of the navigable waters and the resources therein.

1. No later than 2300 March 04, 2020, make arrangements to be adequately manned with credentialed mariners. I require at a minimum, One (1) master, One (1) mate, One (1) chief engineer, One (1) assistant engineer, One (1) able seaman, and One (1) ordinary seaman. Please provide a report which details any additional manning required by the Master.
2. Alternatively, if the company cannot meet the minimum manning requirements, the vessel must transit to a safe berth.
3. The vessel must maintain twice a day communications, at 0700 and 1900, with the Port Arthur Vessel Traffic Services (VTS) until these matters are resolved.

PENALTY FOR VIOLATING THIS ORDER

Section 70036 of Title 46 U.S. Code (formerly Section 1232 of Title 33 U.S. Code) provides the penalties for violation of this order. The statute, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990, Section 27.3 of 33 Code of Federal Regulations, authorizes a maximum civil penalty in the amount of \$94,219 for each violation. The statute further states that: "Any vessel subject to the provisions of this chapter, which is used in violation of this chapter, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed

... and may be proceeded against in the United States district court for any district in which such vessel may be found." A willful and knowing violation of this order may also result in a class D felony criminal charge. A class D felony is punishable by up to 6 years in prison (18 USC § 3581) and a fine of up to \$250,000 for an individual or \$500,000.00 for an organization (18 USC § 3571).

APPEAL OF THIS ORDER

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COAST GUARD POINT OF CONTACT FOR THIS ORDER

All questions pertaining to this order may be directed to my Command Duty Officer at (409) 723-6511 or (409) 284-5767.

TERMINATION OF THIS ORDER

This order will remain in effect until rescinded by me in writing. My Command Duty Officer will inform you when I have issued the rescission order.

Sincerely,



J.M. TWOMEY
Captain, U.S. Coast Guard
Captain of the Port

Received by: _____ Position: _____ Date: _____ Time: _____

Copy: Master, DANIELLE BOUCHARD, Attorneys for Bouchard Transportation (James F. Buchanan, Welder Leshin LLP, Email: jbuchanan@welderleshin.com; John Walsh, Freehill, Hogan & Mahar, Email: walsh@freehill.com)

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector New Orleans

200 Hendee St
New Orleans, LA 70114
Phone: (504) 365-2544
Fax: (504) 365-2510
Email: sccnola@uscg.mil

16200

April 24, 2020

Owner of,
M/V DONNA J. BOUCHARD ON:
1257374 and, B. NO. 272 ON: 1257375
Bouchard Transportation
58 South Service Rd, Suite 150
Melville, NY 11747

CAPTAIN OF THE PORT ORDER 204-20

My office has been informed that the DONNA J. BOUCHARD (ON: 1257374) and B. NO. 272 (ON: 1257375) intends to transit up the Mississippi River to at berth at Avondale. The B. NO. 272 is currently missing an anchor and does not have the requisite three means of holding in the Mississippi River during periods of high water. There are also outstanding inspection requirements on the tug and barge. I am therefore issuing the following orders under my authority as Captain of the Port:

- a. While the Mississippi River reads above eight feet on the Carrollton Gauge, and when not securely moored to a pier, your vessel must have tug(s) of adequate horsepower standing by alongside until the anchor is replaced and operational.
- b. You shall submit a written salvage plan prior to the vessel departing port documenting how the lost anchor will be located and subsequently recovered, or a statement explaining why such location and recovery is not possible.
- c. The Master must submit to me a written statement attesting to the fact the main engines will be ready for immediate use in the event the vessel anchors in the Mississippi River before the anchor is replaced.
- d. You shall submit in writing to the COTP the serial number of the lost anchor to aid in identification if the anchor is recovered in the future.
- e. The vessel shall submit proof to my office that the B. NO. 272 anchor has been repaired and/or replaced.
- f. If your vessel and/or barge will anchor in the Lower Mississippi River after departing from Avondale, you must notify me of your intended anchorage location at least 24 hours prior to departing Avondale. Based on the condition of the vessel, I may issue further orders at that time.

Additionally, the tug/barge units' Certificate of Inspection anniversary dates have lapsed and requires an inspection and annual endorsements per the vessels' regulatory requirements prior to the vessel leaving its berth under the vessel's own propulsion/power.

Failure to comply with this Order will result in my office taking appropriate actions.

This order is given to you under the authority of the Ports and Waterways Safety Act, 46 USC §70002, and the regulations promulgated thereunder in 33 C.F.R. 160.111. Failing to comply with

the provisions of this order subjects you to a civil penalty for each violation. Any person who willfully and knowingly violates this order may be fined or imprisoned for committing a Class D felony. Your vessel may be seized and held liable for any monetary assessments.

Any person directly affected by this order may request reconsideration orally or in writing. You also have the right to appeal this order to the Commander, Eighth Coast Guard District. Appeals must be submitted to the Captain of the Port in writing. The appeals process contained in 33 C.F.R. § 160.7 has been adopted for purposes of this Order.

If you have any questions, or would like additional information, please contact the Sector New Orleans Command Center at (504) 365-2544, by fax at (504) 365-2510, or e-mail sccnola@uscg.mil.

Sincerely,



K. M. LUTTRELL
Captain, U.S. Coast Guard
Captain of the Port, New Orleans, LA

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector New Orleans

200 Hendee St
New Orleans, LA 70114
Phone: (504) 365-2544
Fax: (504) 365-2510
Email: sccnola@uscg.mil

16200

May 28, 2020

Owner of,
M/V DONNA J. BOUCHARD ON:
1257374 and, B. NO. 272 ON: 1257375
Bouchard Transportation
58 South Service Rd, Suite 150
Melville, NY 11747

CAPTAIN OF THE PORT ORDER 204-20 (Amendment One)

My office has been informed that the DONNA J. BOUCHARD (ON: 1257374) and B. NO. 272 (ON: 1257375) intends to have an unattended navigational watch while at berth at Avondale. The B. NO. 272 is currently missing an anchor and does not have the requisite three means of holding in the Mississippi River during periods of high water. There are also outstanding inspection requirements on the tug and barge. I am therefore issuing the following orders under my authority as Captain of the Port:

- a. While the Mississippi River reads above eight feet on the Carrollton Gauge, and when not securely moored to a pier, your vessel must have tug(s) of adequate horsepower standing by alongside until the anchor is replaced and operational.
- b. You shall submit a written salvage plan prior to the vessel departing port documenting how the lost anchor will be located and subsequently recovered, or a statement explaining why such location and recovery is not possible.
- c. The Master must submit to me a written statement attesting to the fact the main engines will be ready for immediate use in the event the vessel anchors in the Mississippi River before the anchor is replaced.
- d. You shall submit in writing to the COTP the serial number of the lost anchor to aid in identification if the anchor is recovered in the future.
- e. The vessel shall submit proof to my office that the B. NO. 272 anchor has been repaired and/or replaced.
- f. If your vessel and/or barge will anchor in the Lower Mississippi River after departing from Avondale, you must notify me of your intended anchorage location at least 24 hours prior to departing Avondale. Based on the condition of the vessel, I may issue further orders at that time.
- g. Properly crew your vessels with at a minimum, one Master, one Mate, one Able Seaman and one Ordinary Seaman in accordance with the vessel's Certificate of Inspection.

Additionally, the tug/barge units' Certificate of Inspection anniversary dates have lapsed and requires an inspection and annual endorsements per the vessels' regulatory requirements prior to the vessel leaving its berth under the vessel's own propulsion/power.

Failure to comply with this Order will result in my office taking appropriate actions.

This order is given to you under the authority of the Ports and Waterways Safety Act, 46 USC §70002, and the regulations promulgated thereunder in 33 C.F.R. 160.111. Failing to comply with the provisions of this order subjects you to a civil penalty for each violation. Any person who willfully and knowingly violates this order may be fined or imprisoned for committing a Class D felony. Your vessel may be seized and held liable for any monetary assessments.

Any person directly affected by this order may request reconsideration orally or in writing. You also have the right to appeal this order to the Commander, Eighth Coast Guard District. Appeals must be submitted to the Captain of the Port in writing. The appeals process contained in 33 C.F.R. § 160.7 has been adopted for purposes of this Order.

If you have any questions, or would like additional information, please contact the Sector New Orleans Command Center at (504) 365-2544, by fax at (504) 365-2510, or e-mail sccnola@uscg.mil.

Sincerely,



K. M. LUTTRELL
Captain, U.S. Coast Guard
Captain of the Port, New Orleans, LA

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Marine Safety Unit Port Arthur

2901 Turtle Creek Dr, Ste 200
Port Arthur, TX 77642 8067
Phone: (409) 723-6500
Fax: (409) 723-6541

16200
29 May 2020

Owner, DANIELLE M. BOUCHARD
and
BOUCHARD TRANSPORTATION CO, INC
58 South Service Road Suite 150
Melville, NY 11747

CAPTAIN OF THE PORT ORDER AMENDMENT FIVE 010-20: DANIELLE M. BOUCHARD (O.N. 1053010)

The previous amendments remains in effect. Additionally:

On May 27, 2020, the M/V DANIELLE M. BOUCHARD, which is connected to and in control of the B. NO. 245 safely moored at the Old Rowan Dock in the Sabine River. To date, the vessel has not made repairs to the main engine lubricating system as described in amendment one, dated February 19, 2020.

Therefore, under the authority of the Ports and Waterways Safety Act, 46 USC 70031 *et seq.*, . (Formerly, 33 U.S.C. 1221 *et seq*) and the regulations issued thereunder in 33 CFR 160.111, I hereby amend my previous order to your vessel to ensure the safety of vessels and waterfront facilities and the protection of the navigable waters and the resources therein.

1. Prior to movement, the vessel must make repairs to the main engine lubricating system to the satisfaction of the MSU Port Arthur Chief of Prevention.
2. Additionally, prior to departure the vessel must be adequately manned with credentialed mariners. I require at a minimum, One (1) master, One (1) mate, One (1) chief engineer, One (1) assistant engineer, One (1) able seaman, and One (1) ordinary seaman. Please provide a report which details any additional manning required by the Master.
3. Should you desire to shift the vessel to another dock or berth, written permission from the MSU Port Arthur Chief of Prevention is required prior to movement.

PENALTY FOR VIOLATING THIS ORDER

Section 70036 of Title 46 U.S. Code (formerly Section 1232 of Title 33 U.S. Code) provides the penalties for violation of this order. The statute, as amended by the Federal Civil Penalties Inflation Adjustment Act of 1990, Section 27.3 of 33 Code of Federal Regulations, authorizes a maximum civil penalty in the amount of \$94,219 for each violation. The statute further states that: "Any vessel subject to the provisions of this chapter, which is used in violation of this chapter, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed ... and may be proceeded against in the United States district court for any district in which such

vessel may be found." A willful and knowing violation of this order may also result in a class D felony criminal charge. A class D felony is punishable by up to 6 years in prison (18 USC § 3581) and a fine of up to \$250,000 for an individual or \$500,000.00 for an organization (18 USC § 3571).

APPEAL OF THIS ORDER

Should you be aggrieved by this order, you may appeal under the procedures described in Title 33, Code of Federal Regulations, Section 160.7, appeal orally or in writing to the official who issued this order or in whose name it was issued. Should you be further aggrieved, appeal orally or in writing through this office to the Commander, Eighth Coast Guard District. However, if the appeal is made orally, a written submission is required within five days of the oral presentation.

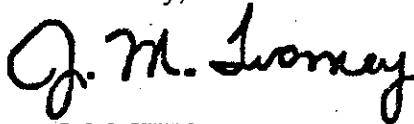
COAST GUARD POINT OF CONTACT FOR THIS ORDER

All questions pertaining to this order may be directed to my Command Duty Officer at (409) 723-6511 or (409) 284-5767.

TERMINATION OF THIS ORDER

This order will remain in effect until rescinded by me in writing. My Command Duty Officer will inform you when I have issued the rescission order.

Sincerely,



J. M. TWOMEY
Captain, U.S. Coast Guard
Captain of the Port

Received by: _____ Position: _____ Date: _____ Time: _____

Copy: Master, DANIELLE BOUCHARD, Attorneys for Bouchard Transportation (James F. Buchanan, Welder Leshin LLP, Email: jbuchanan@welderleshin.com; John Walsh, Freehill, Hogan & Mahar, Email: walsh@freehill.com)

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector New Orleans

200 Hendee St
New Orleans, LA 70114
Phone: (504) 365-2544
Fax: (504) 365-2510
Email: sccnola@uscg.mil

16200

June 18, 2020

Owner of,
M/V DONNA J. BOUCHARD ON:
1257374 and, B. NO. 272 ON: 1257375
Bouchard Transportation
58 South Service Rd, Suite 150
Melville, NY 11747

CAPTAIN OF THE PORT ORDER 204-20 (Amendment Two)

My office has been informed that the DONNA J. BOUCHARD (ON: 1257374) and B. NO. 272 (ON: 1257375) intends to sail to and anchor in one of the Mississippi River lower anchorages. Prior to your departure, you shall provide the latitude and longitude of your planned anchor location. The B. NO. 272 still does not have a fully operational port anchor windlass, nor a fully installed port anchor. There are also outstanding inspection requirements on the tug and barge. I am therefore issuing the following orders under my authority as Captain of the Port:

- a. While in the Mississippi River and it reading above eight feet on the Carrollton Gauge, and when not securely moored to a pier, your vessel(s) must comply with *Marine Safety Information Bulletin Volume XLIX 091 - Carrollton Gauge at 8 Feet and Rising*, and have three means to hold its position.
- b. You shall submit a written salvage plan documenting how the lost anchor will be located and subsequently recovered, or a statement explaining why such location and recovery is not possible. You shall also submit to my office the serial number of the lost anchor to aid in the identification if the anchor is recovered in the future.
- c. The Master must submit a written statement attesting to the fact the main engines will be ready for immediate use in the event of emergency or needed for severe weather evasion while moored in the anchorage.
- d. You shall submit a plan to my office outlining how your port anchor and windlass will be repaired and where you will conduct these repairs.
- e. If your vessel(s) intend on departing the anchorage, you must notify me of your proposed voyage and planned destination at least 24 hours prior to departing. Based on the condition of the vessel, I may issue further orders at that time.
- f. At all times while the vessel(s) are located within the Sector New Orleans COTP zone, you shall properly crew your vessels with at a minimum, one Master, one Mate, one Licensed Engineering Officer, one Able Seaman and one Ordinary Seaman in accordance with the vessel's Certificate of Inspection.

Additionally, the tug/barge units' Certificate of Inspection anniversary dates have lapsed and requires an inspection and annual endorsements per the vessels' regulatory requirements prior to departing the Sector New Orleans COTP zone under the vessel's own propulsion/power.

Failure to comply with this Order will result in my office taking appropriate actions.

This order is given to you under the authority of the Ports and Waterways Safety Act, 46 USC §70002, and the regulations promulgated thereunder in 33 C.F.R. 160.111. Failing to comply with the provisions of this order subjects you to a civil penalty for each violation. Any person who willfully and knowingly violates this order may be fined or imprisoned for committing a Class D felony. Your vessel may be seized and held liable for any monetary assessments.

Any person directly affected by this order may request reconsideration orally or in writing. You also have the right to appeal this order to the Commander, Eighth Coast Guard District. Appeals must be submitted to the Captain of the Port in writing. The appeals process contained in 33 C.F.R. § 160.7 has been adopted for purposes of this Order.

If you have any questions, or would like additional information, please contact the Sector New Orleans Command Center at (504) 365-2544, by fax at (504) 365-2510, or e-mail scnola@uscg.mil.

Sincerely,



W. E. WATSON

Captain, U.S. Coast Guard

Captain of the Port, New Orleans, LA

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector New Orleans

200 Hendee St
New Orleans, LA 70114
Phone: (504) 365-2544
Fax: (504) 365-2510
Email: sccnola@uscg.mil

16200
September 4, 2020

Owner of,
M/V KIM M. BOUCHARD ON:
1257372 and, B. NO. 270 ON: 1257373
Bouchard Transportation
58 South Service Rd, Suite 150
Melville, NY 11747

CAPTAIN OF THE PORT ORDER 0388-20

Upon the arrival of the KIM M. BOUCHARD (1257372) and B. NO. 270 (1257373) to Bell Chase Anchorage (MM 73), my office has been informed the vessels manning does not align with the safe manning document attached to the vessel. There are also outstanding inspection requirements on the tug and barge, which would need to be rectified prior to any departure from the Sector New Orleans Captain of the Port Zone. I am therefore issuing the following orders under my authority as Captain of the Port:

- a. While in the Mississippi River and it reading above eight feet on the Carrollton Gauge, and when not securely moored to a pier, your vessel(s) must comply with the Marine Safety Information Bulletin Volume XIX 091 – Carrollton Gauge at 8 Feet and Rising, and have three means to hold its position.
- b. The Master must submit to me a written statement attesting to the fact the main engines will be ready for immediate use in the event of emergency or needed for severe weather evasion while anchored in the Lower Mississippi River.
- c. If your vessel(s) intend on departing the anchorage, you must notify me of your proposed voyage and planned destination at least 24 hours prior to departing. Based on the condition of the vessel, I may issue further orders at that time.
- d. At all times while the vessel(s) are located within the Sector New Orleans COTP zone, you shall properly crew your vessels with at a minimum, one Master, one Mate, one Licensed Engineering Officer, one Able Seaman and one Ordinary Seaman. If you plan on departing the Sector New Orleans Captain of the Port Zone, you will be required to crew your vessel in accordance with the vessel's Certificate of Inspection.

Additionally, the tug/barge units' Certificate of Inspection anniversary dates have lapsed and requires an inspection and annual endorsements per the vessels' regulatory requirements prior to departing the Sector New Orleans COTP zone under the vessel's own propulsion/power.

Failure to comply with this Order will result in my office taking appropriate actions.

This order is given to you under the authority of the Ports and Waterways Safety Act, 46 USC §70002, and the regulations promulgated thereunder in 33 C.F.R. 160.111. Failing to comply with the provisions of this order subjects you to a civil penalty for each violation. Any person who willfully and knowingly violates this order may be fined or imprisoned for committing a Class D felony. Your vessel may be seized and held liable for any monetary assessments.

Any person directly affected by this order may request reconsideration orally or in writing. You also have the right to appeal this order to the Commander, Eighth Coast Guard District. Appeals must be submitted to the Captain of the Port in writing. The appeals process contained in 33 C.F.R. § 160.7 has been adopted for purposes of this Order.

If you have any questions, or would like additional information, please contact the Sector New Orleans Command Center at (504) 365-2544, by fax at (504) 365-2510, or e-mail sccnola@uscg.mil.

Sincerely,



W. E. WATSON
Captain, U.S. Coast Guard
Captain of the Port, New Orleans, LA

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector New Orleans

200 Hendee St
New Orleans, LA 70114
Phone: (504) 365-2544
Fax: (504) 365-2510
Email: scnola@uscg.mil

16200

November 8, 2020

Owner of,
M/V DONNA J. BOUCHARD ON:
1257374 and, B. NO. 272 ON: 1257375
Bouchard Transportation
58 South Service Rd, Suite 150
Melville, NY 11747

CAPTAIN OF THE PORT ORDER 204-20 (Amendment Three)

My office has been informed that the DONNA J. BOUCHARD (ON: 1257374) and B. NO. 272 (ON: 1257375) intends to sail to and moor to the pier at Perry Street Wharf. Prior to your departure, you shall provide the latitude and longitude of your planned docking location. The B. NO. 272 does not have a fully operational port anchor windlass, nor a fully installed port anchor. There are also outstanding inspection requirements on the tug and barge, which have not been complied with since the issuance of my second amendment. I am therefore issuing the following orders under my authority as Captain of the Port:

- a. While in the Mississippi River and it reading above eight feet on the Carrollton Gauge, and when not securely moored to a pier, your vessel(s) must comply with *Marine Safety Information Bulletin Volume XIX 091 - Carrollton Gauge at 8 Feet and Rising*, and have three means to hold its position.
- b. You shall submit a written salvage plan documenting how the lost anchor will be located and subsequently recovered, or a statement explaining why such location and recovery is not feasible. You shall also submit to my office the serial number of the lost anchor to aid in the identification if the anchor is recovered in the future.
- c. The Master must submit a written statement attesting to the fact the main engines will be ready for immediate use in the event of emergency or needed for severe weather evasion while moored in the anchorage.
- d. You shall submit a plan to my office outlining how your port anchor and windlass will be repaired and where you will conduct these repairs; and notify my office when the repair(s) is/are ready for inspection by my staff.
- e. If your vessel(s) intend on departing the dock or lower Mississippi River, you must notify me of your proposed voyage and planned destination at least 24 hours prior to departing. Based on the condition of the vessel, I may issue further orders at that time.
- f. At all times while the vessel(s) are located within the Sector New Orleans COTP zone, you shall properly crew your vessels with at a minimum, one Master, one Mate, one Licensed Chief Engineering Officer, one Able Seaman and one Ordinary Seaman in accordance with the vessel's Certificate of Inspection.

Additionally, the tug/barge units' Certificate of Inspection anniversary dates have lapsed and requires an inspection and annual endorsements per the vessels' regulatory requirements prior to departing the Sector New Orleans COTP zone under the vessel's own propulsion/power.

Failure to comply with this Order will result in my office taking appropriate actions.

This order is given to you under the authority of the Ports and Waterways Safety Act, 46 USC §70002, and the regulations promulgated thereunder in 33 C.F.R. 160.111. Failing to comply with the provisions of this order subjects you to a civil penalty for each violation. Any person who willfully and knowingly violates this order may be fined or imprisoned for committing a Class D felony. Your vessel may be seized and held liable for any monetary assessments.

Any person directly affected by this order may request reconsideration orally or in writing. You also have the right to appeal this order to the Commander, Eighth Coast Guard District. Appeals must be submitted to the Captain of the Port in writing. The appeals process contained in 33 C.F.R. § 160.7 has been adopted for purposes of this Order.

If you have any questions, or would like additional information, please contact the Sector New Orleans Command Center at (504) 365-2544, by fax at (504) 365-2510, or e-mail sccnola@uscg.mil.

Sincerely,



W. E. WATSON
Captain, U.S. Coast Guard
Captain of the Port, New Orleans, LA