The Marine Assistance Industry Journal

A Quarterly Newsletter - Volume 58 - November 2025

Chairman's Address

The Coast Guard recently released an investigation report following a marine casualty, and in that report were a number of proposed recommendations.

While I won't use this forum to discuss the case or its circumstances, the recommendations that came from it were potentially devastating. If accepted and enacted, they would have forced regulations on us that were genuinely impossible to comply with under our current business models.

We're talking numerous crew on each towing vessel, extremely costly and in-depth equipment standards and inspections, training beyond that which we have ever considered or could possibly undertake, and numerous changes to the Code of Federal Regulations that govern us.

Make no mistake, these would have destroyed the industry as we know it. And absent a voice of reason in the Coast Guard and an active and effective Association, they would have gone forward.

As to the first, we had that voice of reason speaking on our behalf only because of the many years spent by C-PORT forging relationships at the local and national level. Due to those long relationships and the conversations that resulted, there were voices at Coast Guard Headquarters that spoke on our behalf.

I know we speak about the importance of relationships, but it's times like these that bring their importance into stark contrast. When bureaucracy emerges, and our voices are muted, it's only existing strong personal relationships that can break through and make us heard.

And finally, the Association. In reading the report and recommendations, almost each and every issue that was pointed out was something that C-PORT has long focused on and provided solutions for. Countless hours have been spent assembling best practices, writing operations manuals, and designing risk management materials. These, when put in practice within your own business, form not just the foundation of a safe operation, but the basis of your protection and defense if things go wrong. I would implore you to take advantage of this member benefit.

Download the manuals and courses, use our templates and customize them to your needs, and make all of these a part of your company culture. Accidents happen and we're all just one bad day away from being under the microscope. These tools very well may be the one thing standing between you and liability, and ultimately between our entire industry and its destruction.

Fair winds and following seas,

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To C-PORT, we thank you for 38 Years of representing the Marine Assistance Industry.

To our new members, we welcome you to the Industry, and wish you many years of safety and success!

- Phil, Pete, John, and the Safe/Sea Crew

Register TODAY open for the **39th C-PORT Conference and Membership Meeting**! This all important industry event will be held on January 26 - 28, 2026 at the Wyndham Lake Buena Vista Disney Springs Resort, Orlando, FL.

39th C-PORT Conference and Membership Meeting
January 26 – 28, 2026
Orlando, FL

On the agenda:

U.S. Coast Guard leadership.

Salvage safety, equipment, and techniques - In-water demonstration planned!

Legal perspective on what constitutes negligent salvage.

A twist on risk management to include panel discussions and best practices.

C-PORT Reports - what your association is doing for you behind the scenes.

C-PORT Membership Meeting - Be informed. Be heard!

C-PORT Vendor Showcase.

Food. Beverage. Interaction and fun with fellow owners and operators.

Awards and prizes!

And more!

Registration is open! Hotel room block is available! Go to the C-PORT Conference page for all of the latest!

Attention TowBoatU.S. company members! The TowBoatU.S. Towing Conference immediately follows C-PORT. Come and stay for both!

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A Legal Perspective:

Pure, Contract and Paperwork: The Two Salvage Traps That Sink Claims

Maritime salvage law draws a sharp line between pure salvage and contract salvage. Knowing which side of that line your operation falls on can make or break your payout.

Pure salvage happens when no agreement as to price exists before the salvage begins. (Yes, you might have a 'pure salvage' agreement signed; but it doesn't have an agreed-upon price and your work is on a no-cure/no-pay term.) You render aid voluntarily to a vessel in peril and you succeed. In that case, the law rewards your success with a salvage award based on the effort, risk, value saved and skill shown. There's no guarantee of payment and you only get a salvage reward if you succeed and the amount is determined later by negotiation or arbitration.

For clarity, understand that even if you have a signed, no-cure/no-pay salvage contract it's still pure salvage so long as you and the vessel owner have not agreed on a price.

Contract salvage is different. Here, the salvor and the vessel owner agree in advance to the amount that the salvor will receive for its salvage efforts. That contract governs payment, often overriding the open-ended nature of a pure salvage claim. The mere existence of a signature doesn't always mean you've surrendered your right to a pure salvage claim; what matters is whether the contract fixes compensation (contract salvage) or leaves it for later determination (pure salvage).

Sophisticated salvors understand the difference between these two types of salvage and use that understanding to pursue the highest salvage award possible under the circumstances. Sometimes a salvor will contract on a fixed-fee basis where the parties agree to, say, a percentage of the vessel's insured value if the salvage is successful. And don't forget, always consider the totality of the circumstances because what appears to be a 'salvage' might better be contracted as a wreck removal service given the likely low post-casualty value.

Is a wreck removal contract related to a salvage contract? No. A wreck removal contract doesn't (usually) have a no-cure/no-pay term taking it out of the realm of salvage. It's basically a vendor contract like a marine mechanic's contract. Under a wreck removal contract, your office is getting paid no matter the outcome. The upside is that a wreck removal contract isn't tethered to the post-casualty value of a vessel.

Now a quick pivot to collecting payment for the successful salvage. Delivering a vessel to the marine travelift is only part of a salvor getting paid. A salvage claim without vessel identifiers is like a deed without a parcel number – it's hard to prove ownership. Most every vessel has a Hull Identification Number (HIN) and if it's documented with the U.S. Coast Guard, a six- or seven-digit Official Number. State-registered boats carry a separate registration number. Record them all. Photograph the HIN plate, copy the documentation certificate and capture the state registration decal. These identifiers establish ownership, confirm jurisdiction and allow your office (or your maritime lawyer) to trace insurers, lienholders and registration histories when it's time to pursue your award or enforce a maritime lien.

In summary, think of it this way: knowing the difference between pure and contract salvage keeps you from giving away value and nailing down the salved vessel's identifiers keeps you from losing your claim in the paper shuffle. Or, if I'm hollering at you as you pull away from the dock: "Do the job right, but do the paperwork smarter!".

Underway and making way.

By John K. Fulweiler
Fulweiler llc
john@saltwaterlaw.com; 1-800-383 MAYDAY (6293); www.saltwaterlaw.com

This article is provided for your general information, is not legal opinion and should not be relied upon. Always seek legal counsel to understand your rights and remedies.

News from USCG:

At the time of this writing, the U.S. Government is shutdown and there is a lapse in funding a number of programs and departments. Merchant mariner credentials and medical certificates, along with STCW status, are in flux during this time. The U.S. Coast Guard National Maritime Center (NMC) and USCG Regional Exam Centers (REC) are closed. NMC has issued a number of notices to help guide mariners seeking to renew and those holding now expired credentials. This is the latest notice:

Lapse in Appropriations and Government Shutdown UPDATE #3: Mitigation Efforts – Extensions.

The National Maritime Center (NMC) and all Regional Examination Centers (RECs) remain closed. Customer walk-in service at the RECs is suspended. Examinations and other REC appointments are cancelled. To mitigate the impact caused by the government shutdown, the NMC has implemented the following measures:

- E-mail submission of applications and supporting documentation remains active. Processing will resume once appropriations are restored.
- Merchant Mariner Credentials (National Endorsements only) and Medical Certificates (National and Pilot expiration dates only) that expire in October and November 2025 remain valid until January 31, 2026. Mariners who are actively working on expired credentials that meet the expiration criteria must carry the expired credential AND a copy of the attached letter* while sailing under the authority of those credentials. The NMC will not issue separate or replacement MMCs or Medical Certificates reflecting the extension.
- Additional information letters, approval to test letters, and mariner training course completion certificates that expire in October and November 2025 are extended until January 31, 2026. The NMC will not issue updated letters reflecting the extension.
- Qualified Assessor and Designated Examiner certification letters and course approvals that expired October 31, 2025, remain extended to February 28, 2026. Those that expire on November 30, 2025, are extended until March 31, 2026. The NMC will not issue updated certificates/letters reflecting the extension.
- Mariner Examinations:

  Mariners who began but did not complete all modules of an examination prior to October 1, 2025, may resume testing without penalty once the NMC reopens. Testing should be completed within 60 days of reopening. Contact the NMC regarding waivers due to sea service.

  90-day retest periods are paused beginning on October 1, 2025, and will restart upon reopening. Contact the NMC regarding waivers due to sea service.

For questions regarding credentialing issues related to National Defense, marine employers are advised to contact our Customer Service Center.

For updates on NMC and REC operating status, please monitor the NMC website. For questions, contact our Customer Service Center via the NMC online chat system, by e-mailing IASKNMC@uscg.mil, or by calling 1-888-IASKNMC (427-5662).

The NMC understands the shutdown will affect our industry customers and stakeholders, and we apologize for any potential inconvenience.

Sincerely,
/P. A. Drayer/ Patrick A. Drayer
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspections

**C-PORT members: Contact Tina if you need a copy of the letter or have questions. tcardone@cport.us. 954-261-2012*

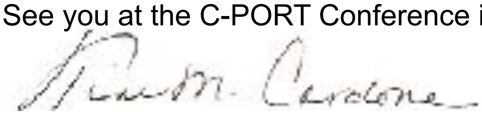
Notes from the Executive Director:

A few highlights of what your association has been doing for you.

- Defending our members against State government overreach in MD.
- Speaking on behalf of our members to the State and local agencies in MA.
- Receiving USCG leadership help in clarifying operations in CA.
- Guiding members with relationship building in TX.
- Relying on our USCG partner relationship to provide immediate feedback to a potentially industry crippling recommendation.
- Helping individual members work through issues and concerns.
- Watching dozens of federal legislative bills and being ready to act to prevent unintended consequences to the industry.
- Continuing to build our partner relationships with NASBLA, ASA, and other maritime contacts through in-person meetings and committee participation.
- Conference development to continue to bring valuable, insightful sessions to our members.
- Notifying members of important news that may affect their business.
- Building programs to address the changing needs of our membership.

These are only a few of the actions C-PORT is taking for you. We appreciate your support and encourage you to have your voices heard. Contact me, anytime, with your thoughts.

See you at the C-PORT Conference in January!



Insurance Corner- Contractual Risk Transfer

Hello C-PORT Members,

The important topic Contractual Risk Transfer has come up quite a bit in the past year and although we have discussed this with quite a few members, we thought it best to put some of this on paper to make sure everyone has the information.

First off, what is Contractual Risk Transfer? CRT is legal agreement where one party transfers financial and legal liability for potential risks to another party. Most often this is a subcontractor or vendor who is best positioned to control the risk.

The goal with this is to make sure that you are not held responsible for mistakes or errors made by a subcontractor, service provider, or another party can be critical to protecting your business.

This can also be used in sale agreements, lease agreements or any other agreement where another party is engaged in your business.

You want to make sure that before you sign a business contract to consider and review the part of the agreement which should lay out who is responsible if something goes wrong. These conditions may not always be obvious and can differ depending on the circumstances.

When entering into these agreements you always want to make sure to get professional and legal advice. These contracts should contain some common components such as a Hold Harmless Agreements, an Indemnification Clause, an Insurance Procurement Clause and a Waiver of Subrogation.

In addition to transferring your risk, make sure to carefully review when you are signing contracts of others as these same types of transfer provisions can place unfair liability on you.

The ultimate goal here is to protect your interests by managing your risks and not taking on any unnecessary risk.

If you have any further questions regarding this topic, reach out and we can discuss.*

Please always remember that as a benefit of your C-PORT Membership, Starkweather & Shepley will provide a free consultation and review of your current insurance program to ensure completeness of coverage. Please feel free to reach out to Nate directly.

Email: noberg@starshep.com
Mobile: 401.408.6877

**C-PORT members: The next Mentor Program Session will be about this important topic. Watch your email for how to join the conversation or contact Tina at tcardone@cport.us for more information.*

More news from USCG:

USCG has extended the recency period for officer endorsements to 7 years, with at least 3 months of required service within the 3 years immediately preceding the date of application, or at least 3 months of service within the 7 years immediately preceding the date of application, or at least 3 months combined service. -Abbreviated 46CFR11.201(c)(1)

United States Coast Guard

Merchant Mariner Credentialing Program

Guidance on Recent Sea Service of Raises of Grade for National Officer Endorsements

The Office of Merchant Mariner Credentialing has published CG-MMC Policy Letter 02-25 titled *Crediting Recent Service of Applicants for National Officer Endorsements*.

Under current regulation (46 CFR 11.201(c)(1)), a mariner who has not worked on vessels of the uniformed services must have at least 3 months of qualifying service in the 3 years immediately prior to application for a raise of grade of their credentials. This policy increases that recency period to 7 years. This will allow mariners who had taken a short sabbatical from the maritime industry to re-enter the industry and use previously obtained sea service to raise the grade of their credentials without having to re-acquire recent sea service.

This policy letter is available on the Coast Guard Merchant Mariner Credentialing policy website.

Mariners and other interested parties should contact the Mariner Credentialing Program Policy Division at MMCPolicy@uscg.mil or (202) 372-2357 with any questions or feedback.

Sincerely,

/C.B. Mauro/

Cathleen Mauro
Acting Chief, Office of Merchant Mariner Credentialing

Risk Management Training Courses are available on the C-PORT website, https://cport.us. The program centers on these concepts:

- Risk: "possibility of loss or injury"
- Risk Management: "The identification, analysis, assessment, control, and avoidance, minimization, or elimination of unacceptable risks.

C-PORT is committed to encouraging its member's growth and development through education and is dedicated to providing good business practices throughout its membership. With the increase in accidents and economic pressures facing our industry, many companies have lost sight of the importance of training and proper risk management skills. Our mission is to provide our members with programs that will enable their growth and development into the future, while minimizing the impact of looming USCG regulation in response to Congressional directive and safety records.

Contact Tina Cardone at tcardone@cport.us or 954-261-2012 with any questions regarding this program. Captain and crew special pricing is available.

Marine Assistance Company Operations Guideline, exclusively for C-PORT company members. These guidelines promote safe operations and provide regulatory guidance. C-PORT company members may obtain access to this document at the C-PORT website, ***https://cport.us*** or contact Tina Cardone at tcardone@cport.us or 954-261-2012.

Insurance Program for Marine Assistance Companies - Administered by Starkweather & Shepley Insurance Brokerage, Inc. - Designed and underwritten by Travelers for organizations dedicated to marine assistance and towing. This Program offers an extensive portfolio of quality insurance products and services to address a wide range of marine exposures. -Contact Nate Oberg: 401.408.6877 ***noberg@starshep.com***.

ACAPT- Accredited for Commercial Assistance and Professional Towing- The ACAPT program provides best practices guidance for the marine assistance towing and salvage industry. Participants are highlighted as having taken the initiative to meet or exceed their own company qualifications against industry best practice criteria and government regulations. Visit the C-PORT website at https://cport.us or contact Tina Cardone at ***tcardone@cport.us*** or 954-261-2012 with any questions regarding this program.

BOSAR for Commercial Assistance- Created through the support of NASBLA's BOAT program and the USCG Office of Boat Forces, is designed for the marine assistance operator, providing reinforcement of knowledge gained by virtue of their captain's license and experience. It also enhances their ability to work as a true partner with local agencies and the US Coast Guard. This course is open to any marine assistance company who wants to host the training. Instructors and course materials are provided by C-PORT. Contact Tina Cardone at tcardone@cport.us or 954-261-2012 if you have an interest in hosting a class.

Mentor Program, exclusively for C-PORT company members. Virtual roundtable discussions with guest speakers. Second Tuesday of the month. Information is emailed to all company members prior to the sessions. If you are a member and not receiving these emails, contact Tina Cardone at ***tcardone@cport.us*** or 954-261-2012

What to be more involved? Let us know! We want to hear from you! Reach out to Tina at tcardone@cport.us or call us at 954-261-2012.

C-PORT was founded in 1985 to act as a liaison between the marine assistance industry and public agencies and organizations involved with boating safety, marine assistance, marine salvage and other marine-related operations. Its mission is to represent, promote, protect, and defend its member companies through communication, relationship development, and education. Our members are dedicated to providing prompt, professional and timely assistance to all boaters and to actively partner and cooperate with local law enforcement and U.S. Coast Guard. They are professionals, dedicated to the growth and development of their respective businesses and committed to furthering the advancement of our waterways and the boating community. For more information, contact C-PORT at (954) 261-2012 or visit https://cport.us.