

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

March 27, 2012

Present:

Chairman: Harry Dudley

Commissioners: Norm Davis, Chuck Adams, Ned Kiley, Elsie Hulsizer, Pat Hannigan, Don Mayer,
Phil Morrell, Grant Stewart

Assistant Attorney General: Guy Bowman

Administration: Shawna Erickson, Peggy Larson

Captains Del Mackenzie, Dick McCurdy, Ed Marmol, John Harris, Pat Kelly and Mr. Walt Tabler:
Puget Sound Pilots

Mike Moore, Jordan Royer, Vince Addington: Pacific Merchant Shipping Association

Scott Anacker: Pilot Candidate

Dan Brouillard: Pilot Applicant

Curt Larson: Pilot Aspirant

Jason Mihok: Clipper Navigation

Rick LaBlond: Shell Oil

Curt Stoner: Port of Tacoma

Jeff Shaw: Polar Tankers

Loren Lee: Public

CONTINUED PUBLIC HEARING

A continued public hearing of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington. Commissioner Chuck Adams did not attend this proceeding. Newly appointed Commissioner Captain Grant Stewart was introduced and welcomed to the Board. He represents foreign flag shipping.

WAC Chapter 363-11: Practice and Procedure – Board of Pilotage Commissioners. Mr. Walt Tabler, representing Puget Sound Pilots addressed three sections of the Chapter, specifically 363-11-280, 410 and 420, wherein he and the Board's attorney Guy Bowman reached agreement. The Board was furnished a copy of their proposed compromise language. There being no other testimony the public hearing was closed by Chairman Dudley at 9:40 a.m.

REGULAR MEETING

The regular meeting of the Board was convened immediately following the hearing by Chairman Dudley.

Consideration of Preceding Hearing: WAC Chapter 363-11. Guy Bowman summarized the proposed amendments to the WAC Chapter stating that the purpose is to update the Board's Practices and Procedures for Administrative Hearings so they are consistent with the Administrative Procedure Act Model Rules of Procedure (Chapter 10-98 WAC), and Chapter 363-116 WAC, and the Civil Rules of Washington. The proposed changes are also intended to modify the scope of hearings and associated discovery as well as cover any necessary housekeeping matters. Motion: Hannigan/Davis – Adopt WAC Chapter 363-11 as filed with the CR-102, including the amendatory language presented today as described in the handout dated March 26, 2012 regarding sections 280, 410 and 420 - Carried.

Minutes. The February 9, 2012 and March 9, 2012 Minutes stand approved as written. Commissioner Adams joined the meeting for the remainder of the agenda.

OLD BUSINESS

Discussion and Resolution Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as provided in WAC 363-116-065. The number of pilots in the PSPD is 52, set by the Board on September 30, 2010. Currently the number of licensed pilots is 51 with the potential of licensing a new pilot today. Discussion ensued with regard to, but not limited to, vessel traffic history and projections, fatigue management, retirement projections, bridge time, underway time, job cancellations, compensatory time, efficiency of dispatch, and the progression of pilot trainees. Both PSP and PMSA submitted letters to the Board detailing their positions regarding these matters. PSP proposes raising

the number to 53 and PMSA is asking for more time to assess the situation more comprehensively, especially with two new shipping representatives on the Board. Motion: Mayer/Hulsizer – increase the number of licensed pilots in the Puget Sound District to 53 – Failed with a vote of 3 in favor, 4 opposed and 1 abstention. This item will remain on the next meeting agenda. PMSA will be furnishing further statistical data for the next discussion.

Consideration of Adoption of Board “Information Bulletin 12-01”. Chairman Dudley presented a slightly modified draft of the Tariff Policy Committee’s Information Bulletin and briefed the two new Board members on the purpose of the document. Commissioner Hulsizer stated she would like to make it more reader friendly with the use of plain English – she will take on the task. It will be reviewed again at the next Board meeting.

NEW BUSINESS

Approval of Pilot License Upgrade Program for Captain Blair Bouma. Captain Bouma is nearing completion of his first limited license year. Motion: Hannigan/Davis - approve the license upgrade program for Captain Bouma as presented - Carried.

Review and Consideration of Licensure of PSPD Pilot Trainee: Captain D. Scott Anacker. On behalf of the Trainee Evaluation Committee (TEC) Commissioner Hannigan reported that after a thorough review of all Captain Anacker’s *Trainee Trip Reports* submitted to the Board, his successful completion of all conning quizzes and local knowledge exams, and his compliance with all other training requirements, the TEC unanimously recommends the issuance of a state pilot license to Captain Anacker as detailed in their letter to the Board dated March 19, 2012. Motion: Hannigan/Davis - Issue Captain D. Scott Anacker state pilot license #183 for the Puget Sound Pilotage District - Carried. This action brings the number of licensed pilots in the PSPD to 52, the set number.

Approval of Pilot Training Programs for Captain Tom Coryell and Captain Dan Brouillard. The TEC met with and evaluated the experience of Captains Coryell and Brouillard for purposes of developing customized pilot training programs. Motion: Mayer/Davis – the Board approve the Training Program template as reviewed with the modifications discussed – Carried. Motion: Hannigan/Kiley – the Board empower the TEC to use the approved template to create the customized Training Programs for Captains Coryell and Brouillard – Carried. Each has fifteen days to respond to the Board concerning the acceptance of their training programs. Upon acceptance of their Pilot Training Programs and completion of training orientation, the Board shall issue Captain Coryell *Trainee License #30* and Captain Brouillard *Trainee License #31* intended for commencement of training on May 1, 2012 – Carried.

Consideration of Requests for Vessel Exemption:

Passenger Vessel VICTORIA CLIPPER – 127’, 431 gross tons, The Netherland Antilles registry,
Passenger Vessel VICTORIA CLIPPER IV – 118’, 478 gross tons, Bahamian registry,
 Captains Erich Ackermann, Marc Bissonnette, David Carney, Kit Carr, Rob Earle, David Fulton,
 David Mayden, Michael Mielke, Jason Mihok, James Scancella, Andrea Tiffany and William Tiffany.
Motion: Kiley/Hulsizer – continue annual exemptions for both vessels beginning May 1, 2012 – Carried.

Motor Yacht CV-9 – 131’, 322 gross tons, Marshall Islands registry, Captain Ethan Lee.
Motion: Davis/Kiley – grant a one-year exemption – Carried.

Motor Yacht FLIPPER – 105’, 178 gross tons, Cayman Islands registry, Captain Charles Johnson.
Motion: Hannigan/Kiley – concur with Chair’s granting of interim three-month exemption – Carried.

Motor Yacht CASINO ROYALE – 164’, 491 gross tons, Marshall Islands registry, Captain Curtis Cook.
Motion: Hannigan/Kiley – grant a one-year exemption – Carried.

Pilot’s Report of Incident: PS Pilot Peter Giese – NORTH STAR, 2-22-12

Outbound in the Blair Waterway, Tacoma for sea trials between Tacoma and Seattle	Vessel master reported that the stern lines on the <i>GREAT LAND</i> which was moored in the waterway, parted during the <i>NORTH STAR</i> 's transit.	<u>Motion</u> : Adams/Kiley File as an Incident with low unquantified damage and no pilot error-Carried.
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Pilot’s Report of Marine Safety Occurrence: PEREGRINE, 2-15-12

In transit from Terminal 2 in Grays Harbor to sea	Apparent malfunction of the engine’s automatic control system caused a slowdown of rpm’s. USCG was consulted and then released the vessel to proceed to Port Angeles barring any further malfunctions – transit completed without incident.	Navigational Safety Concern	<u>Motion:</u> Adams/Davis File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: CSCL KINGSTON, 2-26-12

Pier 30 N, Seattle	Engine failed to respond to orders. After 20 minutes the vessel was towed back to the berth. The USCG and Marine Exchange were notified.	Navigational Safety Concern	<u>Motion:</u> Kiley/Adams File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: POLAR RESOLUTION, 2-26-12

Enroute to Ferndale Philips’ Terminal	The Vulcan Coupler Sensor triggered a PME shutdown. The engineering staff quickly had the engine back on line. According to Jeff Shaw who was in attendance today, this class of tanker is equipped with two engines and if for any reason one engine is down, this vessel can operate in its full capacity as a single engine vessel. He offered a brief summary of its particulars and encouraged Board members to take a tour and/or a ride.	Navigational Safety Concern	<u>Motion:</u> Kiley/Morrell File as a Marine Safety Occurrence – Carried.
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Consideration of Proposed Training Requirements: Captain Gordon Wildes. The TEC drafted a 90-day schedule of trips to be assigned to Captain Gordon Wildes in response to the *LILY OLDENDORFF* incident. In review, the Board suggested one modification. Motion: Hannigan/Davis – Assign training trips to Captain Wildes as recommended by the TEC and amended – Carried.

Consideration of Appointment of an Additional Board-Designated Physician. The physician being recommended for consideration of appointment has been sent the pertinent materials for review. Interviews by Peggy and Chair Dudley will follow. Chair Dudley has been empowered to make the appointment if appropriate and will report back to the Board.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on March 6th.
- Training status of all trainees was reviewed - Captains Anthony, Engstrom, Carley and Lowery.
- Motion: Hannigan/Adams – Establish a committee of Dan Shaffer, Ned Kiley, Ed Marmol and Loren Lee to develop a Train-the-Trainer course for all pilots and allocate the appropriate Board revenue to pay for a sole source contract from the trainee surcharge fund – Carried.

Pilot Exam Committee: A *Request for Proposals* for the development and administration of a pilot exam later this year has been published with a closing date of April 2nd and evaluations of the proposal/s to take place on April 3rd and 4th. Motion: Hulsizer/Kiley – Empower the Chair, in coordination with the Exam Committee to select the Apparent Successful Contractor and initiate negotiations of a final contract – Carried.

Legislative/WAC Committee: Committee Chair, Chuck Adams stated for the record that due to certain restrictions placed on him regarding ongoing Board litigation, he was not involved in the activities concerning the recent rule-making process of numerous WAC amendments; and those who did participate, primarily Commissioner Hannigan, did not do so under the umbrella of this Committee.

Tariff Policy Committee: This was discussed earlier today. The Committee will have a revised DRAFT for discussion and consideration at the next Board meeting

Activity Reports. Gary Nelson, representing Port of Grays Harbor, reported that YTD through February there were 9 ship arrivals for 13 jobs; the forecast for March and April is 6 arrivals each; Captain Cooke is on duty in March; Captain D’Angelo has scheduled a simulator class in preparation of his state license renewal; and the dedication of the AGP facility is scheduled for April 11th.

Captain Del Mackenzie, representing Puget Sound Pilots, reported there were 571 assignments in February compared to 568 last February for a three-year average of 573; 21 comp days were accrued and 39 used during February - decreasing the total by 18 to 3,119; no pilots are in training this month; PSP is in discussions with the Port of Tacoma regarding the Blair Waterway and pertinent stakeholders regarding the Hylebos Waterway; the Hylebos Waterway Bridge will soon be back in operation after many years; the 2011 PSP audited financial statement was presented to the Board and PMSA; and Captain Ed Marmol made a presentation titled "PPU Use Today and in the Future".

Captain Mike Moore, representing Pacific Merchant Shipping Association, reported that y-t-d through February vessel arrivals are up by 21 – cargo down 1, car carriers up 11, tankers & ATB's down 9, revenue per assignment is up 4% and revenue increased by 5.9%. Status of state legislation, ship call rotation, port competitiveness and waterway capacity were among several items presented.

Correspondence Review. Captain Ninburg has submitted a written request for clarification regarding exam qualifying criteria under the new category of special purpose vessels. The TEC and the Exam Committees will look into the matter.

Legal Update. Captain Bruce Nelson has two cases against the Board, both now in Superior Court. The Board has filed a Motion for Summary Judgment on the tort case for which a decision will be rendered this week. Captain Katharine Sweeney's case against the Board is set for trial in early 2013.

Legislative Update. Senate Bill 6171 regarding raising the upper tonnage limit for private yacht exemptions is on Governor Gregoire's desk for signature. This will become effective in early June. Motion: Adams/Kiley – File a CR-101 to begin rule making in response to this legislative change, housekeeping issues and possible fee adjustments - Carried.

BPC Staff Report. Reminders were passed on to Commissioners to file with the Public Disclosure Commission before April 15th. Updated Commission Membership rosters were distributed. Peggy asked for Board action to issue new training licenses and renew pilot licenses accordingly. Motion: Adams/Hannigan – Empower the Chair to issue licenses for trainees and pilots upon acceptance of the Training Programs and review of physical exam reports – Carried.

Confirmation of Next Regular Meeting Date. The next regular meeting scheduled for Thursday, April 12, 2012 is canceled. The following regular meeting scheduled for May 10th is rescheduled to May 3rd at 9:30 a.m. The meeting will be held in the Alki Conference Room, 5th floor, 2901 3rd Avenue, Seattle.

Review of Pilot/Trainee Physical Examination Reports. Motion: Kiley/Davis - accept the physicians' reports for Captains D.E. Brusco, R.L. D'Angelo, D.A. Sanders and M.J. Shuler for annual pilot license renewal, Captain D.S. Anacker for initial pilot licensure, and Captain D.A. Brouillard for initial training licensure - Carried.

There being no further business to come before the Board, Chairman Dudley adjourned the regular session Board meeting at 2:40 p.m.

Respectfully submitted,

Peggy Larson, Executive Director

Harry H. Dudley, Chairman

Commissioner Charles F. Adams

Commissioner Edmund I. Kiley

Commissioner Patrick M. Hannigan

Commissioner Donald W. Mayer

Commissioner Philip Morrell

Commissioner J. Grant Stewart

Norman W. Davis, Acting Vice Chairman

Commissioner Elsie J. Hulsizer