

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

July 31, 2013

Present:

Vice Chairman: Norm Davis

Commissioners: Chuck Adams, Ned Kiley, Don Mayer, Phil Morrell, Grant Stewart

Administration: Shawna Erickson, Peggy Larson

Jonathan Ward, Bill Lowery and Walt Tabler: Puget Sound Pilots

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Mary Nelson: Port of Grays Harbor

Dan Brouillard: Puget Sound Pilot Candidate

Rick LaBlond: Shell

Paul Tramm, Jennifer Thomas, Ronald Williams, Jessica Flennoy: USCG Sector Puget Sound

Marion Brouillard, Loren Lee, Alex Johnson: Public

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Vice Chairman Norm Davis in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington.

Minutes. Motion: Kiley/Adams – approve the June 19, 2013 Minutes as written – Carried.

NEW BUSINESS

Consideration of Request for Vessel Exemption:

Sailing Yacht ADELA – 180', 169 gt, Cayman Islands registry, Captain Greg Perkins.

Motion: Mayer/Kiley – concur with Chair's granting of a three-month exemption – Carried.

Motor Yacht CRACKER BAY – 147', 491 gt, Cayman Islands registry, Captain Rodd Taylor.

Motion: Mayer/Kiley – concur with Chair's granting of a one-year exemption – Carried.

A CLOSED SESSION was called from 9:40 a.m. to 10:05 a.m. to review the training program for Captain Daniel Brouillard. In attendance were Commissioners Davis, Adams, Kiley, Mayer, Morrell and Stewart; Shawna Erickson and Peggy Larson. Regular session was convened by the Vice Chairman immediately following closed session.

Review and Consideration of Licensure of PSPD Pilot Trainee: Captain Daniel Brouillard. On behalf of the Trainee Evaluation Committee (TEC) Commissioner Mayer reported that after a thorough review of Captain Brouillard's *Training Program* the TEC unanimously recommends that he is suitable for licensing, as detailed in its letter to the Board dated July 30, 2013. Motion: Mayer/Morrell – upon the TEC's recommendation, issue Washington state pilot license #188 to Captain Daniel Brouillard – Carried. This brings the number of licensed pilots in the PSPD to 54, the set number.

Approval of Pilot License Upgrade Programs: Captain Steve Moreno is nearing completion of his fourth license year, Captain Bud Carley his first and Captain Jim Kearns his second. Motion: Mayer/Kiley - approve the license upgrade programs for these three captains as drafted by the TEC - Carried.

Approval of Grays Harbor Pilot Training Program for Captain David Surface. The TEC has reviewed and evaluated the experience of Captain Surface for purposes of developing his customized pilot training program. Motion: Mayer/Adams – approve the Training Program as drafted for Captain David Surface – Carried. He has fifteen days to respond to the Board concerning the acceptance of his training program. Upon acceptance of his program and completion of training orientation, the Board shall issue Captain Surface *Trainee License #36* intended for commencement of training in August, 2013.

Pilot's Report of Marine Safety Occurrence: KIEL EXPRESS, 6-13-13

Blair Waterway, Tacoma	Bow thruster failure while backing out of waterway.	Navigational Safety Concern	<u>Motion:</u> Mayer/Stewart File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: COSCO SEATTLE, 6-26-13

Traffic lanes near Point Wilson	Altered course to avoid a fishing vessel.	Near Miss	<u>Motion:</u> Mayer/Stewart File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: CARNIVAL MIRACLE, 7-9-13

Approaching berth at Pier 91, Seattle	Failure of boiler economizer coupling causing the effect of a stack fire.	Navigational Safety Concern	<u>Motion:</u> Mayer/Stewart File as a Marine Safety Occurrence – Carried.
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2013 Annual Tariff Hearings Preparation.

GHPD – The Grays Harbor Pilots' 5-Year Capital Spending Plan submitted and distributed on July 30th was reviewed today, along with the audited 2012 Financial Statement and best available 2013 financial data through June. A letter dated July 31, 2013, from the Port of Grays Harbor (PGH) to the Board was presented detailing their request for rule amendments to the 2014 Grays Harbor Pilotage District tariff. The Grays Harbor Port Commission will meet on August 13th to consider adoption of the proposal put forth in this letter. Motion: Adams/Mayer - file a CR-102 reflecting an effective tariff increase of up to 4.0%, or \$212 per pilotage job, as specified in the 7-31-13 PGH letter, to be heard at a public hearing set for 9:30 a.m. on October 15th – Carried with a vote of five in favor and Commissioner Stewart opposed due to the late submission of data.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on July 30.
- Trainee Orientation was held on July 22nd for Captain David Surface.
- Training Program progress was reviewed for Captains Coryell, White, Coleman, Galvin & Lichty.
- Captain Carstensen was interviewed by the TEC and will start training on November 1st.
- Captains Jensen and Lowe will be interviewed prior to their start dates of October 1st.

Legislative/WAC Committee: Commissioner Adams is preparing a draft letter regarding the outcome of the investigation into the matter of Captain F.A. Coe's U.S. government license requirements. Review and discussion of this letter will be a September 10th agenda item.

Tariff Policy Committee: No Report.

Activity Reports. Mary Nelson, representing Port of Grays Harbor, Captain Jonathan Ward, representing Puget Sound Pilots, and Captain Mike Moore, representing Pacific Merchant Shipping Association, offered current and projected statistical data as well as updates on current maritime events. PSP announced that Portable Pilot Units have been purchased and a Train-the-Trainer course is currently underway this week with Nav-Sim Technology personnel and three Puget Sound pilots.

Correspondence Review. Filing procedures were received from the Governor's Office regarding the September deadline for proposed agency request legislation. Nothing, at this time, is being considered.

Legal Update. Under the *Equal Access to Justice Act*, the Court in the Captain Nelson administrative case awarded Captain Bruce Nelson \$25,000 in legal fees in connection with his appeal of the Administrative Law Judge's ruling. In light of this ruling that the Captain Nelson administrative case be remanded back to the ALJ for further fact finding, Guy Bowman recommends that the Board rescind or invalidate WAC 363-116-086. Captain Nelson's Tort case remains on appeal.

BPC Staff Report. Due to the discrepancy between the projected number of trainees and the actual number of trainees budgeted to receive stipends during the 2013-15 biennium, it will be necessary to submit a request for a supplemental budget during the 2014 Legislation Session. In addition, revenue for legal defense will also need to be increased in light of the recent court ruling on the Captain Nelson administrative case. This revenue is currently in the Pilotage Account, just not budgeted for 2013-15.

It has become apparent that the west coast regional meeting will be pushed out into early 2014. Feedback will be solicited as to proposed dates.

Commissioner Comments. Commissioner Mayer, echoed by Walt Tabler and PSP President Jonathan Ward, told the Board it should be preparing to provide PPU training for all new trainees as they progress through their training programs and before pilot licensing. More discussion will follow at a subsequent meeting and after consultation with legal counsel.

Confirmation of Next Regular Meeting Date. The next regular meeting will be Tuesday, September 10th at 9:30 a.m. in the Alki Conference Room, 5th floor, 2901 3rd Avenue, Seattle. Future meeting dates are set as follows: October 15, November 15 and December 10. (No August meeting is set.)

Review of Pilot/Trainee Physical Examination Reports. Motion: Kiley/Stewart - accept the physicians' reports for Captains M.L. Anthony, J.P. Bujacich, S.G. Cooke, P.S. Kelly, E. Marmol, J.C. Scragg and W.J. Sliker for annual pilot license renewal; Captain D.A. Brouillard for initial pilot licensure; and Captain D.F. Surface for initial training licensure – Carried with one abstention by Commissioner Adams.

There being no further business to come before the Board, Vice Chairman Davis adjourned the regular session Board meeting at 12:25 p.m.

Respectfully submitted,

Peggy Larson, Executive Director

Absent

Harry H. Dudley, Chairman

Norman W. Davis, Vice Chairman

Commissioner Charles F. Adams

Commissioner Donald W. Mayer

Commissioner Philip Morrell

Absent

Commissioner Elsie J. Hulsizer

Commissioner Edmund I. Kiley

Absent

Commissioner Edmund Marmol

Commissioner J. Grant Stewart