

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

September 18, 2014

Present:

Vice Chairman: Dale Jensen

Commissioners: Elsie Hulsizer, Chuck Adams, Ned Kiley, Phil Morrell, Grant Stewart
Don Mayer, Ed Marmol

Administration: Shawna Erickson, Peggy Larson

Jonathan Ward, Walt Tabler: Puget Sound Pilots

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Christopher Rounds: Pilot Trainee

Gary Nelson: Port of Grays Harbor

Bari Bookout: Port of Seattle

Lou Paulsen: Port of Tacoma

Bill Hockensmith: USCG Sector Puget Sound

Mike Stone: Foss Maritime

Alex Parkman: Wilhelmsen Shipping

Kathy Fabunan, Karen Allston: Quinault Indian Nation

Rebecca Ponzio: Washington Environmental Council

Fred Felleman: Friends of the Earth

PUBLIC HEARING

A public hearing of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Vice Chairman Dale Jensen in the Alki Conference Room at 2901 Third Avenue, Seattle, Washington.

WAC 363-116-082: LIMITATIONS ON NEW PILOTS. The proposed rule modifies license limitations and upgrade requirements for a new pilot in the Grays Harbor Pilotage District. These changes will allow a pilot in his/her first five license years to perform pilotage services on vessels more in line with the traffic currently calling in the Grays Harbor District. A review of all vessels of all tonnages calling in Grays Harbor was made which necessitates adjusting certain tonnage categories within the license limitation table (subsection (4)) and the corresponding license upgrade trip requirements (subsection (5)) in order to move through the process of upgrading one's license more efficiently. The Board may adopt a rule that varies from the filed rule upon consideration of all oral presentations and written comments from any interested party or member of the public.

Oral testimony was heard from Kathy Fabunan on behalf of the Quinault Indian Nation, Fred Felleman – Friends of the Earth, Rebecca Ponzio – Washington Environmental Council, Gary Nelson - Port of Grays Harbor and Board Commissioner Captain Don Mayer. Written comments were submitted by President Fawn Sharp of the Quinault Indian Nation, R.D. Grunbaum of Friends of Grays Harbor and Brady Engvall of the Grays Harbor Marine Resources Committee. Many were concerned about the lessening of pilot qualifications in Grays Harbor. It was made clear that the Board's proposal to adjust new pilot license limitations is not about changing or lessening the pilot training program. A GH trainee spends approximately sixteen months training and preparing for licensure, after which, if successful, he/she earns a limited state pilot license. It is this new pilot license limitation period to which the Board is proposing modifications. It has been over nine years since the Board licensed a new pilot in Grays Harbor and because of the change in traffic calling there and for other reasons, updating the license limitation schedule is necessary. Commissioner Mayer presented the Board's rationale for the proposed changes. The Quinault Indian Nation asked for a government to government consultation to discuss the proposed changes to this rule. The public hearing was closed by Vice Chairman Jensen at 10:15 a.m.

REGULAR MEETING

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

Consideration of Preceding Hearing: WAC 363-116-082. All written and oral testimony was reviewed and considered by the Board. Motion: Hulsizer/Mayer – re-open and continue the public hearing to December 16, 2014 and hold a government to government meeting with the Quinault Indian Nation – Friendly Amendment: Adams/Hulsizer – and extend the public comment period – Carried. (10:35 a.m.)

Minutes. Motion: Adams/Marmol – approve the August 5, 2014 Minutes as written – Carried with Commissioner Hulsizer abstaining.

OLD BUSINESS

Pilot’s Report of Incident: GH Pilot D’Angelo, Trainee Surface – CSAV RIO ILLAPEL, 12-5-13

Terminal 2 Aberdeen	The Board is in receipt of a follow-up letter from Captain D’Angelo intended as a Lessons Learned Report and he has completed the Blair Waterway trip specified by the TEC.	Motion: Adams/Marmol Close the file on this Incident – Carried.
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NEW BUSINESS

Consideration of Request for Vessel Exemption:

Motor Yacht WESTPORT 50M – 164’, 492 gt, Cayman Islands registry, various captains on file
Motion: Hulsizer/Kiley - concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht FRUITION – 130’, 333 gt, Cayman Islands registry, Captain Kenneth Bracewell
Motion: Hulsizer/Kiley – concur with Chair’s granting of a one-year exemption – Carried.

Pilot’s Report of Marine Safety Occurrence: GRAND PRINCESS, 8-3-14

Outbound from Pier 91, Seattle	Propulsion failure on the port engine while departing Seattle. Returned to port for a USCG inspection.	Navigational Safety Concern	Motion: Marmol/Adams File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Incident: PS Pilot Carley, Second Pilot F. Engstrom – LOCH MELFORT, 8-29-14

Hylebos Waterway, Tacoma	Written reports have been received by both pilots. Commission Investigators, Capt. Ed Marmol and Ned Kiley intend to complete their investigation by the next Board meeting.	Deferred to the next regular Board meeting.
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Pilot’s Report of Incident: PS Pilot J.K. Ward – OVERSEAS BOSTON, 9-8-14

Pilot boarding area in Port Angeles	A written report has been received by the pilot. Commission Investigator, Captain Ed Marmol has not completed his investigation. He showed a video of how the manufacturer of the ship’s accommodation ladder intends it to be used. He also showed how OSG modified this device on the OVERSEAS BOSTON. A falling piece of the accommodation ladder caused injury to the pilot.	Deferred to the next regular Board meeting. Chairman Dudley will write a letter to OSG and Captain Marmol will continue his investigation
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2014 Annual Tariff Hearings Preparation.

GHPD – In accordance with the timetable established for tariff document submission, the Grays Harbor Pilots’ 5-Year Capital Spending Plan, audited 2013 Financial Statement and best available 2014 financial data through July 31 were reviewed. The formal written 2015 Tariff Proposal dated September 18, 2014 was also submitted. A Q and A commenced regarding the Audited 2013 Financial Statement. Captain Mike Moore commented that the PMSA does not oppose the Grays Harbor tariff proposal. The filed CR-102 sets a public hearing for October 16, 2014 at 9:30 a.m.

PSPD – In accordance with the timetable established for tariff document submission, the Puget Sound Pilots’ 5-Year Capital Spending Plan was reviewed. Also submitted was supplemental unaudited revenue and expense data based on financial information available as of 8-31-14. A Q and A commenced regarding the Audited 2013 Financial Statement. A formal written 2015 Tariff Proposal dated September 17, 2014 was submitted jointly by the Port of Seattle, Port of Tacoma, Puget Sound Pilots and the Pacific Merchant Shipping Association. They are petitioning the Board to accept their joint proposal containing interdependent economic provisions, as a package with no other changes, and file the CR-102 accordingly for a hearing on November 18. It is their intent that the effective period be from January 1, 2015 through June 30, 2015 and that a subsequent hearing be set in May 2015 for consideration of a possible revised tariff taking effect on July 1, 2015. The elements are as follows:

- Increase the Boarding Charge from \$53 to \$348, concurrent with a change in the name associated with this charge to “Pilot Boat Fee”; the revised figure being fairly representative of the actual cost of services;
- Apply an across-the-board decrease of 6.52% to the rates listed in the LOA rate schedule for Zone II to Zone VI inclusive; and
- Apply an across-the-board decrease of 6.52% for all Tonnage Charges greater than 20,000 gt.

Motion: Kiley/Morrell – accept the joint proposal for purposes of filing a CR-102 reflecting the adjustments to the current PSPD tariff as specified in the formal tariff proposal dated 9-17-14, for a public hearing set for 9:30 a.m. on November 18, 2014 - Carried.

Approval of Pilot License Upgrade Program. Captain Bill Lowery is nearing completion of his second license year. **Motion:** Mayer/Kiley - approve the license upgrade program for Captain Lowery as drafted by the TEC - Carried.

Approval of Puget Sound Pilot Training Program for Captain Chris Rounds. The TEC has reviewed and evaluated the experience of Captain Christopher Rounds for purposes of developing his customized pilot training program. **Motion:** Mayer/Kiley – invite Captain Rounds to begin pilot training and also approve the Training Program as drafted for him – Carried. Upon acceptance of his program and completion of training orientation, the Board shall issue Captain Rounds *Trainee License #043* intended for commencement of training on October 1, 2014. **Motion:** Mayer/Morrell – modify the Training Agreements for all current trainees to align with the new language regarding Terminal 5 and Ferndale in Captain Rounds' Training Agreement – Carried.

Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as provided in WAC 363-116-065. Mike Moore noted that traffic trends are not supporting the set number of 55 pilots which he felt was also the case back on June 19, 2014 when this number was increased from 54. This item will remain on the agenda for discussion at the next meeting.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on September 17.
- Training Program progress was reviewed for all current trainees, Captains White, Surface, Galvin, Jensen, Lowe, Carstensen, Kelleher, Henderson and Furst.
- Captain Coleman completed the *PPU Training Section of his Training Program* and successfully demonstrated his proficiency on a PPU. He was licensed on August 27, 2014.
- **Motion:** Mayer/Adams – amend the *Training Trip Report Form* under Section 3.6 and 3.7 to include “and departure” with “Quality of approach” – Carried.

Legislative/WAC Committee: Nothing reported.

Tariff Policy Committee: Nothing reported.

Activity Reports. Gary 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.

Correspondence Review. A copy of a letter from Rob Duff, Senior Policy Advisor to Governor Inslee was received in response to a letter written by Puget Sound Pilot Captain Stuart Mork voicing his opinions on what improvements could be made by the Governor concerning the safe movement of vessels in Washington waters. Captain Mork's letter was not included but will be obtained and shared.

Legal Update. Closing arguments are being heard today in the Captain Sweeney six-week jury trial. The Board recently received a decision in the Captain Nelson administrative remand case that the Administrative Law Judge ruled in the Board's favor, again.

BPC Staff Report.

- A preliminary pilot exam notice has been posted to our website announcing an approximate early-May, 2015 exam timeframe. The RFP is being reviewed by our legal counsel and will be posted in the near future.
- Staff will be in Olympia all day Monday attending a quarterly meeting with our budget and accounting staff as well as an annual meeting with the Governor's staff.
- The Board-designated physician in Aberdeen will be retiring at the end of September. It has been requested by the medical clinic that our Board consider replacing him with an ARNP or a PA. It was the consensus of the Board that he be replaced with an MD or a DO. Staff will pursue appropriate applicants.
- Month-end spreadsheets of PS pilot data were distributed.

Commissioner Comments.

- Commissioner Jensen recommended that the BPC Staff Report be moved to the beginning of New Business in order to provide necessary information pertinent to following agenda items.
- Commissioner Kiley expressed an interest in attending the upcoming E-Nav Conference in Seattle. Commissioner Morrell is also interested in attending.

Confirmation of Next Regular Meeting Dates. The next three regular meeting dates were set as follows: October 16, November 18 and December 16, commencing at 9:30 a.m., at 2901 3rd Avenue, Seattle. All three meetings will be preceded by public hearings.

Review of Pilot/Trainee Physical Examination Reports. Motion: Mayer/Morrell - accept the physicians' reports for Captains J.K. Ward, J.E. Ward, J.R. Semler and J.A. Shaffer for annual pilot license renewal; and Captains B.E. Lowe and B.R. Jensen for annual trainee license renewal – Carried. Motion: Marmol/Hulsizer – empower Chairman Dudley to return Captain J.K. Ward to work prior to the next Board meeting upon receipt and review of a satisfactory physical exam; and review and accept the physician's report for Captain C.F. Rounds in order for him to begin training on October 1st – Carried. (Captain J.K. Ward has been unfit for duty since his injury involving the *OVERSEAS BOSTON*.) Motion: Hulsizer/Adams – affirm Chairman Dudley's action to reinstate Captain A.J. Newman's license on September 10 and Captain M.J. Shuler's license on September 12, following his review of their satisfactory physician's reports – Carried.

There being no further business to come before the Board, Vice Chairman Jensen adjourned the regular session Board meeting at 2:35 p.m.

Respectfully submitted,

Peggy Larson, Executive Director

Absent

Harry H. Dudley, Chairman

Dale R. Jensen, Vice Chairman

Commissioner Elsie J. Hulsizer

Commissioner Charles F. Adams

Commissioner Edmund I. Kiley

Commissioner Philip Morrell

Commissioner J. Grant Stewart

Commissioner Donald W. Mayer

Commissioner Edmund Marmol