

MEETING MINUTES

STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

July 12, 2007

Present:

Chairman: Harry Dudley

Commissioners: Chuck Davis, Ole Mackey, Pat Hannigan, Bill Snyder and Vince Addington

Assistant Attorney General: Susan Cruise

Administration: Peggy Larson and Judy Bell

Delmar Mackenzie, Walt Tabler: Puget Sound Pilots

Jordan Royer, Peter Soles: Pacific Merchant Shipping Association

Ken Alger, Ron Kinsey: USCG Sector Seattle

Katharine Sweeney: pilot applicant

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:40 a.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington. Chairman Dudley welcomed Captain Delmar Mackenzie as the new President of Puget Sound Pilots, replacing Captain Richard McCurdy.

Minutes. There being no corrections or additions, the June 14, 2007 Minutes stand approved as written.

OLD BUSINESS

Transit of Rosario Strait Without an Escort Tug: *OT BRITISH LAUREL*, 6-5-07. The search and rescue situation that occurred in the vicinity of the northbound tanker BRITISH LAUREL left her unescorted for a short distance when it's escort tug departed to assist three people clinging to a capsized sail boat. It was not a unilateral decision to divert the tug but rather a case where all the participants acted very professionally and appropriately – fortunately the outcome was favorable. It was moved by Commissioner Addington and seconded by Commissioner C. Davis that in the future if a situation like this occurs, clear direction and guidelines should be developed to assist in the decision process. The motion carried. Chairman Dudley will facilitate communications with Captain Metruck, USCG and the Puget Sound Harbor Safety & Security Committee.

CR-101 Preproposal Statement of Inquiry Regarding Chapter 363-116-WAC, Pilotage Rules. A CR-101 was filed on July 3, 2007 to inform the public that the Board is considering amending portions of Chapter 363-116 WAC. The soonest a CR-102 can be filed announcing any public hearings is August 17. The Board will begin considering amendments to the rules and welcomes stakeholder comments. Some future WAC amendments could also result from agency requested statutory changes anticipated during the 2008 Legislative Session.

NEW BUSINESS

Pilot's Report of Marine Safety Occurrence: *CUMBRIA*, 6-9-07. While transiting northbound from Seattle to Port Angeles the helmsman was unable to maneuver the vessel in response to the pilot's commands. When the Master was called to the bridge he regained steering right away. The VTS was contacted and told of the event. It was not a failure of the steering system but rather a case of improperly trained crew. The characteristic of this steering system (FOKUGAWA) requires that once the rudder has reached its limit of travel, the wheel can continue to be turned. If the wheel is turned past the point where the rudder has reached its maximum travel, the wheel must be turned back the same amount it was turned past before the rudder responds. It was moved by Commissioner Snyder and seconded by Commissioner Addington that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried. Chairman Dudley suggested that this report be forwarded to the USCG as a notification of a possible "class" problem regarding the unusual steering characteristic of this vessel.

Pilot's Report of Marine Safety Occurrence: *MARUBA ZONDA*, 6-11-07. Upon entering the East Waterway, Seattle, the Master informed the pilot that the ship's engine could not be used. The pilot, Captain Verne Justice worked with the captain of the *SHELLY FOSS* to configure the tug so the ship would act as a barge. He also lowered the port anchor to the water's edge in the event he needed it, after checking for any cable crossings, and he used the ship's bow thruster to safely transit the waterway. The engine became available just as the vessel was parallel to the dock and was then used to safely dock the ship. The engine problem was a broken air line to the starting engine. The event was reported to the USCG. It was moved by Commissioner C. Davis and seconded by Commissioner Mackey that this report of a navigational safety concern be filed as a Marine Safety Occurrence with a letter to Captain Justice recognizing that he exhibited the highest quality of seamanship and good judgment. The motion carried.

Consideration of Petition for Vessel Exemption: Motor Yacht *CRISTAL*. A petition for vessel exemption was received regarding the foreign flagged 70', 70 gross ton Motor Yacht *CRISTAL*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements and was issued an interim exemption by Chairman Dudley on June 20, 2007, subject to final Board approval at today's meeting. It was moved by Commissioner Mackey and seconded by Commissioner Addington that the Board concur with his action and issue the exemption for the *CRISTAL* for three months so long as it remains in the charge of Captain Shaun Mostert and Captain David Morrison. The motion carried.

Consideration of Petition for Vessel Exemption: Motor Yacht *SHAWAF DUBAI*. A petition for vessel exemption was received regarding the foreign flagged 130', 309 gross ton Motor Yacht *SHAWAF DUBAI*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements and was issued an interim exemption by Chairman Dudley on July 3, 2007, subject to final Board approval at today's meeting. It was moved by Commissioner Snyder and seconded by Commissioner Mackey that the Board concur with his action and issue the exemption for the *SHAWAF DUBAI* for three months so long as it remains in the charge of Captain Michael Catania. The motion carried.

Review of Vessel Exemption Criteria and Activity. Based on a recent complaint from a vessel exemption applicant and a request from an interested party, the Board is reviewing the vessel exemption criteria set forth in RCW 88.16.070 and WAC 363-116-360. Chairman Dudley asked that each Commissioner, and any others, submit ideas for modifications to the Board's Petition for Vessel Exemption form. Consideration will be given to exemption fee adjustments as well.

Activity Reports. A written report from the Port of Grays Harbor, stated that there were 7 arrivals in June for 15 pilotage jobs; all arrivals were at Port terminals; with traffic at the biodiesel facility, the activity in the District is back up to 2007 budgeted levels; July traffic should be on par with May and June at 6-7 arrivals; and Captain D'Angelo is on duty in July.

Captain Delmar Mackenzie, President, Puget Sound Pilots, reported that there are currently 54 active pilots including the president; there were 756 jobs in June compared to 787 the previous June, resulting in a three year June average of 716; 82 comp days were created and 33 days taken; training is not scheduled during the summer months with the increased traffic; Captain Jonathan Ward will be off duty for at least two months due to a current medical condition; Captains Fosse and Wiley plan to retire in October and Werner on 1-1-08 leaving 53 pilots including the president and two of the current trainees; PSP anticipates 13 retirements in the next five years with 8 remaining applicants on the waiting list to fill those positions; PSP urged the Board to hold a pilot exam in July, 2008. Captain Mackenzie addressed three handouts regarding a Bridge Resource Management Course Syllabus, the Master/Pilot Checklist, and the Meritorious Public Service Award presented to Captain Richard McCurdy from the United States Coast Guard. PSP has formally requested that the Board go ahead with the issuance of the State of Washington ID cards due to the delays associated with the TWIC cards. It was moved by Commissioner Addington and seconded by Commissioner Snyder that the Board pursue issuing ID cards for all licensed pilots and trainees. The motion carried.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on July 11th.
- The TEC reported on the status of trainees Bruce Nelson and Ed Marmol. Based on a consensus of the TEC, it was moved by Commissioner Snyder and seconded by Commissioner Mackey that the training programs for both Captains Nelson and Marmol be extended one month and that they both take additional specified training trips. The motion carried.
- A review of the manpower spreadsheet indicates the need to start two additional trainees one month earlier than previously indicated. It was moved by Commissioner Snyder and seconded by Commissioner Hannigan that the Board authorize Captain Katharine Sweeney and Captain Steve Semler to begin training on October 1, 2007. The motion carried. This is in keeping with the intent to allow every pair of trainees three months of training alone before adding two more.
- The TEC endorses PSP's request for the Board to consider scheduling a Puget Sound District pilot exam in July, 2008 or soon thereafter.
- A draft *Safety Advisory Bulletin* based on the *Lessons Learned* document, concerning the incident involving the *HORIZON PACIFIC*, was presented to the Board for review. It was determined that the Bulletin should be modified to be more generic and the re-write will be presented to the Board next month.

2008 Legislative Committee:

- The Legislative Committee met for the first time on July 2nd.
- A "DRAFT" document of proposed RCW revisions was presented by the Committee Chair, Chuck Davis, and thoroughly discussed for the next 2½ hours. Additional changes were drafted and will be incorporated into the next draft. This draft will be posted on the Board's web site and distributed to interested parties and stakeholders for comment at the next Board meeting on August 9, 2007. Following any further modifications, it will be sent to the Code Reviser for the typing of a Z-Draft. Comments from stakeholders will continue to be accepted.

Miscellaneous Correspondence Review. PSP has responded to Captain Robichaux's complaint regarding his pension disbursements and has sent him payment for a discrepancy.

The Board has received a copy of a second letter from Captain Kirk Greiner to USCG Commander Richard Houck to which Chairman Dudley has drafted a second letter to RADM Houck. It was moved by Commissioner Hannigan and seconded by Commissioner Snyder to send the letter to RADM Houck after it has been reviewed by legal counsel. The motion carried.

Commissioner Comments. On behalf of Captain Jonathan Ward, Commissioner Hannigan asked the Board to consider accommodating Captain Ward who is in the process of upgrading his license and now recently on medical leave. The Board concurred that if he is unable to complete the requirements by his anniversary date of September 23, due to his inability to pilot, he will be granted more time.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for Thursday August 9, 2007, following a public hearing on WACs 363-116-082 and 070 at 9:30 a.m. The hearing and meeting will be held in the Fourth Floor Rainier Conference Room, 2901 Third Avenue, Seattle.

An EXECUTIVE SESSION was called from 2:15 p.m. to 2:20 p.m. for purposes of reviewing pilot physical examination reports. In attendance were Chairman Dudley, Commissioners C. Davis, Mackey, Hannigan, Snyder, Addington; Susan Cruise, Peggy Larson and Judy Bell. Regular session was reconvened by the chairman immediately following executive session.

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner Snyder and seconded by Commissioner Addington that the physical examination reports for Captains J.P. Bujacich, S.G. Cooke, B.F. Henshaw, B.L. Mickelson, S.E. Mork, D.L. Shaffer, W.J. Sliker and D.H. Stensager be accepted for annual license renewal. The motion carried.

Follow-up paperwork from Captain E.C. Klapperich was received and accepted. Follow-up information was requested on one additional pilot.

Captain Jonathan E. Ward's license was placed in temporary inactive status due to a current medical condition.

The Board acknowledged Captain W.A. Bock's written notification that he intends to retire under the provisions of WAC 363-116-110(2) and the terms of the Puget Sound Pilots' Disability Retirement Program. The Board will formally respond to Captain Bock's letter.

The Chairman adjourned the regular session Board meeting at 2:25 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Charles M. Davis, Vice Chairman

Commissioner Oliver E. Mackey

Commissioner Patrick M. Hannigan

Commissioner William H. Snyder

Commissioner Vincent Addington

Absent
Commissioner Craig W. Lee

Absent
Commissioner Andrew C. Palmer

Absent
Commissioner Norman W. Davis