

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

December 10, 2009

Present:

Chairman: Harry Dudley

Commissioners: Chuck Davis, Pat Hannigan, Bill Snyder, Craig Lee, Norm Davis and Elsie Hulsizer

Assistant Attorney General: Guy Bowman

Administration: Peggy Larson, Judy Bell

Frantz Coe, Jay Niederhauser, Peter Giese, Walt Tabler (Administration): Puget Sound Pilots

Gary Nelson, Art Blauvelt: Port of Grays Harbor

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

Stephan Moreno: Pilot Trainee

Matt Denning: USCG Sector Seattle

Bill Bock: Retired Puget Sound Pilot

David Moseley: Washington State Ferries/BPC

Teresa Berntsen: Office of the Governor

Loren Lee, Bruce Nelson: Public

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:30 a.m. by Chairman Harry Dudley in the Agate Conference Room at 2901 Third Avenue, Seattle, Washington. Words of gratitude and appreciation were exchanged on behalf of Commissioner and Vice Chair Charles Davis. His service began eleven years ago and will end on December 26, 2009. Motion: Lee/Hannigan - Commissioner Norm Davis be appointed interim Vice Chair until a full complement of Board members is seated - Carried.

Minutes. Motion: Hannigan/C. Davis - remove from the November 12, 2009 Minutes the pilots' names who filed the eight Marine Safety Occurrence Reports - Carried. Motion: Hulsizer/Lee - the November 12, 2009 Minutes be approved as amended - Carried.

OLD BUSINESS

WAC 363-116-078: Training Program ~ Consideration of Proposed Rule Making. A public hearing is set for January 14, 2010 at 9:30 a.m. in the Agate Conference Room, 2901 3rd Avenue, Seattle.

Pilot's Report of Incident: YONG JIN, 9-22-09. Pilot: David Grobschmit. Lost anchor. In response to follow-up questions from the Board, the pilot responded that he believes he did not miscommunicate to the vessel master relative to letting all of the chain out. Motion: C. Davis/Lee - Incident with damage and no pilot error - Carried.

Pilot's Letter Report: FURIA R, 11-5-09. Pilot: Stephen Cooke. Consideration/action deferred pending receipt of requested information ~ PGH's Safety Committee report, USCG report and pilot boat operator's report. Commissioner Hannigan favored a comprehensive review of this matter upon receipt of further information. Commissioner Lee offered his assistance in the acquisition of data, etc.

Request for Consideration of Pilot License Reinstatement. Captain Eric Lichty who retired from PSP in June of 2006 is asking the Board to reinstate his State Pilot License and authorize renewed membership in the PSP. In Commissioner Lee's consideration of this matter while drafting the Policy Statement concerning pilots returning to work after a sustained absence, it is his opinion that once a state pilot license is surrendered there is no current provision in the law for reinstatement. Chairman Dudley will ask the Board's legal counsel to review the pertinent statutes and regulations before responding to Captain Lichty. When considering manpower management and setting the number of pilots, the idea of part-time piloting merits further discussion. This subject will be added to the list of items for the Legislative/WAC Committee to consider.

Consideration of Proposed Statement of Policy Concerning Pilots Returning to Work Following a Sustained Absence, Including the Return of a Retired Pilot. Commissioner Lee presented his final draft to the TEC as well as the Board for review. Motion: Lee/Snyder - the Board approve the Statement of Policy as presented concerning *Pilots Returning to Work Following a Sustained Absence*. The proposed language does not address the return of a retired pilot - Carried. The adopted language can be found on the Board's web site.

Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District and Management of the Comp Day System. Walt Tabler reported that PSP and PMSA are scheduled to meet on Tuesday of next week in the interest of developing a joint presentation for the January Board meeting. Chair Dudley reminded everyone that a previous determination was made that allows for a one-month notice prior to taking any Board action on this matter. If a presentation/s is/are made in January, it will be no earlier than the February Board meeting when any action will be taken. Captain Mike Moore stressed the importance of having the most current statistical data available to the Board when considering the factors listed in WAC 363-116-065 that are vital to setting the number of pilots and managing the comp day system.

NEW BUSINESS

Approval of Pilot License Upgrade Program for Captain Stephen Semler. Captain Semler is nearing completion of his second license year. Motion: Snyder/N. Davis - the license upgrade program for Captain Stephen Semler be approved as drafted by the TEC - Carried.

Review and Consideration of Licensure of PSPD Trainee: Captain Stephan Moreno. On behalf of the Trainee Evaluation Committee (TEC) Commissioner Snyder reported that after a thorough review of all *Pilot Trainee Trip Reports* submitted to the Board, the TEC recommended the issuance of a state pilot license to Captain Moreno. Motion: Snyder/Lee - Captain Stephan E. Moreno be issued state pilot license #178 for the Puget Sound Pilotage District - Carried.

Pilot's Report of Incident: HORIZON ANCHORAGE, 11-10-09. Pilot: James Hannuksela under the supervision of Captain William Sliker during a license upgrade trip. Contact with gillnet belonging to a fishing vessel located in the TSS. Track history shows the container ship in the middle of the lanes as it passed by Dolphin Point where it encountered the gillnet. Motion: C. Davis/Lee - Incident with damage and no pilot error - Carried.

Consideration of Request for Vessel Exemption:

Motor Yacht ALESIA MARIA - 112', 208 gross tons, British Virgin Islands registry, Captain Alfredo Alterio. Motion: Lee/Hannigan - approved for three months.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on December 9th.
- Training programs for Captains Moreno, Brusco, Caspers, Scragg, Anacker and Bouma were reviewed. Motion: Snyder/Lee - pass Captains Brusco and Scragg out of the initial evaluation phase - Carried.
- Train the Trainer classes are being contemplated for the training pilots. More discussion will follow.
- Trainee random drug testing is being contemplated - the TEC will work with PSP on this matter to develop and present a specific proposal to the Board.
- A technical glitch occurred when Commissioner Snyder was developing the 200-question Local Knowledge Exams. Motion: Snyder/Hannigan - the Board accept the revised blueprint for the 200-question Local Knowledge Exam to include 91 categories of questions rather than 128 categories in order to work within the constraints of the computer software - Carried.

- Commissioner Hannigan stated that Captain John Scragg had inquired about his trainee position due to his delayed entry into the training program. In a previous Board discussion regarding this, it was determined that he is in fourth position due to his one-month delay in entering the training program even though he ranked second on the pilot exam. However, if he is considered for licensure at the same time as another trainee, his higher exam score will entitle him to first position over the other trainee. Commissioner Hannigan will formally respond to Captain Scragg citing WACs 363-116-078 and 363-116-080 as the basis for this determination.
- A written proposal outlining changes to WAC 363-116-082 was presented by the TEC to the Board for submittal to the Legislative/WAC Committee. This proposal addresses modifications to the pilot license upgrading process required of a new pilot by adjusting the tonnage restriction categories on an initial license and reducing the duration of these limitations from 5 to 4 years.

Legislative/WAC Committee: Commissioner C. Davis has spoken with Commissioner Adams regarding his transition onto this committee and he is developing a list of current business items for its consideration. Commissioner Thompson has expressed a desire to join the committee. Chair Dudley will formally reappoint the committee at the next Board meeting.

Activity Reports. Gary Nelson, representing Port of Grays Harbor, reported that there have been 42 vessel arrivals year-to-date with 6 arrivals anticipated in December ending the year on target with a forecasted 48 arrivals; there was a glycerin tank explosion at the Imperium Biofuel Plant last week which will impact traffic temporarily; and a steady trend of diverse cargo and increasing traffic is forecasted for 2010.

Captain Andy Coe, representing Puget Sound Pilots, reported there were 602 jobs in November 2009 compared to 679 in November 2008; this represents a decline in traffic of about 5.8% which is an improvement in vessel traffic statistics which peaked in June, July and August at 7%; comp days created/taken in November were 21/9; revisions were made to the master/pilot card which now include 36 pieces of information up from 23; 12 pilots recently attended Escort Team Training; PSP's drug testing program was recently audited and found satisfactory; and four pilots recently went to Seward, Alaska with captains from Polar Tankers and pilots from SWAPA to participate in a 3-day simulator class on Advanced and Emergency Shiphandling for Masters and Pilots - Captain Jay Niederhauser narrated a video presentation to the Board.

Captain Mike Moore, representing Pacific Merchant Shipping Association, reported that vessel arrivals through November are down by 159; many West Coast Ports are offering creative incentives to improve the discretionary cargo market among other things; and PMSA continues to track vessel statistics and report trends and activity to the Board.

Work Group Report: Extension of Route. No activity to report at this time.

Legal Update. Guy Bowman reported that Captain Bruce Nelson's hearing is now set for March 25, 2010, which was rescheduled from January 12th. The appeals by Captains Toney, Surface and Webster with regard to the 2008 Simulator Evaluation are ongoing.

Administrator's Report. The State Auditor's Office is anticipating completion of their audit of the BPC within the next thirty days. The Governor's staff is working on the appointment to replace Commissioner Chuck Davis as quickly as possible. Captain Stephen Cooke has not completed his current license upgrade requirements so staff and the TEC will be assessing the situation. Notice to the Board - one of the Puget Sound Pilots who has not met the requirements for license renewal with only two days remaining may be put on notice that his license has been declared inactive until he satisfactorily completes the physical examination process.

Commissioner Comments. Commissioner Lee asked that the January 14th Board meeting agenda list an item for discussion regarding the California State Auditor's Report on the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun in the interest of realizing some "lessons learned". Commissioner Lee asked PSP to furnish the Board with a pilot training matrix that includes all of the pilots' training opportunities.

Commissioner Chuck Davis spoke about his service on our Board for the past eleven years and the evolution of "pilotage" which he has experienced.

Public Comments. Mr. Loren Lee and retired Puget Sound Pilot Captain Bill Bock expressed appreciation and well-wishes to Chuck Davis. The Board echoed their gratitude as well.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for Thursday, January 14, 2010 in the Agate Conference Room, 2901 Third Avenue, Seattle. At 9:30 a.m. a public hearing on WAC 363-116-078 will convene and precede the public meeting. (Fifteen minute break)

A CLOSED SESSION was called from 12:30 p.m. to 1:35 p.m. regarding ongoing litigation issues and the review of pilot physical examination reports. The matter of Captain Stephen Jones was not discussed. In attendance were Chairman Dudley, Commissioners C. Davis, Hannigan, Snyder, Lee, N. Davis, and Hulsizer; Guy Bowman, Judy Bell and Peggy Larson.

REGULAR SESSION (cont'd)

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner Lee and seconded by Commissioner Snyder that the physical examination reports for Captains J.E. Arnold, D.G. Mackenzie, M.G. Mendenhall, J.S. Niederhauser and G.R. Wildes be accepted for annual license renewal and Captain S.E. Moreno for initial licensure. The motion carried.

Litigation Issues.

Motion: Hannigan/Snyder - in the event the three appellants are successful in their appeals regarding the 2008 Simulator Evaluation, the remedy the Board can offer them is Option #1: pay for the development and administration of a new simulator evaluation, or Option #2: wait to take the next scheduled simulator evaluation - Carried. Reference was made to WAC 363-116-077.

Motion: Hannigan/Lee - in the event the three appellants are successful in their appeals and select one of the two remedies offered, they will be placed at the bottom of the current list of successful 2008 applicants - Carried. Reference was made to WAC 363-116-078(2).

There being no further business to come before the Board, the Chairman adjourned the regular session Board meeting at 1:45 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Charles M. Davis, Vice Chairman

Absent

Commissioner Charles F. Adams

Commissioner Patrick M. Hannigan

Commissioner William H. Snyder

Commissioner Craig W. Lee

Absent

Commissioner Jeffrey L. Thompson

Commissioner Norman W. Davis

Commissioner Elsie J. Hulsizer