

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

July 16, 2008

Present:

Chairman: Harry Dudley

Commissioners: Chuck Davis, Pat Hannigan, Bill Snyder, Vince Addington, Norm Davis

Administration: Peggy Larson and Judy Bell

Del Mackenzie, Walt Tabler (Administration): Puget Sound Pilots

Gary Nelson: Port of Grays Harbor/Grays Harbor Pilots

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Carl Johannes: Retired PS Pilot

Larry Seymour, Stephen Jones: Pilot Trainees

Dave Surface, Art Piehler, James Brady, W. Carley: Pilot Aspirants

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:45 a.m. by Chairman Harry Dudley in the Agate Conference Room at 2901 Third Avenue, Seattle, Washington.

Minutes. There being no corrections or additions, the June 12, 2008 Minutes stand approved as written.

OLD BUSINESS

Consideration of Licensure of PSPD Trainee: Captain Bruce Nelson. This matter was discussed in Executive Session and then deferred to the next regular meeting.

Pilot's Report of Marine Safety Occurrence: *PACIFIC PROVIDER, 5-31-08.* At the request of the Board Captain Del Mackenzie notified the Board that he has sent the PSP membership a reminder of the provisions of WAC 363-116-365: *Docking and Undocking of Certain Vessels by the Vessels' Masters*. The definition of "passenger vessel" as referred to in this WAC was discussed at length ending in a decision to consider further analysis of the matter in terms of a possible WAC modification or Policy Statement to set forth a clearer definition and understanding of this rule as well as the definition of "yacht" and its definition with regard to other WAC provisions. Chairman Dudley asked for input from anyone who would like to contribute to the resolution of this matter.

Concerning the written report submitted by Puget Sound Pilot, Captain Eric Klapperich which was deferred from the June 12, 2008 Board meeting, it was moved by Commissioner C. Davis and seconded by Commissioner Snyder that this report of a navigational safety concern be filed as a Marine Safety Occurrence without consideration of the pilot's actions which would be made under a separate motion. The motion was withdrawn upon determination that this occurrence falls under the definition of an *Incident* rather than a *Marine Safety Occurrence*. It was moved by Commissioner Addington and seconded by Commissioner N. Davis that this matter be declared an "Incident with Damage and with Pilot Error"; pilot error being that the pilot let the master continue to con the vessel. It was moved by Commissioner Hannigan and seconded by Commissioner Snyder to amend the motion by dropping the words "with pilot error". The motion to amend carried. The amended motion which now reads "this matter be declared an "Incident with Damage" carried. It was moved by Commissioner Addington and seconded by Commissioner Hannigan to send Captain Klapperich a letter reminding him of the responsibilities of WAC 363-116-365 with respect to his not taking back the con after the vessel was more than two ship lengths away from the dock. The motion carried.

NEW BUSINESS

Issuance of Pilot Training Licenses for Captain Stephen Jones and Captain Lawrence Seymour. Captains Jones and Seymour have accepted their Board-approved training programs. It was moved by Commissioner Snyder and seconded by Commissioner N. Davis that the Board issue training licenses, numbered 17 and 18 respectively, allowing them to begin pilot training on August 1, 2008. The motion carried.

Pilot's Report of Marine Safety Occurrence: *KIEL EXPRESS, 6-8-08.* The Board received a written report submitted by Puget Sound Pilot, Captain Pat Hannigan. This vessel was experiencing engine trouble at sea and was returning to Puget Sound for repairs. The pilot had to stop the ship in the proximity of the Port Angeles Pilot Station, call for an assist tug and have the ship towed into Port Angeles Harbor. During this transit, the agent requested that it be towed to Seattle, Pier 18. The pilot and ship captain opted to anchor the vessel in Port Angeles Harbor. The USCG was notified. It was moved by Commissioner Addington and seconded by Commissioner C. Davis that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

Consideration of Request for Vessel Exemption: Motor Yacht *BIG EAGLE.* A petition for vessel exemption was received regarding the foreign flagged 172', 399 gross ton Motor Yacht *BIG EAGLE.* 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 26, 2008, subject to final Board approval at today's meeting. It was moved by Commissioner C. Davis and seconded by Commissioner Hannigan that the Board concur with his action and issue the exemption for the *BIG EAGLE* for three months so long as it remains in the charge of Captain Christiana Virgilio. The motion carried.

Consideration of Request for Vessel Exemption: Motor Yacht *SOVEREIGN.* A petition for vessel exemption was received regarding the foreign flagged 130', 298 gross ton Motor Yacht *SOVEREIGN.* 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 2, 2008, subject to final Board approval at today's meeting. It was moved by Commissioner C. Davis and seconded by Commissioner Hannigan that the Board concur with his action and issue the exemption for the *SOVEREIGN* for three months so long as it remains in the charge of Captain Jeffrey Hoerr. The motion carried.

Consideration of Request for Vessel Exemption: Sail Training Ship *KAISEI.* A petition for vessel exemption was received regarding the foreign flagged 151', 180 gross ton Sail Training Ship *KAISEI.* 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, 2008, subject to final Board approval at today's meeting. It was moved by Commissioner C. Davis and seconded by Commissioner Hannigan that the Board concur with his action and issue the exemption for the *KAISEI* for three months so long as it remains in the charge of Captain Michael Jacobson. The motion carried.

Consideration of Request for Vessel Exemption: Motor Yacht *BELLA BRI.* A petition for vessel exemption was received regarding the foreign flagged 152', 498 gross ton Motor Yacht *BELLA BRI.* 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, 2008, subject to final Board approval at today's meeting. It was moved by Commissioner C. Davis and seconded by Commissioner Hannigan that the Board concur with his action and issue the exemption for the *BELLA BRI* for one year so long as it remains in the charge of Captain Paul Hutchinson. The motion carried.

Approval of 2008 PSPD Written Pilot Examination and Simulator Evaluation Specifications. Dr. Norman Hertz of COMIRA who is under contract with the Board in connection with the 2008 Puget Sound Pilotage District Pilot Examination has delivered the exam specifications. After an overview of the two documents, it was moved by Commissioner Snyder and seconded by Commissioner Addington that the written pilot examination and simulator evaluation specifications be approved. The motion carried. This information will be sent to all exam applicants.

Consideration of Puget Sound Pilot's Request for a Copy of the Assistant Attorney General's Written Legal Opinion on Pilot Retirement Issues. As requested by the Board at the June 12, 2008 Board meeting, Puget Sound Pilots has followed up its verbal request with a letter dated July 9, 2008, asking the Board to waive the attorney/client privilege and release a copy of the AAG's written legal

opinion on pilot retirement issues. In a letter dated July 15, 2008 PMSA has submitted comments on the matter urging the Board to consider this request carefully and with the full and complete advice of the Attorney General's Office. This matter was deferred to Executive Session and then to the next regular meeting.

Activity Reports. Gary Nelson, Executive Director, Port of Grays Harbor, reported there is a total of 27 vessel calls through the end of June; and two ongoing projects involving the Port are the annual maintenance and dredging and the study to deepen the draft from 36 feet to 38 feet.

Captain Del Mackenzie, President, Puget Sound Pilots, reported there are currently 55 active pilots including the president; there were 743 jobs in June compared to 754 the previous June, resulting in a three year June average of 761; overall traffic for the first six months of 2008 was 20 fewer jobs than for the same period in 2007; 54 comp days were created and 36 days taken for an additional net of 18; Captain Marin Johnson remains on medical leave; no pilots are currently attending training classes during the summer peak traffic season; and Captain Mackenzie showed a video presentation of the recent live tanker escort drill with Polar, Foss and Crowley.

Captain Mike Moore, Executive Director, Pacific Merchant Shipping Association, reported their continued interest in tracking container traffic as well as their interest in the ILWU contract negotiations. Captain Moore offered to keep the Board informed concerning the passage of any new California legislation concerning pilotage ~ Chairman Dudley encouraged this exchange of information.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on July 15th.
- The TEC reviewed the status of trainees Jim Hannuksela and George Thoreson who are in their third month of pilot training.
- The TEC met with pilot trainee Katharine Sweeney who is in her tenth month and third extension of pilot training ending August 31st.
- Pursuant to newly adopted WAC language, it was moved by Commissioner Snyder and seconded by Commissioner C. Davis that the Board appoint Captain Don Mayer to the TEC as an additional member. The motion carried.

2008 WAC Committee: No activity to report at this time.

2008 Pilot Exam Committee: Captain Hannigan gave a status report on the progress of the development of the written examination and simulator evaluation. It was moved by Commissioner Hannigan and seconded by Commissioner C. Davis that Commissioner Bill Snyder be added to the Exam Committee. The motion carried.

Work Group Report: Extension of Route and Contract Pilotage. No report other than comments from Captain Del Mackenzie regarding PSP's feeling that Contract Pilotage could create more problems than solutions.

Administrator's Report. Sometime in the late fall in Portland, Oregon a representative or two from our Board will be attending a Joint Pilotage Authority meeting along with representatives from California, Canada and Oregon to discuss general matters of common concern. No definite dates or agenda has yet been set.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for Thursday, August 14, 2008, at 9:30 a.m. The meeting will be held in the Agate Conference Room, 2901 Third Avenue, Seattle.

10-minute break after which Chairman Dudley turned the meeting over to Vice Chairman Chuck Davis.

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner Addington and seconded by Commissioner Snyder that the physical examination

reports for Captains J.P. Bujacich, I.J. Carlson, S.G. Cooke, B.L. Michelson, S.E. Mork, D.L. Shaffer and W.J. Sliker be accepted for annual license renewal as well as Captain M.E. Blake for which follow-up information will be requested. The motion carried. It was moved by Commissioner Addington and seconded by Commissioner Snyder that the physical examination report for Captain Larry Seymour be accepted for training licensure. The motion carried. Captain Marin Johnson's license was placed in temporary inactive status as of June 20, 2008 due to a current medical condition. It was moved by Commissioner Addington and seconded by Commissioner Snyder that the Board affirm the earlier administrative action. The motion carried.

It was brought to the Board's attention that a *Pilot's Report of Physical Examination* for a particular pilot has not been received by the due date; however a verbal report was phoned in by the Board-Designated Physician. It was moved by Commissioner Hannigan and seconded by Commissioner N. Davis to consider the pilot's written report at the next regular meeting. The motion carried. The matter of timely completion of physical examination requirements will be on the agenda for the next regular meeting.

An EXECUTIVE SESSION was called from 12:50 p.m. to 1:15 p.m. for purposes of discussing potential litigation with legal counsel, Susan Cruise by conference call. In attendance were Commissioners C. Davis, Hannigan, Snyder, Addington and N. Davis; Peggy Larson and Judy Bell.

Susan Cruise was unable to be reached so the matters to be discussed were deferred to the next regular meeting. There being no further business to come before the Board, the Vice Chairman adjourned the regular session Board meeting at 1:15 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Charles M. Davis, Vice Chairman

Commissioner Patrick M. Hannigan

Commissioner Vincent Addington

Commissioner Norman W. Davis

Absent

Commissioner Oliver E. Mackey

Commissioner William H. Snyder

Absent

Commissioner Craig W. Lee

Absent

Commissioner Elsie J. Hulsizer