

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

April 7, 2011

Present:

Chairman: Harry Dudley

Commissioners: Chuck Adams, Ned Kiley, Pat Hannigan, Dick McCurdy,
Doug Coburn, Norm Davis, Elsie Hulsizer

Administration: Shawna Erickson, Peggy Larson

Captains Andy Coe, John Arnold, Mr. Walt Tabler: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Jordan Royer, Vince Addington: Pacific Merchant Shipping Association

Captain Blair Bouma: PSPD Pilot Candidate

Ron Kinsey: USCG Sector Puget Sound

Andrew Gauthier: Crowley Marine Services

Captain Del Kelly: Retired Puget Sound Pilot

Clay Diamond: American Pilots' Association

Loren Lee: Public

PUBLIC HEARING

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

WAC 363-116-300: Pilotage Rates for the Puget Sound Pilotage District and WAC 363-116-185: Pilotage Rates for the Grays Harbor Pilotage District. Representatives of the Pacific Merchant Shipping Association, Puget Sound Pilots and the Port of Grays Harbor concur with the Board that the need exists to extend the expiration dates of the current tariffs for both pilotage districts due to an alteration of the 2011 tariff hearings schedule. Each of the proposed rules reflects a range of dates extending from the current expiration date through December 31, 2011, which sets the timeframe for a new expiration date to be determined. There was no written or oral testimony. The public hearing was closed at 9:36 a.m. by the chairman.

REGULAR MEETING

The regular meeting of the Board was convened by Chairman Dudley immediately following the hearing.

Consideration of Preceding Hearing: WAC 363-116-300 and WAC 363-116-185. Motion: Coburn/Kiley – adopt both new rules as proposed – Amended Motion: Elsie/Hannigan – set an expiration date for the current 2010-2011 Puget Sound and Grays Harbor tariffs of December 31, 2011 – Amendment Carried - Amended Motion Carried.

Minutes. Commissioner Coburn offered an amendment which he circulated to the Board members for consideration. Commissioner Hannigan requested more time for review. Motion: Hannigan/McCurdy defer the approval of the March 10, 2011 Minutes until the next regular Board meeting – Carried.

OLD BUSINESS

2011 Annual Tariff Hearings Preparation. Redrafted timetables for tariff document submission were reviewed. Motion: Kiley/Coburn – approve the PSPD timetable showing a hearing date of November 10, 2011 - Carried. PSP's first due date is September 1, 2011, for the submission of the Puget Sound Pilots' 5-Year Capital Spending Plan and best available financial data. Motion: Coburn/Hannigan – approve the GHPD timetable showing a hearing date of October 13, 2011 - Carried. GHP's first due date is August 4, 2011, for the submission of the Grays Harbor Pilots' 5-Year Capital Spending Plan.

Pilot's Report of Marine Safety Occurrence: SANTIAGO BASIN, 11-10-10.

Grays Harbor Bar Entrance Channel	Engine failure necessitated a round turn into deeper water for engine repair. Another attempt was made with engine failure again. Tugs were ordered to assist the vessel through the channel.	Navigational Safety Concern	DOE's investigation determined the pilot made calls appropriately. <u>Motion:</u> McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Incident: PRABHU JIVESH, 2-22-11.

Buoy #4 Grays Harbor Bar Channel	Limited propulsion due to sticky puncture valves. 14'-16' WNW swell and ebb current also present. Buoys 8, 6, 2 and GH were cleared.	Vessel allided with Buoy #4.	Commissioner McCurdy created a track line of the vessel's voyage using Capt. Cooke's data and presented it using his PPU. He also submitted a written report.	Tabled until DOE and USCG share their info.
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NEW BUSINESS

Consideration of Request for Vessel Exemption:

Motor Yacht ROCHADE – 156', 476 gross tons, Cayman Islands registry, Captain Nicholas Simmons. The Petition is incomplete at this time – action deferred.

Pilot's Report of Marine Safety Occurrence: FENG SHAN HAI, 3-8-11.

Temco Tacoma to Port Angeles	Malfunctioning cylinder. Engine re-started several times. Repairs were made in transit; however VTS ordered the ship to anchor in Seattle.	Navigational Safety Concern	<u>Motion:</u> McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: OVERSEAS LOS ANGELES, 3-10-11.

During escort from S Buoy to Seattle BP	Tug experienced a cooling water leak on the port engine. Ship slowed while repairs were made. VTS was notified and ordered escort to continue.	Navigational Safety Concern	<u>Motion:</u> Kiley/McCurdy File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: CSCL MANZANILLA, 3-21-11.

West of Buoy S off Dungeness Spit	Engine failure near shoal areas of Dungeness Spit. VTS ordered assist tug to return vessel to anchor in Port Angeles Harbor.	Near Miss	<u>Motion:</u> Adams/Kiley File as a Marine Safety Occurrence	Carried
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Approval of Pilot License Upgrade Program for Captain Ed Marmol. Captain Ed Marmol is nearing completion of his fourth license year. Motion: Hannigan/Kiley - approve the license upgrade program for Captain Marmol as drafted - Carried.

Approval of Pilot Training Program for Captain Fred Engstrom. The TEC met with Captain Engstrom on March 23, 2011 to evaluate his experience for purposes of developing a customized pilot training program. Motion: Hannigan/Coburn – the Board accept the training program as drafted by the TEC – Carried. He has fifteen days to respond to the Board concerning the acceptance of his training program.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on March 23rd and April 6th.
- The training status of all trainees was reviewed.
- Captain Fred Engstrom's training program was developed following his interview on March 23rd.

- Captain Kearns is nearing completion of his training program.
- Discussion regarding the entry of future trainees was tabled.

Legislative/WAC Committee: A CR-101 was filed on February 28, 2011 proposing changes to WAC 363-116-200: Duties of Pilots. Draft amendatory language was presented to the Board and will be posted on the web site. A public hearing date has not yet been set.

Tariff Policy Committee: Committee Chairman Dudley reported that the committee work is ongoing.

Activity Reports. Gary Nelson, representing Port of Grays Harbor, reported there were 8 ship arrivals in March for a total of 18 jobs for the first quarter; Captain D'Angelo was on duty in March along with Captain Cooke for some additional work; the rail project is underway and six silos are complete at AGP.

Captain Andy Coe, representing Puget Sound Pilots, reported there were 616 assignments in March; assignments year-to-date for 2011 are 1,795 compared to 1,777 in 2010 for an increase of 1%; there were two pilots attending manned model training in March; 24 comp days were accrued and 16 used in March increasing the total to 3,252 comp days; Hanjin Shipping has recently added five ships at one per week; and Disney ships will begin calling here next year. Mr. Clay Diamond, Deputy Director and General Counsel to the American Pilots' Association, was introduced and spoke about the US Coast Guard medical evaluation system currently in place and how it is affecting nearly all licensed mariners.

Jordan Royer, representing Pacific Merchant Shipping Association, reported on various economic and legislative issues affecting shipping in Puget Sound as well as globally.

Correspondence Review. Captain Blair Bouma's letter dated 1-3-11 was before the Board as a reminder to consider Captain Bouma's status relative to his imminent licensure. Commissioner Hannigan reported that the number of pilot assignments was up 18 y-t-d over last year and that the TEC will be evaluating the latest information available concerning pilot retirements and current vessel traffic.

Legal Update. A CR-101 was filed on April 5, 2011 at the request of Guy Bowman regarding notification of a proposed new WAC entitled "Challenges to Board Actions Concerning Licensing Determinations and Appeal Procedures". He is currently drafting language for the Board's consideration.

The Board has been notified that Captain Katharine Sweeney has filed a \$12+ million tort claim with the State following one filed by Captain Bruce Nelson for \$5+ million regarding their non-licensure.

Administrative Report. Staff provided the Board with detailed statistical data regarding pilot and vessel activity, as well as monthly earned revenue comparisons. The Board was reminded that if any RCW modifications are being contemplated, it's time to prepare them for the 2012 Legislative Session.

Commissioner Comments. Commissioner Hannigan recently attended manned model training in Port Ash Australia and offered to give a presentation at the next Board meeting.

Public Comments. Vince Addington notified the Board of a U.S. tug towing a non-propelled foreign barge that will be coming down from Dutch Harbor, Alaska to Seattle. He asked for clarification of pilotage requirements; Chairman Dudley will look into it further and respond to Vince.

Pilot candidate Blair Bouma asked the Board if they had recently done any analysis of vessel traffic, pilot workload, retirement projections, etc. with regard to the issuance of his pilot license. Motion: McCurdy/Adams – put the item back on the next meeting agenda called "Discussion and Resolution Concerning Setting the Number of Pilots in the Puget Sound Pilotage District" – Carried.

Confirmation of Next Regular Meeting Date. Motion: Hannigan/Coburn – cancel the next regular meeting scheduled for Thursday, May 12, 2011 – Carried. Motion: Hannigan/Adams - reschedule the June Board meeting for the 9th rather than the 10th – Carried.

Review of Pilot/Trainee Physical Examination Reports. Motion: Hulsizer/Kiley - accept the physicians' reports for Captains F.A. Coe, V.O. Engstrom and P.M. Hannigan (with follow-up) for annual pilot license renewal - Carried. Captain M.I. Johnson has been declared unfit for duty by Board-designated Physician, Jon Younger MD, on 3-22-11 and is temporarily relieved of duties due to a current medical condition. Captain Hannigan was found fit for duty and returned to work on April 4, 2011. Motion: Adams/McCurdy – affirm Chairman Dudley's action to reinstate Captain Hannigan's license to active status – Carried. Captain W.A. Bundren remains unfit for duty. Motion: Hannigan/Coburn – empower Chairman Dudley to review and accept, if satisfactory, the pre-training physical exam report for Captain F.E. Engstrom for purposes of issuing his trainee license to begin training on June 1st; action to be affirmed by the Board at the next regular meeting – Carried.

There being no further business to come before the Board, Chairman Dudley adjourned the regular session Board meeting at 1:20 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Commissioner Charles F. Adams

Commissioner Edmund I. Kiley

Commissioner Patrick M. Hannigan

Commissioner Richard F. McCurdy

Absent

Commissioner Craig W. Lee

Commissioner Douglas S. Coburn

Norman W. Davis, Acting Vice Chairman

Commissioner Elsie J. Hulsizer