

MEETING MINUTES

STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

October 20, 2005

Present:

Vice Chairman: Chuck Davis

Commissioners: Mackey, Niederhauser, Hannigan, Addington, Lee and N. Davis

Assistant Attorney General: Susan Cruise

Administrator: Peggy Larson and Administrative Assistant: Judy Bell

Captain Dave Sanders and Mr. Walt Tabler: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Luis Kohls: Pacific Merchant Shipping Association

Scott Craig, Chris Peterson: Crowley Marine

Ron Kinsey, Ken Alger, Brian Willard: USCG Sector Seattle

Ed Marmol, Bill Sliker, Larry Seymour, Jack Bujacich, Katharine Sweeney, Eric Klapperich:
pilot aspirants

Tom Paul: attorney representing Pat Kelly

Dick Berg, Captain Amigo Soriano, Captain Joe Macri, Captain Del Kelly: public

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:40 a.m. by Vice Chairman Chuck Davis at 2901 Third Avenue, Seattle, Washington.

Minutes. On page 5 paragraph 1 “four” pilots was changed to “two” pilots; and on page 3 paragraph 4 twenty “additional” trips was changed to twenty “make-up” trips and “making all of them” with 5-year pilots was changed to “at least 100 trips” with 5-year pilots. It was moved by Commissioner Hannigan and seconded by Commissioner N. Davis that the September 8, 2005 Minutes be approved as amended. The motion carried.

OLD BUSINESS

The final version of the Policy Statement that was approved at the September 8, 2005 Board meeting was presented for review. No comments were made. The Policy Statement regarding “**Qualifications of Pilot Applicants Under WAC 363-116-075 When Experience is on Vessels Employing More Than One Master**” stands as previously approved.

NEW BUSINESS

Consideration of Petition for Vessel Exemption: Motor Yacht *LADY ZELDA*. A petition for vessel exemption was received regarding the foreign flagged 116’, 279 gross ton Motor Yacht *LADY ZELDA*. 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 September 15, 2005, subject to final Board approval at today’s meeting. It was moved by Commissioner Addington and seconded by Commissioner Mackey that the Board concur with the Chair’s previous action to grant a three-month exemption as requested to the *LADY ZELDA* so long as it remains in the charge of Captain Brett Major. The motion carried.

Pilot’s Report of Incident: *APL ENGLAND, 9-10-05.* The Board has received the written report submitted by Puget Sound Pilot, Captain Stuart Mork. The pilot submitted his report after learning that a letter from Todd Pacific Shipyards had been received by the Puget Sound Pilots alleging damage to the fender pilings at Pier 4 and a broken mooring line on the *MIGHTY SERVANT I*. Mr. Tom Paul stated he had been told by someone at Todd Shipyard that damage was estimated at \$64,000. The pilot’s report described the *APL ENGLAND’S* transit out of the West Waterway from

Pier 5 North. All pilots had been previously notified by the agent for the *MIGHTY SERVANT I* through PSP that a request had been made for a reduced speed for vessels transiting the West Waterway. Being aware of the issue concerning speed the pilot stated he never exceeded 2.2 knots astern. It was the consensus of the Board that more information was necessary. It was moved by Commissioner Hannigan and seconded by Commissioner Lee that this matter be postponed to the November meeting or until the receipt of the following information, 1) data from both the *APL ENGLAND* and the assist tug *GUARD* regarding their speed, 2) a statement from the *MIGHTY SERVANT I* deck officer, and 3) verification of the position of the three vessels relative to each other. The motion carried. Commissioner Niederhauser will coordinate the follow-up. Scott Craig from Crowley said he could get a statement from the tug officer.

Pilot's Report of Incident: CEC LEADER, 9-18-05. The Board has received the written report submitted by Grays Harbor Pilot, Captain Robert D'Angelo. The pilot states that while alongside T-4B a mooring line parted. It was moved by Commissioner Hannigan and seconded by Commissioner Lee that this matter be postponed to the November meeting and the pilot be requested to submit a supplemental report with more details. The motion carried. Commissioner Mackey will coordinate the follow-up and gather additional information from the tug officer, etc.

Pilot's Report of Incident: OAK HARBOUR, 9-25-05. The Board has received the written report submitted by Puget Sound Pilot Captain Victor Engstrom. Included with the pilot's report was a statement from a federal pilot observer, Captain James Caspers. At Chairman Dudley's request Commissioner Hannigan gathered statements from the vessel master, helmsman and third officer as well as copies of the engine room bell book and movement log. While transiting up the Duwamish River through a maze of gillnets the *OAK HARBOUR* came in contact with the west protective shear wall of the Spokane Street swing bridge. In order to clear a fishing net the ship had to favor the west side of the channel close to the bridge shear walls. A hard to port rudder command was ordered by the pilot. Captain Caspers heard the order repeated from the bridge for hard to starboard and ran into the bridge to confirm the starboard rudder position and promptly alerted the pilot and captain who stood at the opposite wing. The hard to port command was repeated by the pilot but contact with the shear wall could not be avoided. The three statements from the master, helmsman and third officer indicated the ship's rudder was ordered hard port, put over that way and kept there during the allision. The amount of damage to the shear wall is undetermined. A survey of the vessel indicated scratched paint. The USCG is investigating. It was moved by Commissioner Lee and seconded by Commissioner Hannigan that this matter be declared an "Incident with damage and without pilot error". The motion carried.

Consideration of Applicants for Approval to Take the Puget Sound Pilotage District Pilot Examination. On behalf of the Exam Development Committee Commissioner Lee reported that pursuant to WAC 363-116-075 and the Board's Policy Statement concerning vessels employing more than one master, all twenty-one applicants meet the qualification criteria with respect to sea service and licensing. Background checks are still being conducted. Some applicants who were present protested the Board's new Policy Statement. It was moved by Commissioner Hannigan and seconded by Commissioner Lee to approve the twenty-one applicants to take the 2005 Puget Sound Pilotage District pilot examination with respect to RCW 88.16.090, WAC 363-116-075, WAC 363-116-076 and the Policy Statement, subject to completion and review of further background checks. The applicants are: Michael Blake, Jack Bujacich, Ivan Carlson, James Caspers, David Grobschmit, James Hannuksela, Stephen Jones, Jostein Kalvoy, James Kearns, Patrick Kelly, Eric Klapperich, Edmond Marmol, Bruce Nelson, James Pelland, Stephen Semler, Lawrence Seymour, William Sliker, Katharine Sweeney, George Thoreson, John Ward and Gordon Wildes. The motion carried.

Committee Reports:

Policy Statement Development Regarding "In Ballast" Definition. This item was deferred and will be removed from the agenda until such time as the Committee has a proposal for the Board to consider.

Pilot Examination Development. Commissioner Niederhauser discussed the details of the anticipated timeline for the written examination, simulator evaluation and training programs. The written exam will be administered on November 14 and grading will take place on November 15. The simulator evaluations will be administered on November 15, 16 and 17. According to the contract that the Board and Pacific Maritime Institute have entered into, the evaluators' score sheets will be tabulated by PMI and delivered to the Board as early as November 22, but no later than November 29. The blended final scores for each applicant could be mailed as early as November 22 but no later than November 30. At the December 8 Board meeting it is anticipated that the Board will approve applicants to be admitted into training. It was moved by Commissioner Hannigan and seconded by Commissioner Niederhauser that if the exam results are released as early as November 22, that Friday, November 25, which is the day after Thanksgiving Day, be declared a business day for purposes of counting five business days after an applicant receives notice of his/her exam results in which to request a review. The motion carried with Commissioner Lee opposed.

Chairman Dudley has asked the Board to make a determination whether or not he will be considered eligible to be an evaluator for the simulator evaluation based on the federal license he holds which does not include STCW and radar endorsements. It was moved by Commissioner Lee and seconded by Commissioner N. Davis that Captain Dudley's federal license meets the criteria set forth in WAC 363-116-077(2) in order for him to be a simulator evaluator. The motion carried. At the November Board meeting it will be determined if there will be four evaluators or three evaluators and an alternate.

Trainee Evaluation Committee. It was moved by Commissioner Niederhauser and seconded by Commissioner Lee to accept Captain McCurdy's recommendation of Captain Rob Kromann to sit on the TEC. The motion carried. Commissioner Niederhauser reported that the TEC has proposed license upgrade requirements for Captain John Scoggins in a letter to him dated October 17, 2005, as specified in WAC 363-116-082(3). It was moved by Commissioner Niederhauser and seconded by Commissioner Lee that the Board approve the committee's recommended license upgrade requirements for Captain Scoggins. The motion carried. At the November meeting the Board will determine the procedure for advancing a pilot through the license upgrade steps and if it will require Board action or be handled administratively.

The TEC is working on the revision of the evaluation forms for the training program.

Commissioner Hannigan reported that in the interest of obtaining consistent evaluations from training pilots, and for other reasons, pilots will be offered a one-day "Train the Trainer" class. PMI has quoted a cost of \$3500 per session for an unlimited number of attendees. It is hopeful that all pilots, regardless of one's eligibility to be a training pilot, will attend one of the sessions during their off-watch period. Grays Harbor Pilots will also be included. There will be two sessions offered. Determination will be made regarding responsibility of payment.

Legal Update. Susan Cruise reported that she met recently with the Director of Legal Affairs and the Assistant Attorney General for the Office of Financial Management to discuss the elements of the administration of the training stipend program for pilot trainees. After their meeting yesterday in Olympia, OFM personnel agreed that the parties could resolve very amicably, in a way that is favorable to the Board, the issues that they believed have been raised. They concluded that it is an accounting matter regarding how the stipend is going to be accounted for that remains unresolved.

Pursuant to WAC 363-116-078(10) the Board has two options for administering the stipend payments. If the Board chooses to receive the training surcharge receipts it will need legislative authority (an RCW amendment) and a supplemental budget appropriation to pay out the stipends once the revenue has been deposited into the Board's account. If the Board chooses to have PSP collect the training surcharge receipts and pay out the stipends, the statutory authority to do so is established but the accounting procedures need to be detailed and understood by OFM. Several scenarios and options were discussed and considered. Vice Chairman Davis designated Vince Addington, Walt Tabler and Peggy Larson to draft RCW language in anticipation of possible agency request legislation. OFM has granted the Board an extension of the filing deadline to mid-November. Susan and other key people will meet again with OFM personnel to resolve the accounting matter if the Board should decide to direct PSP to administer payment of the stipends.

Administrator's Report. Peggy Larson reported that she had been contacted by Sue Goldstein from the Code Reviser Statute Law Committee who is drafting a "technical correction" to RCW 88.16.118 that will merge the two versions adopted during the 2005 Legislative Session. During the session the two versions were not mergeable under their statutory authority because in one place "negligence of the pilot" was changed to "a" pilot and in the other case it was changed to "that" pilot. Ms. Goldstein is asking our Board for its preference for using "a" or "that" in this technical corrections bill. A very tight legal title will be used: AN ACT Relating to making technical corrections to the Revised Code of Washington under the authority of RCW 1.08.025. Vice Chair Davis will review the proposed language; also Gary Nelson will be asked to comment.

Pilots' Activity Reports. Captain Dave Sanders, Vice President, Puget Sound Pilots, reported that there were 766 jobs in September compared to 624 for an average of the past 3 Septembers; Captain Stensager remains on medical leave; Captain Scoggins is attending simulator training; and last month Captains Harris and Niederhauser lived aboard the *USNS WATKINS* for 6 and 8 days respectively while working on a project for the US Navy which involved the *MIGHTY SERVANT I*; and Captain Rob Kromann's name has been chosen for recommendation to sit on the Board's Trainee Evaluation Committee.

Gary Nelson, Executive Director of the Port of Grays Harbor, reported that vessel arrivals are about 60% ahead of projections which is about 30% over last year; there have been 46 arrivals through September consisting of 34 to the Port and 12 to Bay City; Captain Cooke has been able to nearly complete his required license upgrade trips since being licensed in July due to the increased number of ship calls; and the pilot boat is in dry dock for repairs.

Public Comments. Captains Amigo Soriano and Joseph Macri attended today's meeting to oppose the passage of the 2005 legislation enacted earlier this year which states, ".....under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination". Both felt it was unfair for an applicant to be dropped from the waiting list and have to take another pilot examination if he or she isn't admitted into a training program before the expiration of four years.

Commissioner Comments. Commissioner Hannigan reported that he recently attended a meeting with the Port of Seattle and representatives from the Mukkleshoot Indian Tribe. They have been very proactive in developing a formal agreement to work together to keep the waterways clear of fishing nets for vessel traffic calling at Port of Seattle docks. Tribal enforcers are patrolling the waters and are mindful of ship moves to keep the fishermen aware of vessel traffic.

Commissioner Lee asked about the status of Captain Bock since his return to active piloting following his lengthy tenure as President of Puget Sound Pilots. He wondered what recency he had working in the pilotage ground. Vice Chairman Davis stated that if this was a concern, that Commissioner Lee should request that the matter be made an agenda item next month and that

Captain Bock be notified of such a request. It was noted that Captain Bock took some vessel assignments over the years and dealt continually with piloting issues as a matter of course while serving as president.

Confirmation of Next Regular Meeting Date. The next regular meeting is November 10, 2005, in the Fourth Floor Conference Room, at 2901 Third Avenue, Seattle.

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner Hannigan and seconded by Commissioner Addington that the annual physical examination reports for Captains C.N. Larson, L.R. Petke, J.R. Semler, J.A. Shaffer, W.H. Snyder and D.H. Stensager be accepted for license renewal; Captain D.H. Stensager's license be returned to active status and he be authorized to return to duty; and Chairman Dudley's previous action on September 12, 2005, for Captain W.A. Bock's license be returned to active status and his authorization to return to duty be affirmed. The motion carried.

The Chairman adjourned the regular session Board meeting at 1:55 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Absent

Harry H. Dudley, Chairman

Charles M. Davis, Vice Chairman

Commissioner Oliver E. Mackey

Commissioner John S. Niederhauser

Commissioner Patrick M. Hannigan

Commissioner Vincent Addington

Commissioner Craig W. Lee

Absent

Commissioner Andrew C. Palmer

Commissioner Norman W. Davis