

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

January 14, 2010

Present:

Chairman: Harry Dudley

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

Assistant Attorney General: Guy Bowman

Administration: Peggy Larson

Frantz Coe, Jostein Kalvoy, John Harris, Walt Tabler: Puget Sound Pilots

Mary Nelson: *Port of Grays Harbor (by telephone)*

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

Del Kelly, Mike Gavin: Retired Puget Sound Pilots

Dan Brouillard, Jim Kearns: Pilot Applicants

Loren Lee: Public

PUBLIC HEARING

A public hearing of the Board of Pilotage Commissioners was convened at 9:30 a.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington.

WAC 363-116-078: Training Program. This proposed rule is intended to extend the time period during which a pilot trainee has to complete the initial evaluation phase of his/her training program. If not modified, this time line would force the termination of a training program before giving a trainee ample time to successfully complete the specified Local Knowledge Examination. An extension of time for the administration of this examination is necessary so that a trainee is not eliminated from training. This rule as proposed is currently in effect under emergency provisions which will expire on March 26, 2010. It is intended that it become a permanent rule in order to remedy this situation in all current and future training programs. There was no oral testimony presented.

The public hearing was closed by Chairman Dudley at 9:31 a.m.

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:32 a.m. by Chairman Harry Dudley.

Consideration of Preceding Hearing: WAC 363-116-078. Following the Board's review and discussion of this proposed rule as drafted by the Trainee Evaluation Committee, it was moved by Commissioner Hannigan and seconded by Commissioner Davis to adopt a permanent rule with the following amended provisions: Section 5(a) - extend the initial evaluation period from six to eight months for trainees on stipend, extend the initial evaluation period from nine to fifteen months for trainees not on stipend and add the language or within such time frame as may be established by the board to give the board the authority to modify the time frame if necessary for all trainees, not just those on stipend; Section 5(b)(i) and Section 7: change thirty days to seven days for the time frame in which to repeat a Local Knowledge Examination if necessary. A motion to amend was made by Commissioner Lee to change the time frame in Section 5(a) from six to eleven months. The motion to amend died for the lack of a second. The original motion carried.

Minutes. There being no corrections or additions, the December 10, 2009 Minutes stand approved as written.

OLD BUSINESS

Pilot's Letter Report: *FURIA R*, 11-5-09. Pilot: Stephen Cooke. Before the Board today are the following documents submitted by the Port of Grays Harbor: the Port's Safety Committee Minutes of December 31, 2009, the incident report submitted by Captain Cooke, the incident report submitted by Captain Freel of Knutson Towboat, and the USCG report submitted by Captain Freel. Commissioner Hannigan also submitted proposed modifications to WAC 363-116-200 introducing a "Report of Transfer Incident". The Port is continuing with their investigation into the matter and will accept Commissioner Lee's offer to assist. The Board strongly urges the Port to complete their comprehensive investigation in a timely manner. The proposed WAC language will be forwarded to the *Legislative/WAC Committee* for review.

Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District and Management of the Comp Day System. Chairman Dudley asked PSP and PMSA to determine what information they feel would be most beneficial to the Board in addressing this complex issue. Information to date includes many oral comments made over the past few months, updated retirement surveys from PSP and a letter submitted today from PMSA offering its position on PSP's proposal to reduce the number of pilots. Discussions included other issues such as comp day system management and the safe assignment level. Motion: Lee/Hannigan - put an item on the March 11 meeting agenda that reads, "Discussion and resolution concerning setting the number of pilots in the PSPD, the safe assignment level, and management of the comp day system, as provided in WAC 363-116-065". Friendly amendment: Hannigan/accepted by Lee - in accordance with the provisions of WAC 363-116-065 the Board set the number of pilots at the regularly scheduled March meeting and that data the stakeholders believe is necessary to enable the Board to set the number of pilots be submitted to the Board by the February meeting with clarifications due fourteen business days prior to the March meeting - Carried.

Modification of Form: *Petition for Vessel Exemption from Pilotage Requirements*. Following up on a request at the December Board meeting, Commissioner Norm Davis developed a more comprehensive list of navigational aids for purposes of modifying the Board's vessel exemption application form. Motion: Snyder/Adams - modify the form called *Petition for Vessel Exemption from Pilotage Requirements* by adding a more detailed check list of navigational aids under item #11 - Carried. Motion: Adams/Thompson - add a new item #14 requesting a photograph of the vessel - Carried.

NEW BUSINESS

Approval of Pilot License Upgrade Programs for Captains David Grobschmit and Jostein Kalvoy. Captains Grobschmit and Kalvoy are nearing completion of their third license year. Motion: Snyder/Lee - approve the license upgrade programs for Captains David Grobschmit and Jostein Kalvoy as drafted by the TEC - Carried.

Consideration of Request for Vessel Exemption:

Motor Yacht *CIELO MARE* - 106', 247 gross tons, Marshall Islands registry, Captains Jose Angulo and Gibson Laws. Interim exemption granted by Chairman Dudley on 1-6-10. Motion: Thompson/Snyder - affirm interim action and grant exemption for one year.

Discussion/Consideration of Proposed Statement of Policy Concerning Tariff Setting Procedures. In November 2009, Chairman Dudley prepared and presented a Draft Statement of Policy describing the processes the Board uses in setting tariffs for the Puget Sound and Grays Harbor Districts. In the spirit of open communications, he feels there is value in giving the public a clearer indication of how the Board looks at various factors when setting tariffs. It was the consensus of the Board to give this Draft Statement of Policy further review and consideration at the next Board meeting.

Review Audit Report - Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. The California audit report has brought to light a couple of areas our Board feels would be worthy of review - continuing education and medical reporting. The Legislative/WAC Committee will continue to work on these issues for possible rule modifications.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on January 13th.
- Training programs for Captains Brusco, Caspers, Scragg, Anacker and Bouma were reviewed. Motion: Snyder/Hulsizer - pass Captain Caspers out of the initial evaluation phase - Carried.
- Random drug testing for pilot trainees and Grays Harbor Pilots is being pursued. The TEC and staff will work with PSP on this matter to develop and present a specific proposal to the Board.
- Grays Harbor manpower status is being monitored for purposes of future scheduling of a Grays Harbor Pilotage District examination.
- Captain Rob Kromann has submitted a letter of resignation from the TEC in combination with his intent to retire from Puget Sound Pilots in March, 2010. He will serve on the TEC until he is replaced. Chairman Dudley asked PSP to present a recommendation for a replacement for Board consideration/action at the February Board meeting.

Legislative/WAC Committee: With the recent replacement of Commissioner Chuck Davis by Commissioner Chuck Adams on this committee, Chairman Dudley has re-established the membership to include Chuck Adams as Chairman, Pat Hannigan, Vince Addington and Jeff Thompson.

Activity Reports. Mary Nelson, representing Port of Grays Harbor, reported that there were 5 arrivals in December. For the year 2009, there were 47 arrivals and 113 jobs, which was right on their budgeted amount. The 8 vessels budgeted for Weyerhaeuser docks were made up by new activity at Port docks: logs, liquid bulk and Ro-Ro. The GH District expects to average 5-6 vessel arrivals per month in 2010, with over 60 for the year. Five arrivals each month are currently scheduled for January and February.

Captain Andy Coe, representing Puget Sound Pilots, reported there were 532 jobs in December 2009 compared to 601 in December 2008; this represents the worst December in ten years; comp days created/taken in December were 0/25; two days recently were spent by all pilots at the Seattle Coast Guard facility learning about security measures; and a Grays Harbor pilot was transferred through Port Angeles due to bad weather on the bar. A power point presentation was made regarding all of the various Continuing Education courses in which the Puget Sound Pilots participate. Commissioner Hulsizer requested that Puget Sound Pilots submit to the Board a training matrix showing completion of all training and education courses by pilot by year.

Captain Mike Moore, representing Pacific Merchant Shipping Association, reported that the total vessel arrivals for the year were 2850, the low in 2002 was 2736, the peak in 1992 was 3305 and the average was 2978; information and handouts were provided concerning the global market, the West Coast market share, discretionary cargo activity, and vessel arrival statistics and trends. Captain Moore shared his written comments published in the December issue of Pacific Maritime Magazine in response to an opinion piece by Captain Andy Coe entitled *Puget Sound Pilots Helping Ports Stay Competitive*.

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

Legal Update. Guy Bowman reported that Captain Bruce Nelson's 7-day hearing is set for March 25 through April 2, 2010. The hearings for Captains Toney, Surface and Webster with regard to the 2008 Simulator Evaluation have been consolidated and scheduled for mid-May. Guy filed a motion last week requesting a continuance of the May hearing dates to August.

Administrator's Report. The Legislative Session convened this week and will run a 60-day session up through March 11, 2010. The Board has no agency-sponsored legislation this year however Senate confirmation hearings/action could be forthcoming. An exit conference was held on January 11th with the State Auditor; there were no findings. We are still awaiting word from the Governor's Office as to the appointment of a public member to replace Chuck Davis. Judy Bell, Administrative Assistant to the Board resigned her position on December 31st after nearly seven years of providing dedicated and efficient service to the Board.

Public Comments. Loren Lee expressed his concerns about the Captain Cooke incident in Grays Harbor and urged the Board to aggressively move forward with an investigation. Mike Moore voiced his appreciation for Judy Bell's work with the Board during the past several years and noted her responsiveness and cooperation when requesting assistance on many matters.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for Thursday, February 11, 2010 at 9:30 a.m. in the Agate Conference Room, 2901 Third Avenue, Seattle.

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 T.A. Jacobs, V.K. Justice, A.J. Newman and E.C. vonBrandenfels be accepted for annual license renewal. The motion carried. Requested follow-up information on one other pilot was accepted.

A CLOSED SESSION was called from 12:50 p.m. to 1:15 p.m. regarding ongoing litigation issues. In attendance were Chairman Dudley, Commissioners Adams, Hannigan, Snyder, Lee, Davis, Thompson and Hulsizer; Guy Bowman, and Peggy Larson. The matter of Captain Stephen Jones was not discussed.

There being no further business to come before the Board, the Chairman adjourned the regular session Board meeting at 1:15 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

VACANT

Public Member

Commissioner Charles F. Adams

Commissioner Patrick M. Hannigan

Commissioner William H. Snyder

Commissioner Craig W. Lee

Commissioner Jeffrey L. Thompson

Norman W. Davis, Acting Vice Chairman

Commissioner Elsie J. Hulsizer