

# MEETING MINUTES

## STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

July 14, 2005

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### Present:

Chairman Dudley, Commissioners C. Davis, Mackey, Niederhauser, Hannigan, Addington, Lee, and N. Davis

Administrator, Peggy Larson and Administrative Assistant, Judy Bell

Captain Richard McCurdy and Mr. Walt Tabler: Puget Sound Pilots

Mary Nelson: Port of Grays Harbor

Mike Moore: Pacific Merchant Shipping Association

Stephen Cooke: Port of Grays Harbor

Gregg Trunnell: Pacific Maritime Institute

Jostein Kalvoy, Gordon Wildes, Ed Marmol, Eric Klapperich, Katharine Sweeney, John Ward and

Pat Kelly: pilot aspirants

### REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington. Chairman Dudley introduced Captain Richard McCurdy as the new President of Puget Sound Pilots, replacing Captain Bill Bock.

**Minutes.** There being no corrections or additions, the June 9, 2005 Minutes stand approved as written.

### OLD BUSINESS

**Proposed Rule-Making Regarding Pilot Licensing Qualifications and Procedures.** Chairman Dudley announced that a public hearing has been filed for August 11, 2005, at 9:30 a.m. He pointed out that in the public notice the Board announced it would consider whether or not to adopt the new rules under emergency provisions. This will be determined on August 11, upon consideration of testimony. If it is then determined that an emergency exists to adopt the new rules, then the scheduling of a pilot exam on less than the standard four-month notice will be considered as well. It was the Exam Committee's recommendation that the Board adopt the rules immediately (today) under emergency provisions and announce an exam (today) for November 14, 2005. This proposal was not favored based upon guidance from legal counsel and various other comments. Chairman Dudley suggested that the Board informally announce today that it is thinking about a November 14 exam but will wait for the August 11 adoption of the new rules in order to make a formal announcement. It was moved by Commissioner Niederhauser and seconded by Commissioner Lee that the Board resolve to publicize its intention to hold the next pilot examination for the PSPD on November 14, 2005, and indicate that it intends to formally announce this date at the August 11, 2005 Board meeting. A rewording of the motion was offered by Chairman Dudley: "that the Board resolve to publicize that it contemplates holding an exam for the PSPD on November 14, 2005, and it intends to confirm that date at the August 11 Board meeting during which it will discuss the proposed new rules, and if those rules are adopted, the exam contemplated on November 14 will be conducted under the new rules". The amended motion carried. It was also moved by Commissioner Niederhauser and seconded by Commissioner Mackey that the Board staff be directed to immediately reserve simulator time with the Pacific Maritime Institute for the dates of November 15-19, as requested in a July 13 letter from Puget Sound Pilots. The motion carried.

**Review of PSPD Pilot Trainee: Captain Fred Triggs.** As directed at the June 9, 2005 Board meeting Chairman Dudley sent a letter to Captain Triggs stating that the Board has noted issues relative to his performance evaluations on some training assignments and that he should work with the Pilot Training Committee to restructure his training program for the balance of the program. After meeting with Captain Triggs, the Pilot Training Committee issued a memo to the Board dated July 10, 2005, setting forth several recommendations. It was moved by Commissioner Hannigan

and seconded by Commissioner Mackey that the Board accept the recommendations as outlined, which will require 20 training trips to be re-done, an additional 45 days to be added to the program, specific trips to be determined by the Committee, and specific pilots to be used as training pilots. The motion carried. This includes the understanding the Puget Sound Pilots may have to alter their dispatch rotation from time to time to be able to select specific pilots for these certain training trips.

### **NEW BUSINESS**

**Pilot's Report of Incident: R.J. PFEIFFER, 6-27-05.** The Board has received the written report submitted by Puget Sound Pilot, Captain Larry Emerson. It was determined that a CIC report was not necessary. While shifting the vessel from Terminal 18 to Todd Shipyard, the tug *PACIFIC EXPLORER* pulled a closed chock off the ship and bent handrails in the chock's vicinity. After letting go the mooring lines the pilot ordered the tug to pull the ship's quarter away from the dock easy while working the bow thruster away from the dock at half power. Since the thruster was more effective than the tug the pilot ordered the tug to pull stronger. The tug reported that the chock had pulled free from the ship and slid down the tug's line and landed on the tug's deck. No one on either vessel was injured. The shift was completed without further incident. It was moved by Commissioner C. Davis and seconded by Commissioner Addington that this matter be declared an "Incident with damage and without pilot error". The motion carried.

**Pilot's Report of Marine Safety Occurrence: 7-2-05.** While docking the *MOUNT TRAVERS* a lineman on the dock got his foot caught between the dolphin and the access ramp at Terminal 115. The pilot ordered the tugs to stop and back off the dock. Medical attention was given to the injured lineman who suffered bruises to his foot. The vessel was secured to the dolphin but was later tied to the adjacent Glacier Dock, which is where the pilot had initially ordered the vessel to go, but was countered by the linemen. It was moved by Commissioner Mackey and seconded by Commissioner C. Davis that this report of a Near-Miss be filed as a Marine Safety Occurrence without pilot error. Commissioner C. Davis stated he seconded the motion with reservation because he believes the MSO borders on an Incident. The motion carried. It was moved by Commissioner N. Davis and seconded by Commissioner Hannigan that Chairman Dudley write a letter to the terminal operator with a copy of the pilot's Marine Safety Occurrence Report highlighting that the pilot has made safety-related recommendations. The motion carried.

**Consideration of Petition for Vessel Exemption: Motor Yacht WALKABOUT.** A petition for vessel exemption was received regarding the foreign flagged 141', 360 gross ton Motor Yacht *WALKABOUT*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements. It was moved by Commissioner Lee and seconded by Commissioner Addington that the Board grant a three-month exemption as requested, to the *WALKABOUT* so long as it remains in the charge of Captain Edgard Ulloa. The motion carried.

**Consideration of Petition for Vessel Exemption: Motor Yacht FLAMINGO DAZE.** A petition for vessel exemption was received regarding the foreign flagged 152', 499 gross ton Motor Yacht *FLAMINGO DAZE*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements. It was moved by Commissioner C. Davis and seconded by Commissioner Addington that the Board grant a three-month exemption, to the *FLAMINGO DAZE* so long as it remains in the charge of Captain Olav Hinke. The motion carried.

**Consideration of New Vessel Operator: Motor Yacht CACIQUE.** Upon petition to the Board, it was moved by Commissioner Lee and seconded by Commissioner Hannigan that Captain Randal Jones be named the approved vessel operator for the Motor Yacht *CACIQUE*, replacing Captain Edgard Ulloa. The motion carried. Commissioner C. Davis abstained due to a possible conflict of interest.

**Consideration of New Vessel Operators: VICTORIA CLIPPER.** In a letter dated June 23, 2005 Clipper Navigation submitted a request for Board-approval of five new masters to operate the *VICTORIA CLIPPER*, which is currently operating under a pilotage exemption. Discussion followed regarding the Board's current minimum license and experience requirements for becoming an

approved *VICTORIA CLIPPER* master and whether or not all of them satisfactorily meet this criteria. It was moved by Commissioner Hannigan and seconded by Commissioner Lee that the Board ask for verification of the required 12 familiarization trips for these five additional masters, in addition to justification of at least two captains' licenses being equivalent to the minimum license requirement set by the Board. The motion carried. Board approval of the five new masters will be tabled until more information is received.

**Consideration of Setting a Pilot Examination Date for the Puget Sound Pilotage District.** This was previously discussed under the first agenda item under OLD BUSINESS.

**Committee Report: Policy Statement Development Regarding "In Ballast" Definition.** Commissioner Lee stated he would have something for the Board to review at the September meeting.

**Committee Report: Pilot Examination Development.** Board members were given the written notes from the committee's meeting on June 23, 2005. Commissioner Niederhauser reported that they have secured two retired Puget Sound Pilots to write the examination.

**Pilots' Activity Reports.** Captain Richard McCurdy, President, Puget Sound Pilots, reported that this is his third day on the job and joining him this year are Vice President, David Sanders, Secretary/Treasurer Jed Arnold, and other Directors are Calvin Hunziker, Alec Newman, Jim Shaffer and Mark Shuler; assignments for May totaled 723, for June 747 and the first ten days of July totaled 255; the Port of Everett is anticipating 60 additional calls due to the addition of some Westwood ships; Captain Stensager remains on medical leave; the new Husky Terminal in Tacoma will be celebrating a grand opening tomorrow; PSP was happy to donate pilotage services to some tall ships that called in Tacoma during the July 4<sup>th</sup> Sailing event; and PSP is also happy to be participating in the development of the NW Maritime Center in Port Townsend.

Mary Nelson, Director of Finance and Administration of the Port of Grays Harbor, reported that Captain D'Angelo has remained on duty without interruption of coverage in the GHPD; the Port is very pleased to be welcoming Captain Cooke on board; vessel arrivals during June remained ahead of budget projections and year to date there have been 31 arrivals and 75 jobs; the third quarter will probably be right on target with an increase again in the fourth quarter, and a good year end.

**Miscellaneous Correspondence Review.** As requested, the Board received PSP's written request for two additional trainees that was presented verbally last month. The last two eligible trainees on the waiting list from the 1996 pilot exam have both declined the invitation to train. Chairman Dudley stated that the waiting list from the 1996 pilot exam will effectively die when the new rules go into effect, but if either Captain Dwyer or Johnson change their mind between now and then, they would be welcome to begin training in Puget Sound.

On June 15, 2005, Captain Cooke requested the Board to consider a special meeting to review his physical report in order to commence piloting in Grays Harbor as soon as possible. The administrative process necessary to accommodate such a request did not work in his favor and would not have provided the desired result.

**Confirmation of Next Regular Meeting Date.** The next regular meeting is August 11, 2005, in the First Floor Conference Room, at 2901 Third Avenue, Seattle. The meeting will immediately follow the 9:30 a.m. public hearing to consider Pilot Licensing Qualifications and Procedures.

**Review of Pilot Physical Examination Reports.** After reviewing the physicians' reports it was moved by Commissioner C. Davis and seconded by Commissioner Addington that the annual physical examination reports for Captains F.A. Coe, B.L. Michelson, D.L. Shaffer and S.E. Mork be accepted for license renewal and that Chairman Dudley's previous authorization for Captain J.S. Niederhauser to return to duty on June 10, be re-affirmed. The motion carried. Commissioner Niederhauser abstained.

It was moved by Commissioner Mackey and seconded by Commissioner Hannigan that the Board accept Captain Stephen G. Cooke's physical examination report for initial licensure of state license number 16 for the Grays Harbor Pilotage District. The motion carried. The Board members expressed their congratulations to Captain Cooke as he begins his new career as a Grays Harbor Pilot.

Captain Stensager remains on inactive status as of May 2005 due to a medical condition.

The Chairman adjourned the regular session Board meeting at 12:15 p.m.

Respectfully submitted,

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Peggy Larson, Administrator

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Harry H. Dudley, Chairman

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Charles M. Davis, Vice Chairman

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Commissioner Oliver E. Mackey

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Commissioner John S. Niederhauser

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Commissioner Patrick M. Hannigan

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Commissioner Vincent Addington

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Commissioner Craig W. Lee

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**Absent**

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Commissioner Andrew C. Palmer

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Commissioner Norman W. Davis