

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

December 4, 2008

Present:

Chairman: Harry Dudley

Commissioners: Chuck Davis, Pat Hannigan, Bill Snyder, Vince Addington, Craig Lee,
Norm Davis, Elsie Hulsizer

Assistant Attorney General: Guy Bowman

Administration: Judy Bell

Del Mackenzie: Puget Sound Pilots

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Ron Kinsey: US Coast Guard Sector Seattle

Jim Hannuksela, George Thoreson: Pilot Trainees

David Brusco, David Surface, John Scragg, Warren Carley, Arthur Piehler, Steve Moreno,
Jim Kearns, Bruce Toney, Chad Clapp, Jim Caspers: Pilot Applicants

Mike Gavin, Del Kelly: Retired Puget Sound Pilots

Jeff Thompson, Bruce Nelson, Mary Ruth Mann, Margaret Hannuksela, Jan Thoreson: Public

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:30 a.m. by Chairman Harry Dudley in the Agate Conference Room at 2901 Third Avenue, Seattle, Washington.

Minutes. The October 9, 2008 Minutes were approved as written. With regard to the October 21, 2008 Minutes, it was moved by Commissioner Addington and seconded by Commissioner Hannigan to clarify a sentence on page one under Set the Number of Applicants Who Will Advance to the Simulator Evaluation, as follows: "*The Board chose the number 28 based on a recommendation by COMIRA that a relative cut score of 119 points be used to determine the number of candidates moving on to the simulator exam. COMIRA derived the relative cut score of 119 through analysis of the test results and their application of psychometric principles.*". The motion carried. Commissioners Hulsizer and Lee abstained. It was moved by Commissioner Hannigan and seconded by Commissioner Addington that the October 21, 2008 Special Meeting Minutes be approved as amended. The motion carried. Commissioners Hulsizer and Lee abstained. The October 31, 2008 Special Meeting Minutes were approved as written.

OLD BUSINESS

Consideration of Licensure of PSPD Trainee: Captain Bruce Nelson. At the request of Captain Nelson and his attorney, Ms. Mary Ruth Mann, this item was deferred to Closed Session later on the agenda.

Consideration of Licensure of PSPD Trainee: Captain Katharine Sweeney. Neither Captain Sweeney nor her attorney, Ms. Deborah Senn, could be present today. In a letter dated November 26, 2008, Captain Sweeney and Ms. Senn requested that consideration of this agenda item be deferred until the January meeting to allow them time to prepare a presentation to the Board. It was moved by Commissioner Hulsizer and seconded by Commissioner Lee that their request be granted. The motion carried.

NEW BUSINESS

Review and Consideration of Licensure of PSPD Trainees: Captains Jim Hannuksela and George Thoreson. On behalf of the Trainee Evaluation Committee (TEC) Commissioner Snyder reported that after a thorough review of all *Pilot Trainee Trip Reports* submitted to the Board, the TEC unanimously recommended the issuance of state pilot licenses to Captains Hannuksela and Thoreson. It was moved by Commissioner Snyder and seconded by Commissioner Lee that Captains Hannuksela and Thoreson be issued state pilot licenses #175 and #176 respectively for the Puget Sound Pilotage District. The motion carried.

Approval of Pilot License Upgrade Programs for Captains Vic Engstrom and Stephen Semler. It was moved by Commissioner Snyder and seconded by Commissioner Addington that the license upgrade programs for Captains Engstrom and Semler be approved as drafted by the TEC. The motion carried. They are nearing completion of their fourth and first license years respectively.

Pilot's Report of Marine Safety Occurrence: *THREE STARS*, 10-17-08. The Board received a written report submitted by Puget Sound Pilot, Captain Lyle Petke and pilot trainee Captain Jim Hannuksela. While attempting to anchor the vessel, the port anchor and chain ran out and were lost overboard. There appeared to be a language barrier among crew personnel when orders to walk the chain out were misunderstood. VTS and the agent were notified. It was moved by Commissioner Snyder and seconded by Commissioner Lee that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

Pilot's Report of Marine Safety Occurrence: *HOECHST EXPRESS*, 10-19-08. The Board received a written report submitted by Puget Sound Pilot, Captain Alec Newman. While attempting to depart the East Waterway the engine failed to start. The vessel was towed to Elliott Bay East Anchorage and held by an assist tug until the engine was started. VTS was notified. 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. The motion carried.

Pilot's Report of Marine Safety Occurrence: *ROTTERDAM EXPRESS*, 10-28-08. The Board received a written report submitted by Puget Sound Pilot, Captain Bill Snyder. While transiting southbound just east of Port Madison the vessel experienced a loss of power. The vessel never lost steerage and the engine was restarted within approximately seven minutes. VTS was notified. Since the gyro compass did not regain the proper heading, the vessel was steered into Elliott Bay using the magnetic compass and visual landmarks. The vessel was docked at Pier 18-4 without further incident. It was moved by Commissioner Addington and seconded by Commissioner Lee that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

Pilot's Report of Marine Safety Occurrence: *HORIZON TACOMA*, 10-30-08. The Board received a written report submitted by Puget Sound Pilot, Captain Ed Marmol. While transiting northbound past Apple Cove Point the pilot took evasive action to avoid a fishing vessel crossing southbound in the northbound lane and who was not responding to the pilot's calls. VTS was notified that the vessel would be making a round turn to starboard to avoid the fishing vessel. When 90 degrees into the turn it became apparent that the fishing vessel would pass astern, so the pilot brought the vessel back to port and continued north. It was moved by Commissioner Lee and seconded by Commissioner Addington that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried. It was noted that the pilot was using NavCruiserPro on a PPU during this transit. Commissioner Hulsizer asked if this simulation could be demonstrated at a future meeting. The pilot Board members will arrange for this at a meeting when time permits.

Pilot's Report of Incident: *PIONEER*, 10-29-08. The Board received a written report submitted by Puget Sound Pilot, Captain Burt Knowles. While transiting the Duwamish River and approaching the BPB Gypsum Dock, the vessel encountered numerous gillnets. After repeated unsuccessful attempts to reach the Muckleshoot Tribal Fishing enforcement group and without time to wait for the nets to be moved due to tidal conditions, the pilot docked the vessel but snagged a net on the north end of the dock with the ship's port quarter. It was moved by Commissioner C. Davis and seconded by Commissioner Lee that this matter be declared an "Incident with apparent damage and without pilot error". The motion carried.

Pilot's Report of Incident: *LAVIEN ROSE*, 11-24-08. The Board received written reports submitted by Puget Sound Pilots, Captains David Grobschmit and Stephen Semler and pilot trainee Larry Seymour. In addition to a video presentation, Commissioner Hannigan described the event where an abandoned barge broke free from its mooring and protruded into the narrow Hylebos Waterway. The movement of the *LAVIEN ROSE* as it was transiting the waterway caused the barge to swing around and make contact with a moored tug and another dilapidated vessel tied to it. It was moved by Commissioner C. Davis and seconded by Commissioner Lee that this matter be declared an "Incident

with damage and without pilot error". The motion carried. Chairman Dudley will write a letter to the Corps of Engineers, copied to congressional representatives, regarding the hazard to navigation this unsecured barge is creating. PSP will not take deep draft vessels into the channel until the unsafe condition is corrected. Mike Moore said contacting the USCG about derelict vessels as a potential hazmat concern may get action to remove additional abandoned or unsafe vessels. Captain Mackenzie will contact the USCG.

Consideration of Request for Vessel Exemption: Motor Yacht *LADY KATHRYN IV*. A petition for vessel exemption was received regarding the new vessel under construction at Westport Shipyard. The motor yacht is reported to be 164' and 492 gross tons, however, no official documents are yet available. Upon completion of sea trials, it will be flagged Cayman Islands. It was moved by Commissioner C. Davis and seconded by Commissioner Addington that the Board grant a three month exemption as requested to the *LADY KATHRYN IV* so long as it remains in the charge of Captain Christopher Ramos, subject to the official documents being received and verified that the vessel meets the requirements for exemption. The motion carried.

Consideration and Appointment of New TEC Member. Commissioner and TEC member Ole Mackey resigned from the Board on November 3, 2008. Commissioner Norm Davis has volunteered to fill this non-pilot commissioner vacancy on the Trainee Evaluation Committee and is supported by the members of the TEC. It was moved by Commissioner Snyder and seconded by Commissioner Hulsizer that Commissioner Norm Davis be appointed to this position. The motion carried.

Consideration of Setting the Number of Pilots for the Puget Sound Pilotage District for Purposes of Timely Admittance of Candidates into a Training Program ~ WAC 363-116-065. No Commissioner, pilot, or industry representative expressed a desire to change the number already established by the Board, so the number of pilots for the PSPD remains at 57. Mike Moore suggested allowing the applicants on the waiting list to participate in a modified rider program that would allow them to start working toward their federal pilotage endorsement while waiting to be called up for training, which would then reduce the length of training programs. Captain Mackenzie said this would be going back to the old way of doing things and that the new training program goal was to use the rides for federal pilotage as training opportunities. Mike Moore also suggested that PSP consider adjusting their 2-watch system to better staff during peak periods. Captain Mackenzie said that adjusting their system has been considered, but the challenge is keeping rested pilots available.

Activity Reports. Captain Del Mackenzie, President, Puget Sound Pilots, reported there were 54 active pilots including the president in November; there were 677 jobs in October and 679 in November; year-to-date 2008 traffic is down 100 jobs from 2007 which is approximately a 1% decline; 38 comp days were created and 31 days taken in October; 28 comp days were created and 8 days taken in November; Captain Marin Johnson remains on medical leave; Captains Klapperich and S. Semler went to Port Ash for manned model training in November; twelve pilots have taken the Risk Resource Management Class at PMI and 18 more will take the class in December; and the Tanker Escort Program at PMI is near completion, 12-13 simulations were created for the 3-day class.

Mike Moore, representing Pacific Merchant Shipping Association, reported that container traffic and safe movement of vessels continue to be topics of importance to their members. There has been no specific announcement given to date to indicate a definite downturn in expected traffic, but as information becomes available, he will pass it on to the Board.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on November 12th and December 3rd.
- All four trainees were in attendance on November 12th for a progress review. All are progressing satisfactorily.
- The TEC is working on a format for the local knowledge exams for the new pilot trainees.
- New training programs are under development and nearing completion.
- The TEC is considering how to revise the Training Evaluation form to fit with the new training programs.

2008 Pilot Exam Committee: Commissioner Hannigan recapped the activities over the past several weeks relative to the simulator evaluation reviews. Some comments and concerns were expressed by a couple of exam applicants regarding the exam process. The Board will go into Closed Session later in the meeting to review all Simulator Evaluation Review Forms and the PMI analysis.

Legislative/WAC Committee: No activity to report at this time.

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

Miscellaneous Correspondence Review. In a letter dated November 21, 2008 the Board formally denied PSP's request for the Board to waive its attorney/client privilege with regard to the production of the Washington Attorney General's written opinion on the retirement issues before the Board.

A letter was received from Representative Lynn Kessler, 24th District, encouraging the Board to continue supporting the retired Grays Harbor Pilots.

A letter was received from John McLaurin, PMSA San Francisco, expressing dismay at not involving stakeholders, or providing public notice, of the West Coast regional meeting of state pilotage regulatory Boards recently held in Portland, Oregon. The recipients, Mr. Knute Miller of California and Harry Dudley of Washington both returned appropriate responses.

Commissioner Comments. Commissioner Norm Davis reported about an inquiry received by him regarding escort tug requirements for an ethanol tanker. Because the ethanol was denatured with gasoline, it was decided that an escort tanker was required. Chairman Dudley asked Commissioner Davis to check with the DOE regarding environmental risk.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for Thursday, January 8, 2009 at 9:30 a.m. The meeting will be held 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 Snyder and seconded by Commissioner N. Davis that the physical examination reports for Captains J.E. Arnold, W.A. Bundren, L.P. Emerson, C.J. Engstrom, P.A. Giese, J.B. Harris, L.M. Mathisen, and A.J. Newman be accepted for annual license renewal. The motion carried. It was moved by Commissioner Hannigan and seconded by Commissioner Addington that the physical examination reports for Captains Hannuksela and Thoreson be accepted for initial licensure. The motion carried. Captain M.I. Johnson remains unfit for duty. However, in anticipation of getting a Fit-For-Duty prior to the next Board meeting, it was moved by Commissioner Hannigan and seconded by Commissioner Addington that Chairman Dudley be empowered to review and accept the physical report for purposes of allowing Captain Johnson to return to piloting subject to Board concurrence at the next regular meeting. The motion carried. (20 minute break)

A CLOSED SESSION was called from 1:00 p.m. to 4:00 p.m. to review Simulator Evaluation Review Forms and the PMI analysis; to hear Captain Bruce Nelson and his attorney present additional information regarding termination of his training program and consideration of his licensure; and to hear a TEC report of a medical concern. In attendance were Chairman Dudley, Commissioners C. Davis, Hannigan, Snyder, Addington, Lee, N. Davis and Hulsizer; Guy Bowman and Judy Bell.

Consideration of Licensure of PSPD Trainee: Captain Bruce Nelson (continued). Commissioner C. Davis called for the question on a tabled motion from the April 10, 2008 Board Meeting, moved by Commissioner Snyder and seconded by Commissioner Addington that the Board deny Captain Bruce Nelson a pilot license pursuant to WAC 363-116-080(5). The motion carried.

It was moved by Commissioner Hannigan and seconded by Commissioner C. Davis that the Board defer action on the review of the Simulator Evaluations until the Board has the opportunity to contact COMIRA and the subject matter experts who acted as evaluators in the Simulator Evaluation exercise. The motion carried.

A motion was made by Commissioner Hannigan and seconded by Commissioner C. Davis that Captain Larry Seymour be requested to seek further evaluation of a medical issue. The motion carried.

It was moved by Commissioner C. Davis and seconded by Commissioner Lee that a **SPECIAL MEETING** be called for December 16th at 9:00 a.m. In **Closed Session** the Board will continue its review of the Simulator Evaluation *Review Forms* with the PMI analysis and also confer with Dr. Hertz/COMIRA regarding the Simulator Evaluation portion of the exam and the establishment of the minimum passing score. An **Open Public Session** will follow to consider action on the Board's review of the Simulator Evaluation *Review Forms* and minimum passing score; to consider action to establish an interim list of ranked successful applicants which will be finalized upon the completion of all the requests for review from which applicants will be selected to enter a training program; and to consider other matters relative to the 2008 Pilot Examination and future Training Programs. The motion carried.

There being no further business to come before the Board, the Chairman adjourned the regular session Board meeting at 4:10 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Charles M. Davis, Vice Chairman

VACANT
Public Member

Commissioner Patrick M. Hannigan

Commissioner William H. Snyder

Commissioner Vincent Addington

Commissioner Craig W. Lee

Commissioner Norman W. Davis

Commissioner Elsie J. Hulsizer