

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

March 16, 2017

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### **REGULAR MEETING - Call to Order**

The regular meeting of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington.

#### **Present:**

Chair: Sheri Tonn

Commissioners: Chuck Adams, Phil Morrell, Grant Stewart, Don Mayer, Ed Marmol,  
Eleanor Kirtley and Sara Thompson

Assistant Attorney General: Guy Bowman

Administration: Jaimie Bever, Shawna Erickson, Peggy Larson

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Eric vonBrandenfels, Linda Styrk, Peter Giese: Puget Sound Pilots

Gary Nelson (via phone): Port of Grays Harbor

Jason Mihok: Clipper Navigation

Pat Ninburg, Adam Seamans: Pilot Candidates

**Minutes.** Commissioner Marmol requested a correction to *Pilot's Report of Marine Safety Occurrence* regarding the location of the vessel *KOOMBANA BAY* at the time of the MSO. **Motion:** Marmol/Adams – approve the February 23, 2017 Minutes with the correction to the location – Carried.

### **BPC Staff Report.**

- Commissioners were reminded of their Public Disclosure filings coming due on April 15<sup>th</sup>.
- The Board has a new process for providing sponsorship approvals for Canadian port passes to current trainees and trainees awaiting a position in the training program.
- The Board is now a member of the Marine Exchange of Puget Sound and will begin analyzing report options.
- PSP's 2016 audited financial statement has been requested. Linda Styrk, PSP Executive Director, indicated the report would be submitted to the Board by the next regular meeting on April 20.
- Commissioner email passwords may soon be expiring. Commissioners were encouraged to contact Staff if they are prompted to change their passwords.
- Commissioners were reminded that State contract procurement training is still required. Staff is working to get each Commissioner set up with the necessary credentials to access the online training portals.
- Jaimie touched briefly on the Women in Maritime Leadership conference attended by her and Chair Tonn in Vallejo, CA.
- Shawna gave an overview of statistical data and trends for the month of February as provided by PSP, which were reviewed and transferred into reports provided to Commissioners.

### **BPC Chair Report.**

- Chair Tonn reported that the Board has researched options for Directors and Officers Insurance and plans to proceed with getting a policy in place.
- Sheri Tonn and Jaimie Bever met with the California Board of Pilot Commissioners in San Francisco on Friday March 10, 2017. Highlights from that meeting were shared with the Board.

**Activity Reports.** Mike Moore and Jordan Royer representing Pacific Merchant Shipping Association, Linda Styrk and Eric vonBrandenfels representing Puget Sound Pilots, and Gary Nelson representing the Port of Grays Harbor, offered current and projected statistical data as well as updates on current maritime activities.

Puget Sound Pilots requested that the Board's Train-the-Trainer course, scheduled for sessions on March 28<sup>th</sup> and April 17<sup>th</sup>, be postponed until the Fall of 2017 due to conflicts with other pilot training. No action was taken to reschedule the courses.

## **NEW BUSINESS**

**Approval of Pilot License Upgrade Programs.** Captains Mike Anthony and Dan Brouillard are nearing completion of their fifth and fourth license years respectively. Motion: Mayer/Stewart - approve the license upgrade programs for Captains Anthony and Brouillard as drafted by the TEC – Carried.

**Consideration of WAC 363-116-082(4) Concerning the License Limitations of Captain Ryan White.** The TEC favored Captain White's request to pilot ships outside of his current license limitations due to Captain D'Angelo's short-term absence in April. Motion: Stewart/Marmol –allow Captain White to pilot vessels up to an additional 10,000 gt (except tank vessels carrying petroleum product) on those trips for which Captain D'Angelo is unavailable, with notification from him or the Port of Grays Harbor – Carried.

**Legislative Update.** The Board heard updates on several bills currently in legislation.

**Legal Update.** The Board received a letter from the Attorney General's office releasing the Board from a litigation hold concerning Sweeney vs. State of Washington. Guy Bowman offered an update to the Board regarding other pending legal matters.

### **Consideration of Request for Vessel Exemption:**

**Passenger Vessel VICTORIA CLIPPER** – 127', 431 gt, The Netherlands Antilles registry,

**Passenger Vessel VICTORIA CLIPPER IV** – 118', 478 gt, Bahamian registry

Captains Scott Carden, David Carney, Cabell Carr, Robert Earle, David Mayden, Jason Mihok, Andrea Tiffany and William Tiffany

Motion: Mayer/Marmol – continue annual exemption for both vessels beginning May 1, 2017 – Carried.

**Motor Yacht TRITON** – 163', 527 gt, Marshall Is. registry, Captains Paul Johns, Piesch & Herregods

Motion: Thompson/Morrell – grant an annual renewal of exemption – Carried.

**Pilot's Report of Incident: MIDNIGHT SUN, 03-04-17.** Deferred until the April 20, 2017 meeting.

### **Consideration of Training Program Evaluation Report Narrative.**

The Board reviewed the narrative portion of Progeny's *Report on Evaluation of the Pilotage Training Program*. PSP President, Eric vonBrandenfels requested a copy of the report for review by their legal counsel. Consideration was given to the definition of an Intervention, the number of Interventions allowed in the Training Program, the new Training Program specifications, and new trainee, Captain Sandy Bendixen's Training Program Agreement.

- Motion: Thompson/Kirtley – all trainees must be trained and evaluated by pilots trained in the 2017 Train-the-Trainer course by October 1, 2017 – Carried with Commissioner Stewart opposed.
- Motion: Mayer/Stewart – maintain the training program contracts as written for the two remaining trainees from the 2012 class, Captains Vestal and Kridler – Carried.
- Motion: Marmol/Mayer – adopt the new Training Program Trip Report (TPTR) for the class of 2016 and beyond – Carried.
- Motion: Marmol/Adams – adopt the program requirements for the new Training Program – Carried.
- Motion: Marmol/Mayer – adopt the definition of Intervention as drafted, with the removal of the word "supervising" – Carried.
- Motion: Marmol/Adams – adopt language, for example "if during the course of an assignment a situation arises that jeopardizes the safety of the ship, through no fault of the trainee, such as environmental circumstances or mechanical failure, the licensed pilot may assume the conn of the vessel without it being an intervention, to prevent damage or injury from arising", as a definition of "non-intervention" and include that language at the tail end of the Intervention definition – Carried.
- Motion: Mayer/Adams – upon the third (3<sup>rd</sup>) intervention a trainee will be removed from the Training Program – Carried.
- Motion: Mayer/Marmol – approve the Training Program Agreement for Captain Sandy Bendixen as drafted and pending review and approval by the Board's Assistant Attorney General – Carried.

A Policy Statement will be drafted and reviewed by the Board stating that the Training Program shall be completed within thirty six (36) months of the start of the program.

The Board will revisit the language in the existing Board-adopted *Statement of Policy Regarding Proration of Stipends to Pilot Trainees Who Request a Change in Stipend Status at Times Other than the Beginning or End of the Month*.

**Committee Reports.**

**Trainee Evaluation Committee:**

- The TEC met on March 14<sup>th</sup>.
- Training Program progress was reviewed for all current trainees: Captains Henderson, Rounds, Hunter, Myers, Vestal and Kridler. Captain Hunter attended the meeting.
- Motion: Mayer/Marmol – the TEC finds that Captain Phil Hunter is suitable for licensing upon the completion of the shipboard portion of his program and receipt of federal pilotage endorsement, when a position becomes available – Carried.
- Motion: Mayer/Thompson – issue the next two candidates, Captains Pullin and Grieser, from the 2016 Exam waiting list a letter of invitation for commencement of training on July 1<sup>st</sup> – Carried.

**Legislative/WAC Committee:**

- Commissioner Adams reported that he received a response from the USCG regarding license language.

**Diversity Committee:**

- Commissioner Morrell expressed interest in joining the committee.
- The Committee will be researching a potential mentoring program for pilot trainees.

**Training Program Evaluation Committee:**

- The committee has completed the evaluation project.

**Review of Pilot/Trainee Physical Examination Reports.** Motion: Mayer/Marmol - accept the physicians' reports for Captains D.E. Brusco and R.L. D'Angelo for annual pilot license renewal – Carried.

**Confirmation of Next Regular Meeting Dates.** The next regular meeting dates are set for April 20, 2017 and May 18, 2017.

There being no further business to come before the Board, Chair Tonn adjourned the regular session Board meeting at 1:50 p.m.

**EXECUTIVE SESSION – Call to Order**

*An Executive Session of the Board of Pilotage Commissioners was convened from 2:00 p.m. to 3:20 p.m. in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to personnel. In attendance were Commissioners Tonn, Adams, Morrell, Stewart, Mayer, Marmol, Kirtley and Thompson.*

Respectfully submitted,

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Peggy Larson, Executive Director

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Sheri J. Tonn, Chair

**Absent**

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Edmund I. Kiley, Vice Chair

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Commissioner Charles F. Adams

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Commissioner Philip Morrell

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Commissioner J. Grant Stewart

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Commissioner Donald W. Mayer

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Commissioner Edmund Marmol

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Commissioner Eleanor Kirtley

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Commissioner Sara Thompson