

# MEETING MINUTES

## STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

March 15, 2005

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### Present:

Chairman Dudley, Commissioners Davis, Niederhauser, Hannigan, Lee and Norman  
Assistant Attorney General, Susan Cruise  
Administrator, Peggy Larson and Administrative Assistant, Judy Bell

Captain Bill Bock, Walt Tabler: Puget Sound Pilots  
Jeff Shaw: Polar Tankers, Inc., N.W.  
Captain Mike Moore, Luis Kohls: Pacific Merchant Shipping Association  
Ron Kinsey, Ken Alger: US Coast Guard  
Captain Victor Engstrom: Puget Sound Pilotage District pilot trainee  
Gordon Wildes, Katharine Sweeney, Ed Marmol, Bill Sliker, Ivan Carlson, Eric Klapperich,  
Mike Anthony: 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 2911 Second Avenue, Seattle, Washington.

**Minutes.** Commissioner Niederhauser requested that a sentence be added to the third paragraph on page three that says, "Walt Tabler challenged the accuracy of the data." This relates to the spreadsheet of tariff performance data submitted by Commissioner Addington. It was moved by Commissioner Davis and seconded by Commissioner Lee that the February 10, 2005 Minutes be approved as amended. The motion carried.

### OLD BUSINESS

#### **2005 Legislative Activity Report.**

Board Appointments and Senate Confirmations: Peggy Larson reported that Governor Gregoire has recently reappointed and formally notified all seven appointed members of the Board. Those members will be advised regarding the scheduling of Senate confirmation hearings.

Substitute Senate Bill 5150 – Marine Pilot Licensing Qualifications and Procedures: Chairman Dudley testified in support of this bill before the Senate Transportation Committee on February 21.

Substitute Senate Bill 5207 – Liability Limitations for Providing Pilotage Services: Chairman Dudley testified in support of this bill before the Senate Transportation Committee on February 21.

Both bills are waiting to be scheduled for a public hearing in the House Transportation Committee.

### NEW BUSINESS

**Four-Month Review and Consideration of Licensure of PSPD Trainee.** Commissioners Niederhauser and Hannigan indicated a favorable review of the *Pilot Trainee Reports* concerning Captain Victor Engstrom. It was noted that trips to Bellingham, Everett anchorage and Port Townsend were lacking; however due to limited availability of these trips the requirement was waived. Captain Engstrom offered a constructive critique to the structure of the training program by suggesting that less emphasis be put on the larger tank vessels since it will be several years before a new pilot is authorized to pilot them due to license limitations. It was determined that Captain Engstrom has successfully met the statutory and regulatory requirements for completion of his training program and is now eligible for initial licensing. It was moved by Commissioner Niederhauser and seconded by Commissioner Davis that Captain Victor O. Engstrom be authorized for issuance of state license #162 for the Puget Sound Pilotage District. The motion carried.

**Consideration of Puget Sound Pilot's Request for Pilot Trainee.** In a letter dated March 14, 2005, the Puget Sound Pilots have requested the Board to authorize one pilot candidate to begin training as soon as possible. It was moved by Commissioner Hannigan and seconded by Commissioner Davis to authorize Captain Fred Triggs to commence his six-month pilot training program. The motion carried. Commissioners Hannigan and Niederhauser will develop a training program for Captain Triggs in order to allow him to begin training before the Board approves his training program at the April meeting.

**Notification of Intent to Retire: Captain Miklos Endrody, Puget Sound Pilot #81.** In a letter dated March 7, 2005, Captain Miklos Endrody submitted to the Board his intent to retire from the Puget Sound Pilots on April 1, 2005, after 31 years of service. He has been on extended medical leave since August, 2004, at which time the Board placed his license in an inactive status due to his medical condition. According to a medical evaluation dated January 6, 2005 by Board-Designated-Physician, Dr. Jon P. Younger, MD, it is his determination that Captain Endrody remains unfit for duty for the foreseeable future. It is Captain Endrody's intent to retire under the terms of the PSP Disability Retirement Plan. Additionally, it is his intent to retire under the provisions of WAC 363-116-110(2), which currently allows a person to apply for reinstatement of his/her pilot license within five years from their last pilotage assignment. The Board acknowledged Captain Endrody's request for reinstatement. Those people attending today's meeting who knew of his many accomplishments during his 31-year piloting career shared their memories and compliments for his many years of dedicated service as a pilot for the State of Washington. He is the most senior Puget Sound Pilot.

**Discussion of Future Pilot Examinations: Puget Sound and Grays Harbor.** According to RCW 88.16.090(4) "*. . . An examination shall be scheduled for the Puget Sound Pilotage District if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.*" Chairman Dudley stated that it is his interpretation of this language that until Captain Victor Engstrom actually becomes a pilot and his name is removed from the "waiting list", which reduces the remaining names to three, the Board is not mandated to schedule a PSPD exam. It is uncertain whether this will happen before or after the next Board meeting, but regardless, the Board will defer this subject to either the April or May agenda. It was moved by Commissioner Niederhauser and seconded by Commissioner Hannigan that at Captain John Dwyer's request, he again be granted permission to defer one position on the waiting list. The motion carried. The remaining four candidates, in order, who are waiting to become pilots in the PSPD are: Captains Victor Engstrom, Fred Triggs, John Dwyer and Doug Johnson. Consideration will also be given to holding an examination for the Grays Harbor Pilotage District.

**Pilot's Report of Marine Safety Occurrence: 2-28-05.** A report was filed describing the following occurrence in the Puget Sound Pilotage District: After departing the Tempco grain dock in Tacoma, the loaded bulker *W-ONE* experienced engine trouble. The pilot safely anchored in Tacoma Harbor with the assistance of the *ANDREW FOSS*, after which repairs were made to the fuel pump. VTS was notified. It was moved by Commissioner Norman and seconded by Commissioner Davis that this report of a navigational safety concern be filed as a Marine Safety Occurrence and the pilot be commended for his action. The motion carried.

**Pilot's Report of Marine Safety Occurrence: 3-1-05.** A report was filed describing the following occurrence in the Grays Harbor Pilotage District: While enroute to Bay City Berth, the Chehalis River Bridge tender notified the pilot that the bridge would have to be closed to accommodate the passage of emergency vehicles. The pilot anchored the *KIWI TRADER* in the channel and later was notified to proceed toward the bridge. The pilot was notified again that the bridge needed to be closed due to another medical emergency so the pilot stopped the vessel and let it drift until the bridge could be re-opened. The remainder of the transit was uneventful. The Board commended the pilot for his action. It was moved by Commissioner Lee and seconded by Commissioner Hannigan 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: 2-20-05.** A report was filed describing the following occurrence in the Puget Sound Pilotage District: While proceeding outbound from Tacoma, the main engine on the *HYUNDAI EXPLORER* was shut down for repairs. The repairs took approximately 1½ hours to complete during which time two area tugs were notified. One tug was used to push on the stern to maintain steerageway in an 18/20 knot wind. The VTS and USCG MSO were notified. It was moved by Commissioner Davis and seconded by Commissioner Norman that this report of a navigational safety concern be filed as a Marine Safety Occurrence and the pilot be commended for his action. The motion carried.

**2005 Annual Tariff Hearings Preparation.** PSPD - The Puget Sound Pilots' 5-Year Capital Spending Plan and request for proposed rule amendments were received by the Board in accordance with the timetable established for tariff document submission. Due to the delay this year of the submittal date for the Capital Spending Plan, and since the Board did not have the week prior to the meeting to review the document, this agenda item was continued to the April Board meeting. The Puget Sound Pilots, PMSA and Polar Tankers, Inc. verbally requested a 4% increase in all tariff categories along with a modified schedule of transportation charges based upon new taxi rates. It was moved by Commissioner Norman and seconded by Commissioner Niederhauser that the Board accept the request as described above and file the proposed rule amendments with the Code Reviser for a public hearing to be held May 12, 2005. The motion carried. The Puget Sound Pilots will submit a formal written request documenting the elements of the verbal request as soon as possible after today's meeting.

**Committee Report: Policy Statement Development Regarding "In Ballast" Definition.** Commissioner Craig Lee stated that the Committee has finalized a recommendation to the Board for purposes of defining the term "in ballast" as used in RCW 88.16.190(2). The Committee separated the cargo carriers into two categories: (1) product and crude oil carriers and (2) gas carriers. While the definition concerning gas carriers remains a work in progress, the committee proposed to the Board the definition used in Prince William Sound for product and crude oil tankers. It was moved by Commissioner Lee and seconded by Commissioner Norman that the policy statement read as follows: "Any vessel whose clingage and residue is greater than 0.5% maximum cargo carrying capacity or 3,000 barrels, whichever figure is less, shall be not considered in ballast." The motion carried. Chairman Dudley will circulate the language for final review prior to filing it with the Code Reviser.

**Committee Report: WAC Development Regarding Pilot Licensing Qualifications and Procedures.** A public notice was filed March 1, 2005, announcing the committee's schedule of workshops and meetings. The dates are March 24, 31 and April 7 at 1:00 at 2911 Second Avenue, Seattle. Commissioner Davis announced he is still seeking a public representative to sit on the committee. The first order of business will be to establish the committee membership and then consider any proposals as to amending Chapter 363-116 WAC, which will then be presented to the full Board for review and consideration.

**Pilots' Activity Reports.** Captain Bill Bock, President, Puget Sound Pilots, reported that assignments for February were close to tariff projections; Captain Endrody will be retiring at the end of March; Captain Gary Hurt is currently on medical leave; two pilots are scheduled for radar school in March; three pilots are scheduled for manned model training in Port Revel in April; PSP is still working through the Hylebos Waterway problems regarding large vessels and congested waterways; and the BP security issues that Commissioner Lee brought to light at the last meeting were not concerning violations of the security system but rather, some pilots voicing their opinions and objections.

On behalf of Gary Nelson, Executive Director of the Port of Grays Harbor, Peggy Larson reported that talks regarding the employment of Captain Steve Cooke will be resumed. Captain Cooke is currently working on an assignment in Alaska.

**Miscellaneous Correspondence Review.** A letter dated March 8, 2005 was received by the Board from Gordon Hudson, on behalf of the Pacific Pilotage Authority in Vancouver, British Columbia. Mr. Hudson, who is undertaking a risk assessment project concerning the "Victoria Approach" issue, has notified our Board that based on stakeholder input from our Board and other interested parties, he is recommending that the Pacific Pilotage Authority terminate the project.

The Director of the State Department of Ecology, Jay Manning, has formally designated Norm Davis to replace Stan Norman as a member of our Board effective April 15, 2005. Stan will be retiring from state service in May and has spent the past eight years serving on our Board.

**Public Comments.** Walt Tabler announced that the Puget Sound Pilots 2004 Financial Statement coming out in April will have a new format for purposes of more clearly displaying pilot earnings.

**Confirmation of Next Regular Meeting Date.** The next regular meeting date is April 14, 2005, in the B Level Conference Room at 2911 Second Avenue, Seattle.

**Review of Pilot Physical Examination Reports.** After reviewing the physicians' reports it was moved by Commissioner Norman and seconded by Commissioner Hannigan that the annual physical examination reports for Captains V.K. Justice, M.G. Mendenhall and R.L. D'Angelo be accepted for license renewal. The motion carried. Additional information regarding Captain A.J. Newman has not yet been received.

Based on information received on March 10, 2005 by a Board-Designated Physician, Captain Gary Hurt was reported unable to pilot due to a current medical condition. It was moved by Commissioner Norman and seconded by Commissioner Davis that Captain Hurt be temporarily relieved of pilotage duties, his license be declared inactive, and in order to return to active duty the Board must receive a satisfactory physician's report indicating his/her findings/recommendations as to his ability to safely perform pilotage duties. The motion included authorization for the Chairman or Acting Chairman to reinstate Captain Hurt's license based upon the review of a physician's satisfactory report, subject to review by the full Board at the next regular meeting. The motion carried.

The Chairman adjourned the regular session Board meeting at 10:55 a.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 John S. Niederhauser

**Absent**

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Commissioner Vincent Addington

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Commissioner Stanley J. Norman

**Absent**

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Commissioner Oliver E. Mackey

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Commissioner Patrick M. Hannigan

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Commissioner Craig W. Lee

**Absent**

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Commissioner Andrew C. Palmer