

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

November 15, 2013

Present:

Chairman: Harry Dudley

Commissioners: Norm Davis, Elsie Hulsizer, Chuck Adams, Ned Kiley, Don Mayer, Ed Marmol,
Phil Morrell and Grant Stewart

Assistant Attorney General: Guy Bowman

Administration: Shawna Erickson, Peggy Larson

Jonathan Ward, Peter Giese, Andy Coe and Walt Tabler: Puget Sound Pilots

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

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

Bari Bookout: Port of Seattle

Lou Paulsen, Don Esterbrook: Port of Tacoma

Dale Jensen: Department of Ecology

James Moynihan: Attorney for Captain Andy Coe (Bauer, Moynihan and Johnson)

Neil Kelleher: Pilot applicant

Paul Tramm, Jessica Flennoy: USCG Sector Puget Sound

Loren Lee: Public

CLOSED SESSION

A CLOSED SESSION OF THE BOARD OF PILOTAGE COMMISSIONERS was called from 9:35 a.m. to 11:55 a.m. by Chairman Harry Dudley, in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington, to hear presentations regarding the state pilot licensing requirements in the matter of Captain F.A. Coe. In attendance were Captain Coe, James Moynihan, Commissioners Dudley, Davis, Hulsizer, Adams, Kiley, Mayer, Marmol, Morrell and Stewart; Guy Bowman AAG, Shawna Erickson and Peggy Larson. Presentations were made by Peggy Larson on behalf of the Board and by Captain Coe and James Moynihan on behalf of Captain Coe. Questions were exchanged. Captain Coe and Mr. Moynihan were excused while the Board went into discussion and deliberation.

REGULAR MEETING

The regular meeting of the Board was convened at 12:10 p.m. by Chairman Harry Dudley.

Consideration of the Preceding Matter Heard in Closed Session. Motion: Mayer/Marmol – in accordance with RCW 88.16.100(5), a reasonable cause exists to issue a reprimand and also to impose a fine of \$1,000 to Captain Andy Coe – Carried. Captain Coe will be served notice of the Board's intended action, the specific grounds for that action and the right to request a hearing to challenge that action. Captain Coe will have 30 days from the day he is served to request a full hearing before an Administrative Law Judge on the issue of the reprimand and fine.

Minutes. Commissioner Stewart asked that a statement be added to the PSPD tariff section of the September 10, 2013 Minutes depicting a statement made by Walt Tabler when referring to page 21 of the 2012 PSP financial statement, who said, "individual pilot net income would have been \$343,000 if there had been the correct number of pilots." Walt felt his words were taken out of context and objected to inserting them into the minutes without describing the full context of his statement. Chairman Dudley asked for a review of the recording and deferred the approval of the September 10, 2013 Minutes. The October 15, 2013 Regular Meeting Minutes stand approved as written.

NEW BUSINESS

2013 Annual Tariff Hearings Preparation.

PSPD – In accordance with the timetable established for tariff document submission, a 2014 written tariff proposal from the Puget Sound Pilots has been submitted to the Board in addition to the most recent

supplemental unaudited financial data. In addition, a joint tariff proposal from the Ports of Olympia, Tacoma and Seattle was submitted. The Board reviewed PSP's submittal of revenue and income data and projections based on unaudited financial information available as of October 31, 2013. A CR-102 has been filed setting a public hearing for December 13, 2013 at 9:30 a.m. in the Alki Conference Room. Motion: Adams/Mayer – at PSP's request, amend the *Timetable for Tariff Document Submission* to reflect a two-day extension of the due date, from December 2 to December 4, for PSP's submittal of their rebuttal to the PMSA tariff proposal – Carried.

Bari Bookout and Lou Paulsen presented an overview of the 2014 tariff proposal submitted by the Ports of Olympia, Tacoma and Seattle. They are asking the Board to consider 1) no increase in tariff rates, 2) no creation of a new tariff fee category known as the Variable Expense Component, and 3) limit the tariff multipliers linked to tonnage and Length-Over-All.

Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as provided in WAC 363-116-065. PSP requested this discussion be postponed for at least 60-90 days.

Approval of Pilot License Upgrade Programs: Captain David Brusco is nearing completion of his fourth license year and Captain Scott Anacker his second. Motion: Mayer/Marmol - approve the license upgrade programs for these two captains as drafted by the TEC - Carried.

Pilot's Report of Marine Safety Occurrence: WELLINGTON STAR, 9-30-13

Bellingham Cold Storage	Bow thruster failure.	Navigational Safety Concern	<u>Motion</u> : Davis/Kiley File as a Marine Safety Occurrence – Carried.
-------------------------	-----------------------	-----------------------------	---

Pilot's Report of Marine Safety Occurrence: Y M KAOHSIUNG, 10-13-13

Sitcum Waterway, Tacoma	Erratic propulsion issues.	Navigational Safety Concern	<u>Motion</u> : Davis/Kiley File as a Marine Safety Occurrence – Carried.
-------------------------	----------------------------	-----------------------------	---

Pilot's Report of Marine Safety Occurrence: DREAM SEAS, 10-22-13

Northbound west of West Point	Loss of engine power.	Navigational Safety Concern	<u>Motion</u> : Davis/Kiley File as a Marine Safety Occurrence – Carried.
-------------------------------	-----------------------	-----------------------------	---

Pilot's Report of Marine Safety Occurrence: T T M DRAGON, 10-25-13

Outbound from the Port of Grays Harbor	Encountered a fishing vessel which was able to release its net in time for the ship to pass.	Navigational Safety Concern	<u>Motion</u> : Davis/Kiley File as a Marine Safety Occurrence – Carried.
--	--	-----------------------------	---

Pilot's Report of Incident: PS Larry Emerson – S S KODIAK, 10-28-13

0.5 miles east of the east end of Ediz Hook	While transferring from the vessel to the pilot boat, the pilot boat dropped and the pilot fell from the pilot ladder to the deck of the pilot boat. No damage or injury occurred.	<u>Motion</u> : Adams/Davis File as an Incident with No Pilot Error, Pilot Injury or Damage – Carried.
---	--	--

Pilot's Report of Incident: PS Pilot V. Engstrom, 2nd Pilot Bujacich – ZIM LOS ANGELES, 11-2-13

WUT, Tacoma	The pilots' reports have not yet been received. The Board's investigation is underway.	Deferred to the next regular Board meeting.
-------------	--	---

Committee Reports.

Trainee Evaluation Committee:

- The TEC did not meet in November.
- Orientation was held for Capt. Carstensen on Oct. 30 in preparation to begin training on Nov. 1.
- Training Program progress was e-mailed and reviewed for Captains Coryell, White, Surface, Coleman, Galvin, Lichty, Jensen, Lowe and Carstensen.

- Motion: Mayer/Marmol – continue Captain Coryell’s extended Training Program by allowing him to make additional voluntary trips, beyond those required, in order to remain actively training until the next Board meeting when he will be considered for licensure – Carried.
- Trainees Galvin and White are off stipend during the month of November and Captain Surface went from part time training to full time training in late October, with a stipend.

Legislative/WAC Committee: Work is progressing.

Tariff Policy Committee: The Committee will be meeting on Monday, December 9th at 9:30 a.m. at the BPC offices. PMSA is scheduled at 9:30, PSP at 11:00 and the Ports at 12:30.

Activity Reports. Gary Nelson, representing Port of Grays Harbor, Captain Jonathan Ward, representing Puget Sound Pilots, and Captain Mike Moore, representing Pacific Merchant Shipping Association, offered current and projected statistical data as well as updates on current maritime events. Lou Paulsen along with Captain Ward, showed a power point presentation of PSP’s and the Port of Tacoma’s combined study concerning the “Assessment of Ultra Large Container Ships in the Blair Waterway”.

BPC Staff Report. Chairman Dudley thanked Shawna for preparing her monthly spreadsheets for the Board and stakeholders which present a very comprehensive view of statistical vessel and financial data.

Confirmation of Next Regular Meeting Dates. The next regular meeting will be Friday, December 13th following the Puget Sound Pilotage District Tariff Hearing commencing at 9:30 a.m. in the Alki Conference Room, 5th floor, 2901 3rd Avenue, Seattle. The proposed schedule of 2014 Board meeting dates was approved and will be filed with the Code Reviser and posted on the Board’s web site. It is the intent of the Board to meet on the third Tuesday of each month rather than the second Thursday.

Review of Pilot/Trainee Physical Examination Reports. Motion: Kiley/Adams - accept the physicians’ reports for Captains J.E. Arnold, L.P. Emerson, F.E. Engstrom, J.A. Hannuksela, J.B. Harris, S.E. Moreno, A.J. Newman and G.P. Thoreson for annual pilot license renewal – Carried. Captain G.D. Hurt remains unfit for duty.

There being no further business to come before the Board, Chairman Dudley adjourned the regular session Board meeting at 3:00 p.m.

Respectfully submitted,

Peggy Larson, Executive Director

Harry H. Dudley, Chairman

Norman W. Davis, Vice Chairman

Commissioner Elsie J. Hulsizer

Commissioner Charles F. Adams

Commissioner Edmund I. Kiley

Commissioner Donald W. Mayer

Commissioner Edmund Marmol

Commissioner Philip Morrell

Commissioner J. Grant Stewart