

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

August 18, 2016

CLOSED SESSION – Call to Order

A Closed Session of the Board of Pilotage Commissioners was convened from 11:00 a.m. to 12:20 p.m. in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington to consider legal matters, trainee evaluations and the 2016 Marine Pilot Exam results. In attendance were Commissioners Tonn, Kiley, Adams, Mayer, Marmol, Morrell, and (Stewart at 11:35 a.m.); and BPC staff Jaimie Bever, Shawna Erickson and Peggy Larson. Also attending were AAG's Catherine Hendricks and Allyson Zipp.

REGULAR MEETING - Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 1:05 p.m. by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

Commissioners: Chuck Adams, Phil Morrell, Grant Stewart, Don Mayer, Ed Marmol

Administration: Jaimie Bever, Shawna Erickson, Peggy Larson

Jordan Royer, Mike Moore: Pacific Merchant Shipping Association

Linda Styrk, David Grobschmit, Majken Ryherd: Puget Sound Pilots

Lou Paulsen, Don Esterbrook: The Northwest Seaport Alliance

Carl Obermeier: BP Shipping

Mary Nelson, Gary Nelson: Port of Grays Harbor

Paul Tramm, Krysta Zangle: USCG Sector Puget Sound

Minutes. Motion: Marmol/Kiley – approve the July 21, 2016 Minutes – Carried.

Closed Session Legal Matter. Motion: Adams/Morrell - In the matter of Katharine Sweeney v. Board of Pilotage Commissioners, currently pending on appeal, I move that we accept Katharine Sweeney's offer to settle the matter for the amount of \$6.1 million dollars, pursuant to the terms identified in the parties' Release and Settlement Agreement and in accordance with the Joint Statement on which the parties have agreed. Payment of this settlement amount is contingent upon entry of a Stipulated Judgment in Cause Number 11-2-36792-4SEA in the King County Superior Court and acceptance of a Joint Motion to Dismiss the Appeal in Cause No. 72664-1 in the Washington Court of Appeals. I further move that we authorize our litigation attorneys from the Attorney General's Office to take those actions necessary on the Board's behalf to implement this settlement – Carried with a vote of six in favor and Commissioner Stewart abstaining.

BPC Staff Report.

- The final touches are being added to the 2015 BPC Annual Report, due September 1, 2016. Shawna presented details of each of her spreadsheets on GH and PS pilot revenue and activity.

BPC Chair Report.

- Chair Tonn briefly touched on the Diversity Committee kick-off meeting but deferred further detail to her Committee Report. She also gave an update on the Training Program Evaluation Project.

Activity Reports. Guest speaker Don Esterbrook joined Lou Paulsen representing The Northwest Seaport Alliance, Gary Nelson and Mary Nelson representing the Port of Grays Harbor, Linda Styrk and David Grobschmit representing Puget Sound Pilots, and Mike Moore representing Pacific Merchant Shipping Association offered current and projected statistical data as well as updates on current maritime activities. Paul Tramm representing the USCG Sector Puget Sound introduced Krysta Zangle as the new PSC Branch Chief.

OLD BUSINESS

Pilot's Report of Incident: PS Pilot Harris – BRITISH COUNCILLOR, 7-9-16

Alongside Intalco Dock, Ferndale	No further information was received from those contacted.	<u>Motion:</u> Kiley/Adams File as an Incident with minimal damage and no pilot error – Carried.
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NEW BUSINESS

Approval of Pilot License Upgrade Programs. Captains Bud Carley, Jim Kearns and Ryan White are nearing completion of their fourth, fifth and second license years respectively. Motion: Mayer/Adams - approve the license upgrade programs for Captains Carley, Kearns and White as drafted by the TEC – Carried.

Consideration of Request for Vessel Exemption:

Sailing Yacht THALIA – 159’, 294 gt, Cayman Islands registry, Captain Robert Lehmann
Motion: Marmol/Mayer – concur with Vice Chair’s granting of a three-month exemption – Carried.

Sailing Yacht KAWIL – 112’, 132 gt, Marshall Islands registry, Captain Rob Foxell
Motion: Marmol/Mayer – grant a three-month exemption – Carried.

Motor Yacht ALCHEMY – 132’, 235 gt, Marshall Islands registry, Captain Paul Jeffrey
Motion: Marmol/Mayer – concur with Chair’s granting of a three-month exemption – Carried.

2016 Pilot Exam Announcement – Candidate Ranking. Commissioner Mayer shared the results of the Simulator Evaluation Review process conducted by Captain Bill Anderson. Motion: Mayer/Kiley - accept the results of Captain Bill Anderson’s review of the Simulator Evaluation Review Forms - Carried.
Motion: Mayer/Morrell - publish the Ranked List of 12 successful candidates – Carried.

2016 Annual Tariff Hearing Preparation – Grays Harbor Pilotage District. A letter dated August 16, 2016, from the Port of Grays Harbor (PGH) to the Board was presented which detailed their request for one rule amendment to the GHPD tariff. This request was approved by the Grays Harbor Port Commission on August 9, 2016. Motion: Mayer/Marmol - file a CR-102 reflecting an increase to the *Pension Charge* from \$463 to \$528 – Carried. PMSA concurs with the PGH proposal.

2016 Annual Tariff Hearing Preparation – Puget Sound Pilotage District. In accordance with the draft timetable previously established for tariff document submission, Linda Styrk, Executive Director Puget Sound Pilots, presented their 5-year Capital Spending Plan, Expense Report ending 6/30, and 2017 Budget Projections. PSP also requested a revision to the draft timetable for tariff document submission. Motion: Kiley/Marmol - amend and finalize the timetable to call for formal tariff proposals on the same day and eliminate rebuttal submissions – Carried with a vote of six in favor and Commissioner Adams abstaining.

Pilot’s Report of Marine Safety Occurrence: MANOA, 7-15-16

Entrance to East Waterway, Seattle	Engine room unable to answer telegraph with regard to propulsion requests. Issue was resolved upon vessel's arrival to Terminal 18.	Navigational Safety Concern	<u>Motion:</u> Marmol/Adams File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: CMA CGM BIANCA, 7-18-16

Underway, SF buoy	Leaky cylinder in the main engine. Vessel was ordered to anchor in Seattle by VTS.	Navigational Safety Concern	<u>Motion:</u> Marmol/Adams File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: ALPHA HAPPINESS, 7-21-16

Approach to Pier 86 Grain Terminal, Seattle	Engine failed to go astern on several attempts while approaching berth. The landing was aborted and the vessel put to anchor in Smith Cove East.	Near-Miss	<u>Motion:</u> Marmol/Adams File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Incident Marine Safety Occurrence: PUELO, 7-20-16

Pier 37, Seattle	Vessel crew member suffered injury to hands due to pinching by tug lines after successful berthing.		<u>Motion:</u> Marmol/Mayer Re-classify and file as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Incident Marine Safety Occurrence: HYUNDAI SHANGHAI, 7-26-16

North of Morse Creek, east of PA pilot station	Loss of power due to blower failure to the ship’s turbochargers. The two primary blowers were replaced. The ship went to berth without incident.		<u>Motion:</u> Marmol/Morrell Re-classify and file as a Marine Safety Occurrence – Carried.
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Committee Reports.

Trainee Evaluation Committee:

- The TEC met on August 16th.
- Training Program progress was reviewed for all current trainees: Captains Henderson, Rounds, Hunter and Myers.
- Captain Furst does not have medical clearance to continue training at this time.
- Captain David Grobschmit requested that he be allowed to take earlier required refresher trips while transitioning from President of PSP to resuming full pilotage duties. Motion: Marmol/Kiley – adopt the refresher program as drafted by the TEC at the current level of 8 trips to be taken during Captain Grobschmit’s last 120 days in office – Carried.

Legislative/WAC Committee: Nothing new to report at this time.

Diversity Committee: Chair Tonn reported a successful outcome of the Diversity Committee’s kick-off meeting held August 11th at the Board office. She will update the Board’s Diversity Action Plan for addition to the 2015 Annual Report.

Review of Pilot/Trainee Physical Examination Reports. Motion: Mayer/Morrell - accept the physicians’ reports for Captains E. Marmol, J.L. Carstensen, P.S. Kelly and W.J. Sliker for annual pilot license renewal; L.S. Vestal for initial trainee licensing; and E.C. Lichty for a fit-for-duty to return to work – Carried with a vote of six in favor and Commissioner Adams abstaining. Captain E.A. Furst continues on medical leave. Follow-up responses were received by two pilots as requested last month.

Confirmation of Next Regular Meeting Dates. The next regular meeting dates are set for September 15, 2016 and the GHPD Tariff Hearing on October 20, 2016.

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

Respectfully submitted,

Peggy Larson, Executive Director

Sheri J. Tonn, Chair

Edmund I. Kiley, Vice Chair

Commissioner Charles F. Adams

Commissioner Philip Morrell

Commissioner J. Grant Stewart

Commissioner Donald W. Mayer

Commissioner Edmund Marmol

Absent

Commissioner Eleanor Kirtley

Absent

Commissioner Sara Thompson