

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

June 9, 2011

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### Present:

Vice Chairman: Norm Davis

Commissioners: Chuck Adams, Ned Kiley, Pat Hannigan, Dick McCurdy, Craig Lee, Doug Coburn

Administration: Shawna Erickson, Peggy Larson

Captains Andy Coe, Pat Kelly, Mr. Walt Tabler: Puget Sound Pilots

Mary Nelson: Port of Grays Harbor

Mike Moore, Jordan Royer, Vince Addington: Pacific Merchant Shipping Association

Captain Blair Bouma: PSPD Pilot Candidate

Captains Scott Anacker, Mike Anthony: PSPD Pilot Trainees

Captains Dan Brouillard, Bud Carley: PSPD Pilot Applicants

Ron Kinsey: USCG Sector Puget Sound

Brian Jensen: Foss Maritime

Captains Del Kelly, Bill Bock: Retired Puget Sound Pilots

### **REGULAR MEETING**

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

**Minutes.** The amendment to the March 10, 2011 Minutes offered by Commissioner Coburn at the last meeting was considered, along with an additional written comment from Commissioner Hannigan. Many opinions were shared concerning the appropriate content and detail of Board meeting minutes. Motion: Hannigan/Lee - approve the March 10, 2011 Minutes as initially written – Carried, Commissioner Coburn opposed and Commissioner Lee abstained. Motion: Hannigan/Adams - approve the April 7, 2011 Minutes as written – Carried, Commissioner Lee abstained.

### **OLD BUSINESS**

#### **Pilot's Report of Incident: PRABHU JIVESH, 2-22-11.**

Buoy #4 Grays Harbor Bar Channel	Limited propulsion due to sticky puncture valves. 14'-16' WNW swell and ebb current also present. Buoys 8, 6, 2 and GH were cleared.	Vessel allided with Buoy #4	Commissioner McCurdy reported that the USCG report has not yet been released from Sector Columbia River to headquarters for closure. Commissioner Davis reported that the DOE report made no recommendations to the pilot. <u>Motion:</u> McCurdy/Lee – Table until USCG report is received	Carried
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**Proposed Rule Making.** A CR-101 has been filed regarding the following two WAC sections: WAC 363-116-200: *Duties of Pilots* and new WAC 363-116-086: *Challenges to Board Actions Concerning Licensing Determinations and Appeal Procedures*. The proposed drafts are on the Board's website for review and comment. Motion: Coburn/Hannigan – move the July and August Board meetings to a combined meeting date on July 28, 2011 – Carried. Motion: Hannigan/Adams – file a CR-102 to set the public hearing for July 28 on WAC 363-116-200 and WAC 363-116-086 – Carried. Walt Tabler noted that WAC 363-116-078(2) needed to be revised regarding entry into the training program. Motion: Lee/Adams – file a CR-101 announcing the Board's intent to amend WAC 363-116-078 – Carried.

**Discussion and Resolution Concerning Setting the Number of Pilots in the Puget Sound Pilotage District.** PSP and PMSA reported on recent vessel activity which shows no overall increase in traffic for the first half of this year but points toward a potential increase during the last half of the year. A consensus showed no inclination to change the set number of 52 pilots at this time. This item will remain on future agendas for discussion purposes only until a resolution for change has potential.

**Consideration of Licensure of PSPD Pilot Candidate: Captain Blair Bouma.** This item remains on each monthly agenda in order to re-evaluate Captain Bouma’s status relative to his imminent licensure. At this time there is no change in status; licensure approved but delayed.

**NEW BUSINESS**

**Consideration of Licensure of PSPD Pilot Trainee: Captain James Kearns.** This item was deferred to Closed Session later today.

**Issuance of Pilot Trainee License for Captain Fred Engstrom.** Captain Fred Engstrom has accepted his Board-approved training program. Because there was not a May Board meeting, Chairman Dudley was empowered to give interim approval for Captain Engstrom’s trainee licensure based on his review and acceptance of a satisfactory physical examination. Motion: Coburn/Kiley – affirm the Chair’s issuance of training license number 27 to Captain Fred Engstrom, allowing him to begin pilot training on June 1, 2011 - Carried. Training orientation was held on May 31, 2011.

**Timeline Analysis of the next State Pilot Exam for the Grays Harbor and Puget Sound Pilotage Districts.** A written request from Gary Nelson regarding the testing, training and licensing of Grays Harbor pilots in addition to Commissioner Hannigan’s TEC analysis of the same in the Puget Sound Pilotage District both demonstrated the need for a pilot exam in the near future. Motion: Hannigan/McCurdy – form an Exam Committee to proceed with the development and administration of one state exam in 2012 for both Grays Harbor and Puget Sound – Carried. The makeup of this committee will basically mirror the 2008 Exam Committee consisting of Chairman Dudley and Commissioners Hannigan and Lee. It is expected that both Grays Harbor pilots will be heavily involved as well as other Puget Sound pilots. Amended motion: Hannigan – the motion made earlier to file a CR-101 in anticipation of amending WAC 363-116-078 was expanded to include WACs 363-116-0751, 076, 077, 080, 083 and 084 – there were no objections by Commissioners Lee and Adams - Carried. Walt Tabler spoke about cross licensing as an alternative to an exam in Grays Harbor and will be prepared to speak more about it at the next Board meeting. This was previously suggested at a Legislative/WAC Committee meeting but was not well received by the Port of Grays Harbor. Regardless of how Grays Harbor obtains additional pilots, whether it’s by testing new applicants or cross-licensing with Puget Sound, Commissioner Hannigan stressed the need for a pilot exam in Puget Sound in 2012. The current list of applicants waiting to train will expire in October, 2012. Holding an exam prior to that date does not extinguish the list.

**Consideration of Request for Vessel Exemption:**

**Motor Yacht GOLDEN BOY II** – 115’, 236 gross tons, Marshall Islands registry, Captain Craig Foss Campbell. Motion: Lee/Kiley – concur with Chair’s granting of interim annual renewal – Carried.

**Motor Yacht VANGO** – 164’, 490 gross tons, Cayman Islands registry, Captain David Hagerman. Motion: Lee/Coburn – grant annual renewal – Carried.

**Motor Yacht EVVIVA** – 164’, 492 gross tons, Cayman Islands registry, Captain Joseph Trailer. Motion: Lee/Kiley – concur with Chair’s granting of interim annual renewal – Carried.

**Motor Yacht ESTANCIA** – 112’, 208 gross tons, Cayman Islands registry, Captains Bill McDowell and Rob Jones. Motion: Lee/McCurdy – concur with Chair’s granting of interim annual renewal – Carried.

**Sailing Yacht ETHEREAL** – 190’, 494 gross tons, Cayman Islands registry, Captain Andrew Barry. Motion: Kiley/McCurdy – concur with Chair’s granting of interim one year exemption – Carried.

**Pilot’s Report of Incident: MAUI, 4-16-11.**

Berth 18-4 Seattle	Slack spring line caught under the lip of a metal deck plate on the pier while heaving the line during docking	Bent metal deck plate.	<u>Motion:</u> Adams/Coburn File as an Incident with Damage and No Pilot Error	Carried
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**Pilot's Report of Marine Safety Occurrence: *FENG SHAN HAI*, 3-4-11.**

Tacoma anchorage to Temco Grain	Failure of main engine to operate properly. Assist tugs were made up and repairs made while proceeding under tug power.	Navigational Safety Concern	<u>Motion:</u> Hannigan/Lee File as a Marine Safety Occurrence	Carried
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**Pilot's Report of Marine Safety Occurrence: *JOYOUS AGE*, 3-23-11.**

West end of Elliott Bay	Partial loss of propulsion. Anchored at Smith Cove, Seattle for repairs.	Navigational Safety Concern	<u>Motion:</u> Lee/Adams File as a Marine Safety Occurrence	Carried
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**Pilot's Report of Marine Safety Occurrence: *EVER ULYSSES*, 4-2-11.**

Tacoma Harbor	Malfunctioning gyrocompass. Anchored in Elliott Bay for repairs then proceeded to Port Angeles.	Navigational Safety Concern	<u>Motion:</u> Lee/Hannigan File as a Marine Safety Occurrence	Carried
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**Pilot's Report of Marine Safety Occurrence: *HS DISCOVERER*, 4-13-11.**

Inbound to Seattle	Loss of gyro input to bridge equipment. Vessel steered by magnetic compass. Gyro input was back within 5 minutes.	Navigational Safety Concern	<u>Motion:</u> Lee/Adams File as a Marine Safety Occurrence	Carried
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**Pilot's Report of Marine Safety Occurrence: *ENERGY CHAMPION*, 4-25-11.**

2.5 miles NE of Ediz Hook	Hydraulic exhaust valve supply line failure. Returned to Port Angeles anchorage for repairs.	Navigational Safety Concern	<u>Motion:</u> Lee/Adams File as a Marine Safety Occurrence	Carried
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**Pilot's Report of Marine Safety Occurrence: *ANTWERPEN EXPRESS*, 4-27-11.**

Exiting the East WW, Seattle Berth 18-4	Loss of propulsion due to failure of an electronic speed sensor. Two tugs assisted with the transit while repairs were made.	Navigational Safety Concern	<u>Motion:</u> Lee/Adams File as a Marine Safety Occurrence	Carried
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**Pilot's Report of Marine Safety Occurrence: *GOLDEN STATE*, 5-8-11.**

1.4 nm SW of Village Point	Main engine failure of this laden tanker. Tugs were called to assist, repairs were made, vessel docked at BP/CP.	Navigational Safety Concern	<u>Motion:</u> Lee/Adams File as a Marine Safety Occurrence	Carried
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**Pilot's Report of Marine Safety Occurrence: *ATLANTIC BREEZE*, 5-9-11.**

Port Angeles pilot boarding station	Vessel bound for Anacortes had a Port Security Boarding Team already on board. Vessel was sent back to sea due to a problem with the crew list. Pilot returned the vessel to PA.	Navigational Safety Concern	<u>Motion:</u> Lee/Adams File as a Marine Safety Occurrence	Carried
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**Pilot's Report of Marine Safety Occurrence: *BBC MAGELLAN*, 5-12-11.**

.5 mile off Possession Buoy	Main engine lost propulsion due to a faulty sensor. Vessel anchored at Port Angeles for repairs.	Navigational Safety Concern	<u>Motion:</u> Lee/Hannigan File as a Marine Safety Occurrence	Carried
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**Committee Reports.**

**Trainee Evaluation Committee:**

- The TEC met on June 8<sup>th</sup>.
- Captain Fred Engstrom's training program orientation was held on May 31, 2011. He began training on June 1<sup>st</sup> and will not be taking a stipend.
- The training status of all trainees was reviewed.
- The PSP retirement survey was reviewed for purposes of scheduling the entry of future trainees – no recommendations were made at this time.

**Legislative/WAC Committee:** Commissioner Adams offered his committee's assistance in reviewing the proposed amendatory language for the seven rules listed on the impending CR-101.

**Tariff Policy Committee:** No activity reported.

**Activity Reports.** Mary Nelson, representing Port of Grays Harbor, reported there were 5 ship arrivals in May, 6 projected in June, 6 projected in July and further increases expected through the remainder of the year; the Weyerhaeuser Pulp Mill is back in business with a monthly service; Captain Cooke is on duty in June; two additional silos are slated at AGP which will be operational next July; Phase II of the railway project is underway; and the Port is engaged in aggressive stakeholder outreach in conjunction with the state Department of Ecology. Mary again emphasized the importance of their request for a pilot exam in anticipation of their need for a third pilot in 2013.

Captain Andy Coe, representing Puget Sound Pilots, reported there were 564 assignments in April and 668 in May; assignments year-to-date for 2011 are 3,027 compared to 3,024 in 2010; three pilots attended manned model training in Port Revel, 6 in E-Navigation class at PMI and 5 in Escort Team training at PMI; and 48 comp days were accrued and 30 used during April and May increasing the total by 18 to 3,271 comp days.

Mike Moore, representing Pacific Merchant Shipping Association, reported on the Port of Seattle's "century agenda" which consists of round table discussions on various current issues. He also talked about the relationship between imports and exports, emission control areas, fuel switching and shipping activity levels.

Both Walt Tabler and Mike Moore recently attended the San Francisco Bar Pilots tariff presentation to the California State Pilotage Board. After quite a lengthy description of the San Francisco tariff process Vice Chair Davis ended the discussion when it began to take on the feel of a Puget Sound tariff hearing. Commissioner Adams stated he didn't want to hear "tariff talk" until "tariff season".

**Correspondence Review.** Chairman Dudley received a letter from Puget Sound Partnership asking him to appoint a representative with an experienced background on oil spill-related issues who would represent the interests of Washington pilots and Harbor Safety Committees on a Cross-Partnership Oil Spill Work Group. Motion: McCurdy/Hannigan – recommended to the Board that Vice Chair Davis appoint Captain Andy Coe. Vice Chair Davis preferred that Harry make the appointment. The motion and the second were withdrawn.

Chairman Dudley has withdrawn his name from the signature page of the "Cruise Ship Pilot Accommodation Standards" amended on December 10, 2010 at the regional meeting of pilotage authorities in Vancouver, B.C. He explained his reasons for this decision in an e-mail to the Board and major stakeholders dated April 22, 2011.

**Legal Update.** No activity to report.

**Administrative Report.** Peggy Larson noted that according to the Tariff Document Submission Schedule the Grays Harbor tariff requests are due at the August meeting that was rescheduled to July 28<sup>th</sup>. Mary Nelson said she could submit the request two weeks early since this is an action item for the Board. Peggy also informed the Board that the Governor's budget office (OFM) approved an \$85,000 increase in our FY 2011 allotment to cover the over expenditure in legal services. This revenue was available in our reserve account. Final accounting of the Board's revenue and expenses for the biennium ending June 30, 2011 will be presented to the Board when it becomes available.

**Commissioner Comments.** Commissioner Coburn asked PSP if they could furnish periodic expense reports to the Board in preparation for the tariff hearing. Walt replied that it would be very labor intensive and expensive to provide meaningful quarterly expense information and that raw expense data is confusing, misleading and of no benefit.

**Public Comments.** Captain Bill Bock asked if the Tariff Policy Committee had a target date in mind for presenting its work product to the Board. Committee Chairman Dudley was not in attendance today.

**Confirmation of Next Regular Meeting Date.** Earlier in today's meeting action was taken to move the July 14<sup>th</sup> and August 11<sup>th</sup> Board meetings to a combined meeting date on July 28, 2011, following a public hearing at 9:30 a.m. in the Agate Conference Room, 2901 Third Avenue, Seattle. Commissioner Lee will be unable to attend on July 28<sup>th</sup>.

**A CLOSED SESSION was called from 2:10 p.m. to 3:00 p.m. regarding the pilot training program** of Captain Jim Kearns and review of pilot/trainee physical examination reports. In attendance were Vice Chairman Davis, Commissioners Adams, Kiley, Hannigan, McCurdy, Lee and Coburn; Shawna Erickson and Peggy Larson. Regular session was reconvened by the vice chairman immediately following closed session.

**Consideration of Licensure of PSPD Pilot Trainee: Captain James Kearns.** Motion: Hannigan/Lee – after determining that Captain Jim Kearns has completed all of the requirements of his training program and in accordance with WAC 363-116-080, the Trainee Evaluation Committee has determined by unanimous vote that based on its review of his evaluations and performance that a recommendation be made to the Board that he is in need of more training and further evaluation – Carried. Motion: Hannigan/Kiley – in accordance with WAC 363-116-080 the Board shall approve a training program extension for Captain Kearns to be completed by July 26, 2011 (a draft of which was read into the record) – Carried.

**Review of Pilot/Trainee Physical Examination Reports.** Motion: Coburn/Hannigan - accept the physicians' reports for Captains B.S. Knowles, R.F. McCurdy, S.D. Semler, G.D. Hurt, D.W. Grobschmit, J.E. Kalvoy, B.L. Michelson, D.L. Shaffer, M.E. Blake and S.G. Cooke for annual pilot license renewal, Captain M.L. Anthony for annual trainee license renewal and affirm Chairman Dudley's interim acceptance of the physician's report for Captain F.E. Engstrom for initial training licensure - Carried. Captain W.A. Bundren remains unfit for duty. Motion: Coburn/McCurdy – empower the chairperson to review and accept, if satisfactory, the physical exam report for Captain M.I. Johnson for purposes of reinstating his license to active status, if necessary in order to return to work; action to be affirmed by the Board at the next regular meeting – Carried.

There being no further business to come before the Board, Vice Chairman Davis adjourned the regular session Board meeting at 3:10 p.m.

Respectfully submitted,

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Peggy Larson, Administrator

**Absent**

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Harry H. Dudley, Chairman

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Commissioner Charles F. Adams

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Commissioner Edmund I. Kiley

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Commissioner Patrick M. Hannigan

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Commissioner Richard F. McCurdy

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Commissioner Craig W. Lee

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Commissioner Douglas S. Coburn

**Absent**

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Norman W. Davis, Acting Vice Chairman

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Commissioner Elsie J. Hulsizer