

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

October 24, 2012

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### Present:

Chairman: Harry Dudley

Commissioners: Norm Davis, Ned Kiley, Pat Hannigan, Don Mayer, Grant Stewart, Phil Morrell

Administration: Shawna Erickson, Peggy Larson

Assistant Attorney General: Guy Bowman

Andy Coe, Del Mackenzie, Steve Moreno, Ivan Carlson, Pat Kelly and Walt Tabler: Puget Sound Pilots

Mike Moore: Pacific Merchant Shipping Association

Dr. Norman Hertz: Progeny Systems Corporation

Mary Nelson, Art Blauvelt: Port of Grays Harbor

Lou Paulsen: Port of Tacoma

Del Kelly: Public

### CLOSED SESSION

A Closed Session was called from 9:00 a.m. to 9:45 a.m. to consider matters relative to the 2012 Pilot Examination. In attendance were Chairman Dudley, Commissioners Davis, Kiley, Hannigan, Mayer, Stewart and Morrell; Dr. Norman Hertz, Guy Bowman, Shawna Erickson and Peggy Larson.

### REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:55 a.m. by Chairman Harry Dudley in the Alki Conference Room at 2901 Third Avenue, Seattle, Washington.

**Set the Cut Score for the Written Examination.** Dr. Norman Hertz of Progeny Systems Corporation, gave an overview of the psychometric process and analysis involved in the development and administration of the Written Examination. Motion: Hannigan/Stewart - set the Written Examination cut score at 112 as determined by the Subject Matter Experts and recommended by Dr. Hertz and the Examination Committee – Carried.

**Determine the Number of Successful Applicants who will Advance to the Simulator Evaluation.** Motion: Hannigan/Stewart – based on the cut score of 112, 22 applicants will advance to the Simulator Evaluation – Carried. This scoring information will be posted on the Board's web site, sent by e-mail to all applicants, and posted at the Board Office later today. All applicants are referenced by an ID number until the entire examination and review process is complete.

Two protests concerning the Written Examination were reviewed in Closed Session and resolved as follows: Motion: Hannigan/Kiley – one question was determined to be flawed, resulting in all applicants receiving full credit for that question – Carried. Motion: Hannigan/Mayer – it was determined that a second protest did not rise to the level of validity as described in WAC 363-116-083(2) – Carried. (10:15)

### PUBLIC HEARING

A public hearing of the Board of Pilotage Commissioners was convened at 10:30 a.m. by Chairman Harry Dudley.

**WAC 363-116-185: Pilotage Rates for the Grays Harbor Pilotage District.** RCW 88.16.035(4) requires the Board of Pilotage Commissioners to annually fix pilotage tariffs. Financial data used in this tariff hearing includes the previous year's unaudited financial statement in addition to some current-year unaudited data as well as some late-year projected data. The filed rule as proposed by the Port of Grays Harbor reflects an effective overall increase to the tariff of 4.3%, or \$275 per pilotage job, to be charged for pilotage services in the Grays Harbor Pilotage District for the 2013 tariff year. It calls for an across-the-board increase in all charges by 4.00% except as follows: *Boarding Charge* – no change, *Travel Allowance* – no change, *Pension Charge* - an increase from \$280 to \$353. The revised pension charge proposed to increase from \$280 to \$353 per assignment is calculated by the Puget Sound Pilots organization who administers the Grays Harbor pension funds for retired GH pilots with service credit prior to October 2001. The filing was based on a written proposal dated July 31, 2012 submitted by

Gary Nelson, Executive Director of the Port of Grays Harbor, which details the request for rule amendments. The GHP 5-year Capital Spending Plan and 2011 year-end unaudited Financial Statement, previously submitted to the Board, were also considered in today's tariff determination. Oral testimony in support of the proposal was presented by Mary Nelson for the Port of Grays Harbor. Also testifying in support of the proposal was Captain Mike Moore on behalf of the Pacific Merchant Shipping Association. All written documents submitted in accordance with the timetable established for tariff document submission were considered in today's tariff determination, in addition to all other written and oral testimony from interested parties and members of the public. The public hearing was closed by Chairman Dudley at 10:45 a.m.

**REGULAR MEETING**

The regular meeting of the Board was reconvened at 10:45 a.m. by Chairman Harry Dudley.

**Consideration of Preceding Hearing: WAC 363-116-185.** All written and oral testimony was reviewed and considered by the Board. Discussion ensued relative to the funding of a stipend program for new trainees. Rather than a line item in the tariff, the Port proposed an alternative by way of an employment agreement which would provide comparable income. Details are yet to be worked out. Motion: Kiley/Davis – provide a new 2013 tariff as proposed and outlined above which reflects an effective overall increase to the tariff of 4.3% – Carried. The effective period of the new tariff is from 0001 hours on January 1, 2013 through 2400 hours on December 31, 2013. (11:20 a.m.)

**Minutes.** The September 13, 2012 and September 25, 2012 Minutes stand approved as written.

**NEW BUSINESS**

**Approval of Pilot License Upgrade Program:** Captain David Brusco is nearing completion of his third license year. Motion: Mayer/Kiley - approve the license upgrade program for Captain Brusco as drafted by the TEC - Carried.

**Consideration of Requests for Vessel Exemption:**

**Motor Yacht MICHAELA ROSE** – 141', 525 gt, UK/Southampton registry, Captain Tom Noorman.

Motion: Davis/Morrell – concur with Chair's granting of a three-month exemption – Carried.

**Motor Yacht FLIPPER** – 105', 178 gt, Cayman Islands registry, Captains Jeff Sanson/Chris Luckerath.

Motion: Davis/Morrell – concur with Chair's granting of a one-year exemption renewal – Carried.

**Motor Yacht ANNASTAR** – 164', 492 gt, Cayman Islands registry, Captain Michael Catania.

Motion: Davis/Morrell – concur with Chair's granting of a three-month exemption – Carried.

**Motor Yacht FORTRUS** – 111', 284 gt, Cayman Islands registry, Captain Scott Newson.

Motion: Davis/Morrell – concur with Chair's granting of a three-month exemption – Carried.

**2012 Annual Tariff Hearings Preparation.**

PSPD - In accordance with the timetable established for tariff document submission, a 2013 written tariff proposal from the Puget Sound Pilots has been submitted to the Board in addition to the most recent supplemental unaudited financial data. A CR-102 has been filed setting a public hearing for November 15, 2012 at 9:30 a.m. in the Alki Conference Room. A Question/Answer Session regarding the 2011 PSP Audited Financial Statement and other related issues followed.

**Pilot's Report of Marine Safety Occurrence: YM MANDATE, 9-19-12**

Outbound in Blair Waterway, Tacoma	Vessel propulsion malfunction.	Navigational Safety Concern	<u>Motion:</u> Davis/Kiley File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: NORTH STAR, 10-10-12**

Approaching the entrance to Blair Waterway, Tacoma	Malfunction of electric propulsion motor.	Navigational Safety Concern	<u>Motion:</u> Davis/Mayer File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: EMPIRE STATE, 10-9-12**

Outbound from Cherry Point to Port Angeles anchor	Pilot experienced a medical problem and was relieved by another pilot.	Navigational Safety Concern	<u>Motion:</u> Kiley/Stewart File as a Marine Safety Occurrence – Carried.
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**Committee Reports.**

**Trainee Evaluation Committee:**

- The TEC met on October 10<sup>th</sup> and 23<sup>rd</sup>
- The TEC met with Captain Scott Anacker to review his post-incident training course. Motion: Hannigan/Davis – approve the training course as developed by the TEC. – Carried.
- Training Program progress was reviewed for Captains Engstrom, Carley, Lowery, Coryell and Brouillard
- Motion: Hannigan/Stewart – appoint Captain Steve Cooke to the TEC as a Grays Harbor pilot representative, effective immediately – Carried.

**Tariff Policy Committee:** The PSPD tariff hearing “Ground Rules” are being reviewed.

**Pilot Exam Committee:** Commissioner Hannigan invited all Board members and staff to observe the Simulator Evaluations scheduled for the week of October 29<sup>th</sup>.

**Activity Reports.** Mary Nelson, representing Port of Grays Harbor, Captain Andy Coe, representing Puget Sound Pilots, and Captain Mike Moore, representing Pacific Merchant Shipping Association, presented current and projected statistical data as well as updates on current maritime events. Captain Del Mackenzie gave a presentation on fuel switching systems and Blair Waterway training.

**Correspondence Review.** A request for an exam application fee refund has been made by an applicant whose application was not approved. Motion: Hannigan/Morrell – since the application fee is nonrefundable, the request be denied – Carried.

**BPC Staff Report.** Motion: Mayer/Davis – accept the revisions to the *Pilot’s Report of Marine Safety Occurrence* fill-in form as drafted – Carried. Tentative plans for the Pilotage Authority Conference are to meet in early spring, in Seattle. Copies of the revised PSP Operating Rules were distributed.

**Confirmation of Next Regular Meeting Dates.** Future meeting dates are: November 15 and December 13. A special meeting to set the Simulator Evaluation cut score will be announced.

**Review of Pilot/Trainee Physical Examination Reports.** Motion: Kiley/Stewart - accept the physicians’ reports for Captains J.E. Ward, C.N. Larson, J.R. Semler and D.B. Soriano for annual pilot license renewal - Carried. Motion: Mayer/Stewart – affirm Chairman Dudley’s action on 10-9 to temporarily relieve Captain I.J. Carlson from duty due to a medical situation and reinstate his license on 10-19 following his review of a satisfactory physician’s report – Carried. Motion: Hannigan/Stewart – empower Chairman Dudley to review and accept, if satisfactory, the physical exam report for Captain R.F. McCurdy 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, Chairman Dudley adjourned the regular session Board meeting at 2:50 p.m.

Respectfully submitted,

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Peggy Larson, Executive Director

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Harry H. Dudley, Chairman

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Norman W. Davis, Acting Vice Chairman

**Absent**

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Commissioner Charles F. Adams

**Absent**

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Commissioner Elsie J. Hulsizer

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Commissioner Edmund I. Kiley

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Commissioner Patrick M. Hannigan

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Commissioner Donald W. Mayer

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Commissioner Philip Morrell

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Commissioner J. Grant Stewart