

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

September 30, 2010

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### Present:

Chairman: Harry Dudley

Commissioners: Chuck Adams, Ned Kiley, Pat Hannigan, Dick McCurdy, Craig Lee,  
Doug Coburn, Elsie Hulsizer and Norm Davis

Assistant Attorney General: Guy Bowman

Administration: Shawna Erickson, Peggy Larson

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

Captain Mike Moore, Vince Addington: Pacific Merchant Shipping Association

Gary Nelson: Port of Grays Harbor

Blair Bouma: PSPD Pilot Trainee

Matt Denning: USCG Sector Puget Sound

Captains Del Kelly, Bill Bock: Retired Puget Sound Pilots

Loren Lee, Severin Knutsen: Public

### **REGULAR MEETING**

The regular meeting of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley in the Agate Conference Room at 2901 Third Avenue, Seattle, Washington.

**Minutes.** Motion: Hannigan/McCurdy – approve the August 30, 2010 Minutes with the following corrections: clarify that it was the *TEC's* determination, not Commissioner Hannigan's, that a *Train the Trainer* class be administered to all pilots; and that it was the *Tariff Setting Procedures Committee* Chairman, not the Committee, who asked stakeholders for input for the members to consider - Carried.

### **OLD BUSINESS**

**Public Hearing Set for Rule Making.** The Board reviewed proposed language amendments to the following three rules for purposes of filing a CR-102 for a public hearing on November 9, 2010.

WAC 363-116-070: *Collection of Fees*

WAC 363-116-300: *Pilotage Rates for the Puget Sound Pilotage District*

WAC 363-116-360: *Exempt Vessels*

The CR-101, previously filed, details the intent of these proposed rule amendments. Motion: Hannigan/Hulsizer – file the CR-102 for a November 9 hearing to begin at 11:30 a.m. – Carried.

**Discussion and Resolution Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as provided in WAC 363-116-065.** In April 2010, the number of pilots licensed in the Puget Sound Pilotage District was reduced from 57 to 54. Recalling his rationale for the motion he made that approved that change, Commissioner Adams said he used a common sense approach when considering all of the statistical data and other pertinent criteria rather than being driven by a methodology of work load and number of vessels. More current data and information was presented today which indicated a further downturn in vessel traffic. Both PSP and PMSA favor another reduction in the number of licensed pilots. Motion: Lee/Coburn – reduce the number of licensed pilots to 49 plus one non-piloting president. Motion to amend: Kiley/Adams – reduce the number of watch standing pilots to 51 plus one non-piloting president – Carried with a vote of six in favor and Commissioners Lee and Coburn opposed. The amended motion also carried with a vote of six in favor and Commissioners Lee and Coburn opposed. Historically the pilot roster has differed from the set number of pilots; currently the same is true. The new number of pilots just set at 52 is different from the number of currently licensed pilots of 53. Next month a trainee will be considered for licensing so this item will remain on the agenda so that if the Board feels compelled to adjust the number again, it may do so.

**NEW BUSINESS**

**Approval of Pilot License Upgrade Program for Captain David Brusco.** Captain Brusco is nearing completion of his first license year. Motion: Hannigan/Coburn - approve the license upgrade program for Captain Brusco as drafted - Carried.

**Consideration of Request for Vessel Exemption:**

**Motor Yacht *DIONE SKY*** – 149’, 499 gross tons, Cayman Islands registry, Captain Brian Harrison. Motion: Kiley/Lee – concur with Chair’s granting of interim three-month exemption – Carried.

**Pilot’s Report of Marine Safety Occurrence: *APL SPAIN, 8-17-10.***

Seattle West WW	Attempted engine repair; able to proceed to Vancouver for further repair.	Navigational Safety Concern	<u>Motion:</u> Lee/Kiley – File as a Marine Safety Occurrence	Carried
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**Pilot’s Report of Marine Safety Occurrence: *RHAPSODY OF THE SEAS, 8-20-10.***

Near Buoy SD	Near miss with a sailing vessel. Referred to USCG for investigation.	Near Miss	<u>Motion:</u> Lee/Davis – File as a Marine Safety Occurrence	Carried
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**Pilot’s Report of Marine Safety Occurrence: *APL HONG KONG, 8-22-10.***

Seattle Terminal 6	Lost electrical power while docking. Tugs able to assist.	Navigational Safety Concern	<u>Motion:</u> Lee/Davis – File as a Marine Safety Occurrence	Carried
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**Pilot’s Report of Marine Safety Occurrence: *BRITISH LAUREL, 9-18-10.***

East of Buoy RB	Tanker departed TSS to make a round turn to avoid a small fishing vessel.	Near Miss	<u>Motion:</u> Lee/Kiley – File as a Marine Safety Occurrence	Carried
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**Review and Consideration of Licensure of PSPD Trainee: Captain James Caspers.** The Board reviewed copies of the three training program extension letters issued to Captain Caspers dating back to March, 2010. The latest extension was for the sole purpose of allowing him time to take his final local knowledge exam necessary to complete his training program. He took the exam and passed. Committee Chairman Hannigan informed the Board that at yesterday’s TEC meeting, after a thorough review of his training program, it was unanimously determined by the full committee that Captain Caspers is not suitable for licensure. Motion: Hannigan/Lee – extend an invitation to Captain Caspers to appear before the Board prior to Board action on this matter - Carried.

**Committee Reports.**

**Trainee Evaluation Committee:**

- The TEC met on September 29<sup>th</sup>
- Training Program performance was reviewed for trainees Anacker, Bouma, Kearns and Anthony – all are progressing well.
- Captain Bouma is nearly finished training and is likely to be considered for licensure at the November Board meeting.
- TEC member Captain Don Mayer is working with the US Navy to exchange training opportunities for our trainees on their vessels and their captains on piloted commercial vessels.
- Captain Stephen Cooke has successfully completed the requirements necessary to lift tonnage limitations on his state license. He has been issued an unlimited license for the Grays Harbor District.
- *Train the Trainer* instruction is being pursued.

**Legislative/WAC Committee:** Committee Chairman Adams spoke about a letter he received from the Puget Sound Pilots dated September 17, 2010, regarding cross-licensing of Puget Sound Pilots for the Grays Harbor District. The Committee is in early discussion and legal analysis of this matter. Gary Nelson offered comments and stated he will also formally respond.

**Tariff Setting Procedures Committee:** Committee Chairman Dudley reported that he and Commissioners Hulsizer, Kiley, Adams and Davis met for the first time this morning prior to the Board meeting. The committee has re-named itself the *Tariff Policy Committee*. Their scope of work is to look at tariff-setting procedures, WACs, RCWs, etc. in order to develop policy drafts, pertaining to tariff setting, for review and possible adoption by the Board. The goal is to have a draft ready by April 1, 2011. Stakeholder participation will be by invitation only. Stakeholders were reminded to submit their list of previously submitted documents to be considered by the committee.

**Activity Reports.** Gary Nelson, representing Port of Grays Harbor, reported there were 5 arrivals in August and 5 arrivals in September for 55 arrivals year-to-date; Captain D'Angelo is on duty in September and Captain Cooke in October; ground breaking for Ag Processing Inc's expansion project was on September 17<sup>th</sup>; and funding has been secured for phase one rail enhancements in Aberdeen.

Captain Andy Coe, representing Puget Sound Pilots, reported there were 667 assignments in August for a year-to-date total of 5,013 compared to 5,231 last year; 4 pilots went to manned model training this month; 11 comp days were accrued and 19 used – bringing the total comp days to 3,258; and Escort Team Training for Puget Sound Pilots is scheduled at PMI in three sessions during September and October to which all Board members were invited to observe.

Captain Mike Moore, representing Pacific Merchant Shipping Association, reported that the economic recovery remains uncertain; and Frasier River Ports are becoming better known in Canada as gateway ports for traffic coming from across the Pacific.

**Legal Update.** Guy Bowman stated that on August 13, 2010, the Administrative Law Judge issued an initial order confirming the Board's decision to deny Captain Bruce Nelson a pilot license. Captain Nelson has filed a Petition for Review with the Board. Guy Bowman has filed a Motion to Dismiss that petition on behalf of the Board. Commissioner Chuck Adams has been appointed the "Reviewing Officer" of this Motion to Dismiss. He is working with Shawna and an AAG in Olympia. Chairman Dudley cautioned all involved parties not to discuss this case with the reviewing team.

#### **Administrator's Report.**

- Before releasing the Board's 2009 Annual Report, the section concerning "Pilot Earnings" was reviewed in order to clarify certain allowances and reimbursements to pilots. It was also noted that the Seattle Station Expenses were audited, but not by GAAP standards.
- A presentation was made by staff for purposes of educating the Board on its budgeting process and to better understand the need to increase revenue to cover the current budget shortfall.
- The December regional meeting of West Coast Pilotage Authorities will be held in Vancouver, Canada. The Pacific Pilotage Authority is hosting the event and anyone interested in attending should contact them.

**Public Comments.** Matt Denning, USCG Sector Puget Sound, offered a standing invitation to all Board members to tour the Vessel Traffic Service offices.

**Confirmation of Next Regular Meeting Date.** Due to the observance of Veteran's Day, the next regular meeting scheduled for Thursday, November 11, 2010 was rescheduled to Tuesday, November 9, at 9:30 a.m. in the Agate Conference Room, 2901 Third Avenue, Seattle. A public hearing will begin at 11:30 a.m. As a reminder, the December Board meeting was moved from the 9<sup>th</sup> to December 14<sup>th</sup>.

**Review of Pilot/Trainee Physical Examination Reports.** Motion: Lee/McCurdy - accept the physicians' reports for Captains L.R. Petke and J.A. Shaffer for annual pilot license renewal - Carried.

There being no further business to come before the Board, Chairman Dudley adjourned the regular session Board meeting at 1:15 p.m.

Respectfully submitted,

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Peggy Larson, Administrator

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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

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Norman W. Davis, Acting Vice Chairman

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Commissioner Elsie J. Hulsizer