

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

June 19, 2014

Present:

Chairman: Harry Dudley

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

Administration: Shawna Erickson, Peggy Larson

Jonathan Ward, Walt Tabler: Puget Sound Pilots

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Mary Nelson: Port of Grays Harbor

Brian Jensen: PS pilot trainee

Bari Bookout: Port of Seattle

Lou Paulsen: Port of Tacoma

Mark Ashley: VTS, USCG Sector Puget Sound

Louis Sackett: Retired Puget Sound Pilot

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:30 a.m. by Chairman Harry Dudley in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington.

Minutes. The April 15, 2014 Minutes stand approved as written.

OLD BUSINESS

Discussion and Possible Resolution Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as provided in WAC 363-116-065. The number of pilots in the PSPD is 54, set by the Board on May 14, 2013. Currently there are 54 active licenses. PSP proposes raising the number to 55 and PMSA is cautiously assessing current trends. Written and oral stakeholder presentations were analyzed and discussed. Also considered was staff's statistical and historical data. Pertinent trends noted by PMSA are that assignments per pilot are down YTD due to the pilot corps being 2.3% bigger YTD in 2014 over 2013; shorter harbor shifts increased 16.8%; longer assignments decreased; and average bridge hours per assignment decreased. PSP noted that pilot fatigue is more prevalent; their traffic data shows a 2.18% increase YTD over last year; non-ship assignments are increasing; and their trailing 12 months of traffic data shows a need for 55 pilots at a Target Assignment Level (TAL) of 145. Commissioner Adams reminded the Board that the rationale behind his motion to set the TAL at 145 back in 2010 did not include non-bridge time hours. Pilots spend extra hours on non-piloting work, which may be considered when setting the number of pilots, but he made it clear that he did not intend for those hours to be calculated in the 145 assignments per pilot per year. Both parties agree that uncertainty continues about some key sectors of deep draft vessel traffic. Realizing there are three projected retirements before the end of the year, it is not certain each vacant position will have a replacement trained and ready to license at the appropriate time, thus effectively not increasing the pilot work force even if the set number is increased. PMSA said it would support an increase in pilots, if warranted and IF the net result was not a request by PSP at future tariff hearings for more money to support the new pilot/s, which has historically been the case. Motion: Hulsizer/Mayer – increase the number of pilots in the PSPD to 55 -- Carried with a vote of four in favor, Commissioners Morrell and Stewart opposed. At this time there is not a new licensee available to increase the pilot work force so the number of licensees remains at 54.

Pilot's Report of Incident: GH Pilot D'Angelo, Trainee Surface – CSAV RIO ILLAPEL, 12-5-13

Terminal 2 Aberdeen	The Board examined the written reports from the pilot and trainee, a verbal CIC report from Comm. Mayer and an error chain analysis report from the pilot. The CIC recommendation by Comm. Mayer was to file this as an Incident with damage and with pilot error.	<u>Motion:</u> Adams/Hulsizer - Insignificant Incident with damage and with placement in the pilot's file and no further action to be taken by the Board – Failed 2 yes 4 no. <u>Motion:</u> Kiley/Mayer – Incident with damage and pilot error – Carried, 5 yes Adams no. <u>Motion:</u> Require Captain D'Angelo to develop a Lessons Learned Report in addition to taking one Puget Sound waterway trip specified by the TEC – Carried.
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Discussion of CG NPRM – Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard. The US Coast Guard issued a Notice of Proposed Rulemaking (NPRM) on December 27, 2013 titled: *Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard*. The deadline for comments was extended to 5-26-14. An update was not available at this time. The Board will monitor this NPRM process.

NEW BUSINESS

Consideration of Request for Vessel Exemption:

Motor Yacht TEASE EM TOO – 43’, 16 gt, Marshall Islands registry, Captains Hubbard, Inmon, Porras
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht KYA – 71’, 119 gt, Marshall Islands registry, Captain Michael Wilkinson
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht D’NATALIN IV – 160’, 499 gt, Cayman Islands registry, Gregory Clark, Nicholas Marr
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht ICE BEAR – 171’, 614 gt, Cayman Islands registry, Captain Cy Butler.
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht EVVIVA – 164’, 492 gt, Cayman Islands registry, Captains Joe Trailer, Ken Bracewell
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht AFTER EIGHT – 151’, 498 gt, Isle of Man - UK registry, Captain Grant Lindsay
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht SOLAIA – 132’, 427 gt, Cayman Islands registry, Captains Ian Boxshall, Mark Boxshall
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Sailing Yacht HORTENSE – 90’, 135 gt, Cayman Islands registry, Captain Gary Hancock
Motion: Mayer/Stewart – concur with Chair’s granting of a three-month exemption – Carried.

Sailing Yacht KAORI – 125’, 228 gt, Marshall Islands registry, Captain John Raubenheimer
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht GRAN FINALE – 147’, 451 gt, St. Vincent registry, Kynan McDonald, Glenn Gorman
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Motor Yacht DOROTHEA III – 132’, 473 gt, Marshall Islands registry, Captain John Crupi
Motion: Hulsizer/Kiley – grant a three-month exemption – Carried.

Motor Yacht NETTO – 115’, 254 gt, Marshall Islands registry, Captain Brian Cooper
Motion: Mayer/Stewart – concur with Chair’s granting of a one-year exemption – Carried.

Pilot’s Report of Marine Safety Occurrence: OVERSEAS SIFNOS, 4-17-14

Port Angeles Anchorage	Diminished engine propulsion. Vessel re-anchored and repaired.	Navigational Safety Concern	<u>Motion:</u> Adams/Stewart File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: OAKLAND EXPRESS, 5-4-14

Tacoma anchor to WUT berth 1 S/S	Faulty safety valve in the air system. Repairs made and vessel docked.	Navigational Safety Concern	<u>Motion:</u> Adams/Stewart File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: WESTERDAM, 5-10-14

Outbound – near SA Buoy	Lost steerage momentarily. Vessel slowed and was steadied up, then proceeded to Alaska.	Navigational Safety Concern	<u>Motion:</u> Adams/Stewart File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: MORNING CHANT, 6-2-14

Blair Waterway, Tacoma	Pilot observed a broken potable water pipe caused by a spring line catching a cable while docking.	Navigational Safety Concern	<u>Motion:</u> Adams/Stewart File as a Marine Safety Occurrence – Carried.
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Approval of Puget Sound Pilot Training Program for Captain Al Furst. The TEC has reviewed and evaluated the experience of Captain Furst for purposes of developing his customized pilot training program. Motion: Mayer/Kiley – invite Captain Furst to begin pilot training and also approve the Training Program as drafted for him – Carried. Upon acceptance of his program and completion of training orientation, the Board shall issue Captain Furst *Trainee License #042* intended for commencement of training on July 1, 2014. Motion: Mayer/X - begin the process to start another trainee in three months – failed for lack of a second. The TEC will assess the need for a new trainee and report back to the Board.

Approval of Pilot License Upgrade Program: Captain Fred Engstrom. Captain Fred Engstrom is nearing completion of his second license year. Motion: Mayer/Stewart - approve the license upgrade program for Captain Engstrom as drafted by the TEC with minor modifications - Carried.

2014 Annual Tariff Hearings Preparation. Draft timetables for tariff document submission were reviewed and adjusted. Motion: Adams/Kiley – adopt the proposed schedules as adjusted - Carried. 2014 tariff hearings will be held October 16th for the GHPD and November 18th for the PSPD. The PSP audited 2013 Financial Statement was filed with the Board on May 13, 2014.

The Board was presented with a joint letter from the Port of Seattle, Port of Tacoma, Puget Sound Pilots and the Pacific Merchant Shipping Association describing a three-point agreement, to adjust the Puget Sound District tariff, as a revenue neutral, incremental approach to a more equitable distribution of the cost of pilotage. Their intent is for the Board to use these adjustments as a baseline when considering any changes to the current PSPD tariff at the November, 2014 public hearing. Motion: Kiley/Hulsizer – Publish a CR-101 notifying the public of the Board’s adoption of this joint letter as a baseline that it will be using as a starting point for entertaining proposals from stakeholders and the public relative to setting the 2015 tariff – Carried. The agreed-to adjustments are:

- Increase the Boarding Charge from \$53 to \$348, concurrent with a change in the name associated with this charge to “Pilot Boat Fee”; the revised figure being fairly representative of the actual cost of services;
- Apply an across-the-board decrease of 6.52% to the rates listed in the LOA rate schedule for Zones II, III, IV, V and VI; and,
- Apply an across-the-board decrease of 6.52% for all Tonnage Charges greater than 20,000 gt.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on May 19 and June 17.
- New Industry Representative Captain Mark Homeyer joined the TEC for his first meeting on 5/19.
- Trainee Orientation for Captain Furst will be held on June 20th.
- Training Program progress was reviewed for all current trainees, Captains White, Surface, Coleman, Galvin, Jensen, Lowe, Carstensen, Kelleher and Henderson.
- The TEC has determined it is necessary to amend Captain Surface’s Training Agreement in order to allow certain observation trips made while the other trainee is conning to count toward his stipend entitlement. Motion: Mayer/Kiley – amend Captain Surface’s Training Agreement as proposed by the TEC – Carried.
- The TEC has analyzed current vessel traffic in Grays Harbor and determined that a modification to WAC 363-116-082 is necessary in order to move a new pilot through the license limitation process more efficiently. Motion: Mayer/Adams – file a CR-102 with the TEC’s recommended amendments for a public hearing in August – Carried.
- Motion: Mayer/Kiley – amend the *Training Trip Report Form* to include a few minor housekeeping changes – Carried.

Legislative/WAC Committee: A CR-101 was filed announcing the Board’s intent to amend several sections of WAC Chapter 363-116. Language amendments will be drafted for the Board’s review and intended rule making.

Tariff Policy Committee: Appreciation was extended to the stakeholders involved in the development of the joint agreement presented to the Board today regarding the PSPD tariff. The Committee’s work on tariff reform will continue.

Activity Reports. Mary 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.

Legal Update. The Captain Nelson Case is being reviewed by our Administrative Law Judge. The Captain Sweeney jury trial is scheduled to begin in King County Superior Court on August 4, 2014.

BPC Staff Report. Our newly remodeled web site is about to go live. We will no longer be hosted through Consolidated Technology Services in Olympia using the program Macromedia, and now will be using Office 365 which retains our information in the cloud. Washington State Ferries IT staff helped facilitate the mandated transition. Two sets of month-end spreadsheets of PS pilot data were distributed.

Commissioner Comments. Commissioner Mayer expressed concerns about how to remedy the effects of legislative and other mandates that affect our Board, and perhaps shouldn't. For example, budget or salary cuts across-the-board to all state agencies for purposes of sustaining the state general fund when our agency is not a "general fund agency". Our Board is not funded with any state general fund revenue. Chairman Dudley expressed his frustration as well.

Public Comments. Retired Puget Sound Pilot Captain Louis Sackett spoke to the Board concerning his dispute with PSP regarding his retirement benefit. In accordance with WAC 363-116-315 Chairman Dudley will share with Guy Bowman the packet of information submitted for review and consideration.

Confirmation of Next Regular Meeting Dates. The next six regular meeting dates were set as follows: July 15, August 19, September 18, October 16, November 18 and December 16, commencing at 9:30 a.m., at 2901 3rd Avenue, Seattle.

Review of Pilot/Trainee Physical Examination Reports. Motion: Kiley/Adams - accept the physicians' reports for Captains S.G. Cooke, J.E. Kalvoy, S.E. Mork, L.A. Seymour, B.W. Bouma, G.D. Hurt, D.L. Shaffer and M.E. Blake for annual pilot license renewal; Captains J.T. Galvin and S.T. Coleman for annual trainee license renewal; and Captain E.A. Furst for a new trainee license – Carried. Captain M.J. Shuler's license has been temporarily put into inactive status due to being medically unfit for duty.

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

Respectfully submitted,

Peggy Larson, Executive Director

Harry H. Dudley, Chairman

Absent

Dale R. Jensen, Vice Chairman

Commissioner Elsie J. Hulsizer

Commissioner Charles F. Adams

Commissioner Edmund I. Kiley

Commissioner Philip Morrell

Commissioner J. Grant Stewart

Absent

Commissioner Donald W. Mayer

Commissioner Edmund Marmol