

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
July 16, 2020

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:00 a.m. by Chair Sheri Tonn virtually via conference call and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley

Commissioners: Dale Jensen, Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell, Rik Krombeen, and Phil Morrell

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Linda Styrk, Eric vonBrandenfels, Ivan Carlson: Puget Sound Pilots

Gary Nelson, Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: Northwest Seaport Alliance

Fred Felleman: Port of Seattle/WAVE Consulting

John Wright: Polar Tankers

Brian Kirk: Department of Ecology

Mark Gleason: USI

Laird Hail: USCG

Meeting Minutes.

Motion: Jensen/Hamilton – approve the June 18, 2019 Meeting Minutes as written with the correction of two minor spelling errors – Carried.

BPC Staff Report.

- Regarding the Nelson lawsuit, the final appeal for review has been denied by the Court of Appeals. There are some final administrative steps before the litigation hold will be lifted. The Board thanks the appellate team: Sara Cassidey, Catherine Hendricks, and Allyson Zipp.
- The Board has published the Summer 2020 edition of the BPC Pilotage Quarterly.
- Jaimie Bever, Executive Director, stated that she has received confirmation from state HR that the furloughs mandated for state employees do not affect the BPC at this time.
- Due to COVID-19, the Board will not travel to Grays Harbor for the August Board meeting. The hospitality shown by the Port of Grays Harbor in hosting previous meetings is much appreciated. The Board looks forward to resuming the annual tradition next year.
- Bettina Maki, BPC Program Analyst, provided second quarter updates to data received by the Board last month for review.

BPC Chair Report.

- Sheri Tonn reported that as a part-time employee of WSF she is required to furlough. However, it has not had a significant impact on her work for the Board.
- Sheri thanked the Department of Ecology Spills team for their work and collaboration on the directives of ESHB 1578 and oil transportation safety. She added that their Science of Modeling webinar on July 15th was very informative. She also acknowledged Ecology's support in BPC webinars.

Activity Reports. Mike Moore representing Pacific Merchant Shipping Association (PMSA), Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), Lou Paulsen representing The Northwest Seaport Alliance (NWSA), Mike Folkers representing the Port of Grays Harbor (PGH), and Laird Hail representing the United States Coast Guard (USCG) offered current and projected statistical data as well as updates on current maritime issues and activities.

Port of Seattle Commissioner Fred Felleman offered some information about the Port's clean air strategy. The Port is adding work to that initiative to look at wind trajectory and its effects on disproportionately affected communities. He sees their work as providing a competitive advantage. Regarding the ECHO whale location program, he offered that the Canadian government is adding a

“whale desk” in their VTS to integrate the program into VTS operations. The NWSA will soon hold a briefing of their program idea, A Quiet Sound.

NEW BUSINESS

Consideration of Draft 2019 Annual Report: Chair Tonn thanked BPC staff for their work on the 2019 report. She added that Commissioner Farrell did a fantastic job going through the Diversity Action Plan and many of his suggested revisions will be seen in the 2020 Annual Report. Copies of the draft report have gone to Puget Sound Pilots and Port of Grays Harbor for their review. Some edits have already been made, including adding a section regarding Grays Harbor trainee activity. Feedback needs to be received in the office by August 7, 2020. The final draft will be adopted at the August 20, 2020 Board meeting, with delivery to the Legislature shortly thereafter.

Consideration of Policy Statement on Extension of Merchant Mariner Credentials, Medical Certificates, Washington State Pilot Licenses and Annual Physical Requirements Due to COVID-19. The Board adopted this statement in theory at the June Board meeting. The Board's Assistant Attorney General reviewed the document and suggested some revisions. The Board considered the final statement.

Motion: Scragg/Jensen – approve the Policy Statement as proposed – Carried.

ESHB 1578 Consideration of Geographic Zones. OTSC Chair, Jaimie Bever, explained that Section 3 of ESHB 1578 requires the Board, by September 1, 2020, to identify geographic zones, which will inform Ecology's risk model and ultimately help the Board adopt rules regarding tug escorts in Puget Sound. The Oil Transportation Safety Committee (OTSC) approved the zones for recommendation to the Board. OTSC pilot member Captain Blair Bouma developed the zones for OTSC consideration based on his experience as a pilot and former tanker captain. He also provided explanatory notes for each zone to explain his thought process for zone development. Minor adjustments to those zones were made at the committee level. Brian Kirk, Department of Ecology Prevention Section Manager, then explained how Ecology will use the zones to inform their risk model followed by analysis of the risk model, and concluding with BPC adopting rules based on the zones. Jaimie Bever added that in September 2020, Ecology is hosting another webinar regarding the risk model, this time focused on the vessel movements portion of the model process. Next steps for the BPC are two webinars regarding tug escort implementation in Rosario Strait and connected waterways east on July 29th and August 6th. A Q&A session followed. Chair Tonn encouraged commissioners to attend the upcoming webinars.

Motion: Anthony/Kirtley – approve the Geographic Zones as recommended by the OTSC – Carried.

Yacht Exemptions – BPC Staff Recommendations Regarding Vessel Tonnage and License Levels. At the May 21, 2020 Board meeting, a discussion arose regarding master license requirements for foreign-flagged yachts. BPC Training Program Coordinator Jolene Hamel introduced a staff memo of research, current and past practices, practices and requirements of other pilotage districts on the West Coast, and staff recommendations. Staff recommendations were 1) to continue to require a current mariner's license but not link it to a certain tonnage level as long as the masters of the vessel are named and approved by the vessel's insurer, 2) BPC staff will include corresponding insurance documents in the application package for Board review, and 3) revise the exemption petition to require current international gross tonnage (GT(ITC)) consistent with WAC 363-116-360. After lengthy discussion and questions, it was decided not to adopt the staff recommendations at this time and to conduct additional research on the licensing requirements. BPC staff will revise the current exemption form for clarity and bring those back to the Board for review.

Rulemaking – WAC 363-116-082 Qualifications for Pilot Applicants. The Board proposes to expand the qualifications for pilot applicants to be more inclusive of sea service that demonstrates the essential qualities necessary for piloting in Washington state as well as to bring additional clarity to the rules in preparation for the 2021 Marine Pilot Exam. The Board reviewed the draft Proposed Rule Making CR-102, as recommended by the TEC.

Motion: Farrell/Anthony – approve the draft qualifications for pilot applicants and file the CR-102 as written – Carried.

2021 Marine Pilot Exam – RFP/Proposal Status. Jaimie Bever reported that she is working with MITAGS/PMI on contract language. The contract will be presented to the Board for consideration and

adoption at the August or September Board meetings. Exam work is scheduled to begin October 1, 2020.

The Board will appoint an Exam Committee at the August 20, 2020 Board meeting.

Pilot’s Report of Marine Safety Occurrence: *Oriental Angel*, 06-16-2020

Maneuvering to Anchor in Commencement Bay	Fuel transfer engine failed. Tug on board and vessel never in danger. Safely docked.	<u>Motion:</u> Anthony/Farrell File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: *Kmarin Melbourne*, 06-21-2020

Grays Harbor Terminal #2	Glitch in shifting from slow to dead slow, corrected immediately but still used 2 tug escort. No other issues on transit.	<u>Motion:</u> Farrell/Hamilton File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: *Frankfort Express*, 06-21-2020

Unmooring at Tacoma WUT	While releasing spring lines, deckhand got hung up in line and was injured. 2 nd pilot on board called 911 and vessel tied back up at dock. Vessel ended up staying due to immigration issues.	<u>Motion:</u> Farrell/Jensen File as a Marine Safety Occurrence – Carried. Commissioner Anthony recused himself.
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Consideration of Request for Vessel Exemption:

Motor Yacht *Arctic Pride* – 123’, 297gt, Jamaica registry, Captain Seethoff.

Motion: Farrell/Kirtley – concur with Chair Tonn’s granting of an annual exemption including restriction of Deception Pass– Carried.

Motor Yacht *Annastar* – 164’, 492gt, Cayman Islands registry, Captain Gulley.

Motion: Farrell/Anthony – grant an annual exemption – Carried.

Motor Yacht *Gayle Force* – 96’, 190gt, Marshall Islands registry, Captain Whittaker.

Motion: Farrell/Jensen – concur with Chair Tonn’s granting of an annual exemption including restriction of both the Locks and Deception Pass along with an orientation cruise– Carried.

Motor Yacht *Lady Sura* – 164’, 461gt, Cayman Islands registry, Captain Smith.

Motion: Farrell/Anthony – concur with Chair Tonn’s granting of an annual exemption including restriction of both the Locks and Deception Pass along with an orientation cruise– Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and reviewed status of the trainees. All 10 trainees are actively training with the exception of one who is off stipend for the month of June. The current restriction of one trainee per vessel with the exception of hard to get ports is still active and the consensus is that now is not the time to lift that restriction.
- The TEC reviewed the programs of all 9 current PSP trainees and 1 GH trainee. Two trainees joined the TEC via phone to discuss their programs; Captain Michael who is transitioning from the Observation phase to the Training phase, and Captain McMullen to discuss training in Grays Harbor.
- Captains Joe Siddell and Matt Hannuksela are nearing completion of their state programs and will be ready for consideration of licensure once they complete the federal portion. However, due to COVID-19, the USCG Regional Examination Center (REC) has been closed. Because the situation is out of their control, the TEC recommends a Post Training Program in order for them to be able to continue to develop their skills and maintain time on the water.
Motion: Scragg/Anthony – Approve the Post Training Program as recommended by the TEC for Captains Siddell and Hannuksela – Carried.
- The TEC remains concerned about the REC closure and the delays it is causing in the ability for the trainees to draw their federal charts. The TEC recommends that the Board write a letter to the REC outlining concerns regarding the delay of pilot trainees, especially in light of a pilot shortage in the Puget Sound Pilotage District. It has come to the TEC’s attention that the Houston Pilot Association was successful in getting their REC to re-open specifically for them due to their pilot shortage. The TEC recommended that the Board communicate with Houston to

obtain a copy of any correspondence they used. It was also pointed out that the Board should send letters to both RECs for Puget Sound in Seattle and Grays Harbor in Portland, OR.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk reported that the next committee meeting is scheduled for August 17th.
- Co-Chair Styrk thanked Commissioner Farrell for his constructive feedback on the Diversity Action Plan, much of which will be incorporated into next year's plan.
- JDC Co-Chair Sheri Tonn stated that Women Offshore's UNITE Conference, which she attended last summer in Houston, is tentatively scheduled as a remote conference for this October. She highly recommended following Women Offshore on social media, as they have excellent stories from women working at sea.

Commission Investigative Committee (CIC):

- With the new Investigation Procedures adopted by the Board previously, the next step will be to work with State procurement process to build a pool of qualified investigators.

Oil Transportation Safety Committee (OTSC):

- The Committee-approved meeting minutes from June 16th were provided to the Board for review.
- With the first phase of work complete, the committee will be taking a short break while waiting on Ecology and the next phase

Pilot Safety Committee (PSC):

- The Committee-approved meeting minutes from May 19th were provided to the Board for review.
- The Committee met on July 13th and discussed COVID-19 related issues and the Grays Harbor pilot boat procurement. The Committee also worked on defining terms for future rulemaking.
- The next meeting will be in August.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Morrell – approve the physician's reports for Captains C.F. Rounds, I.J. Carlson, and S.T. Coleman for their annual pilot license renewal – Carried.

BPC Training Program Coordinator Jolene Hamel advised that one pilot came off the unfit for duty list but another pilot was added to it subsequent to printing. Also, Board Designated Physician Dr. Satish Subramaniam, who currently practices at the Port clinic, will be leaving in August to accept a teaching position at Duke University. A Board Designated Physician is still available at the Port clinic. BPC staff will work on his replacement.

Confirmation of Next Regular Meeting Dates. The next regular meeting dates are set for:

- August 20 – Skype/Phone
- September 17 – TBD

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 12:35pm to 1:30pm via virtual meeting to discuss matters relative to the training program. In attendance were Commissioners Tonn, Kirtley, Anthony, Farrell, Hamilton, Krombeen, Scragg, Morrell and Jensen; Assistant Attorney General Albert Wang; BPC staff Jaimie Bever, Jolene Hamel and Bettina Maki. Regular session was convened by Chair Tonn immediately following the Closed Session.

There being no further public business to come before the Board, Chair Tonn again thanked everyone for their patience with virtual meetings and adjourned the meeting at 1:30pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Dale Jensen