

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

March 11, 2010

Present:

Chairman: Harry Dudley

Commissioners: Chuck Adams, Pat Hannigan, Dick McCurdy, Craig Lee, Jeff Thompson,
Norm Davis and Elsie Hulsizer

Administration: Shawna Erickson, Peggy Larson

Frantz Coe, Pat Kelly, Jim Shaffer, Rob Kromann, Cal Hunziker, Walt Tabler: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

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

Andrew Gauthier: Crowley Marine Services

David Brusco: Pilot Trainee

Dan Brouillard, Bill Lowery, Mike Anthony, Bud Carley: Pilot Applicants

Ron Kinsey: USCG Sector Seattle

Del Kelly, Mike Gavin, Bill Bock: Retired Puget Sound Pilots

Belinda Brusco, Loren Lee: Public

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:30 a.m. by Chairman Harry Dudley in the Agate Conference Room at 2901 Third Avenue, Seattle, Washington. Chairman Dudley welcomed Captain Dick McCurdy as the newest member of the Board, replacing pilot representative Captain Bill Snyder on March 1, 2010.

Minutes. Motion: Hannigan/Lee - in reference to the Puget Sound Pilots Activity Report on page 3 of the February 11, 2010 Minutes, amend the following sentence as shown: “two ships ~~were delayed~~ volunteered to adjust their departure times in order to avoid hiring a comp pilot;” - Carried. The February 11, 2010 Minutes stand approved as amended.

OLD BUSINESS

Pilot’s Letter Report: *FURIA R, 11-5-09.* Gary Nelson stated that Sussman Consulting will be assisting the Port in their investigation of this matter and intends to present its report by the April 8th Board meeting.

Consideration of Licensure of PSPD Trainee: Captain Stephen Jones. This item was deferred to Closed Session later on today’s agenda.

Discussion and Resolution Concerning Setting the Number of Pilots in the Puget Sound Pilotage District, Safe Assignment Level, and Management of the Comp Day System as Provided in WAC 363-116-065. As requested, questions and answers were exchanged and submitted to the Board for discussion and to aid in the resolution of these matters. Commissioner Lee, for one, expressed concern that he needed more time to review the materials submitted. Motion: Lee/Thompson - maintain the set number of pilots at 57 until further review of the materials - Carried, Commissioner Adams abstained. It was agreed that this item will remain on the agenda for future discussion and resolution. The term “Safe Assignment Level” was discussed and determined to be problematic. Motion: Adams/Thompson - adopt the new term “Target Assignment Level” to replace “Safe Assignment Level” to more appropriately define the average number of jobs a pilot performs in one year - Carried.

NEW BUSINESS

Review and Consideration of Licensure of PSPD Trainee: Captain David Brusco. On behalf of the Trainee Evaluation Committee (TEC) Commissioner Hannigan reported that after a thorough review of

all of Captain Brusco's *Pilot Trainee Trip Reports* submitted to the Board, his successful completion of all conning quizzes and local knowledge exams, and his compliance with all other training requirements, the TEC recommended the issuance of a state pilot license to Captain Brusco. Motion: Hannigan/Davis - Issue Captain David E. Brusco state pilot license #179 for the Puget Sound Pilotage District - Carried.

Approval of Pilot License Upgrade Programs for Captains Mike Blake, Jack Bujacich, Ivan Carlson, Bill Sliker, Pat Kelly and Vic Engstrom. Captains Blake, Bujacich, Carlson, Sliker and Kelly are nearing completion of their fourth license year and Captain Engstrom is nearing completion of his fifth license year. Modifications were recommended by the TEC to increase the tonnage categories on the trips to be made on loaded petroleum tankers to more accurately describe the size of these vessels calling in Puget Sound. Motion: Hannigan/Lee - approve the license upgrade programs for Captains Blake, Bujacich, Carlson, Sliker and Kelly as drafted and modified by the TEC - Carried. Motion: Hannigan/Lee - approve the license upgrade program for Captain Vic Engstrom as drafted and modified by the TEC - Carried.

Consideration and Appointment of New Trainee Evaluation Committee Member. Puget Sound Pilots has recommended Captain Dick McCurdy as a replacement for Captain Bill Snyder who resigned from the Board and the TEC effective March 1st. Motion: Hannigan/Thompson - appoint Captain Dick McCurdy to the Trainee Evaluation Committee as a pilot representative effective March 11th - Carried. Expressions of gratitude were spoken to Captain Rob Kromann who has stepped down from the TEC and who is retiring from piloting on March 14, 2010.

Pilot's Report of Marine Safety Occurrence: KIEL EXPRESS, 2-8-10. Ship's engine failed to start while departing Seattle Pier 18/4 bound for Port Angeles. Assist tugs were able to hold vessel in the center of the waterway while several engine starts were attempted. Finally after getting the engine to start, time was spent on engine testing. Pilot notified USCG VTS and the Captain of the Port. Motion: Lee/Davis - File as a Marine Safety Occurrence - Carried.

Pilot's Report of Marine Safety Occurrence: HYUNDAI DOMINION, 2-10-10. During the approach to Seattle's West Waterway the ship's engine failed. Pilot ordered the stern tug to pull full power to prevent the ship from entering the waterway. The Chief Engineer was able to correct the problem and the ship went to the berth without incident. Motion: Lee/McCurdy - File as a Marine Safety Occurrence - Carried.

2010 Annual Tariff Hearings Preparation: PSPD – The Puget Sound Pilots' 5-Year Capital Spending Plan was submitted and distributed on March 4th, as well as the 2009 audited Financial Statement on March 9th.

A letter dated March 11, 2010, from Puget Sound Pilots was presented which detailed their request for rule amendments to the 2010-2011 Puget Sound Pilotage District tariff. Motion: Hannigan/McCurdy - File a proposed rule which reflects an across-the-board adjustment to the tariff in a range between a decrease of 8% as suggested by the Pacific Merchant Shipping Association (PMSA) and an increase of 10% as proposed by the Puget Sound Pilots (PSP), excluding the Transportation and Training Surcharge categories. An alternative adjustment proposed by PSP in lieu of the proposed 10% across-the-board increase, is an increase to just the *Boarding Charge* from the current \$47 to \$415. Amendment: Thompson - change the 8% decrease to a 10% decrease - the amended motion carried.

Due to scheduling conflicts, moving the May 13th date of the public hearing and meeting was discussed. Motion: Hannigan/McCurdy - File the above proposed rule amendments with the Code Reviser for a public hearing to be held May 4, 2010; and also to amend the *PS Tariff Document Submittal Timetable* to reflect this date change, as well as all submittal dates to 9 days earlier, and the start time of the public hearing to 9:00 a.m. - Carried. (15 minute break)

Consideration of Proposed Statement of Policy Concerning Tariff Setting Procedures. Chairman Dudley opened the floor for discussion and presentation of written submittals and oral comments. A lively debate ensued but without resolution. Chairman Dudley encouraged the submittal of further written comments from stakeholders and Board members to further a continued pursuit of a resolution. Commissioner Hannigan urged the major stakeholders to jointly work on disputed tariff issues.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on March 10th.
- Training Program status was reviewed for trainees Brusco, Caspers, Scragg and Bouma.
- Motion: Hannigan/Lee - start the process to invite the next 2 applicants to begin training on June 1st - Carried. Captains Jim Kearns and Michael Anthony will be notified.
- The transition from Captain Rob Kromann to Captain Dan Shaffer on the TEC was made yesterday, March 10th. The total number of "TEC Pilots" with whom trainees may ride is currently six. This includes past and present TEC pilot members.

Legislative/WAC Committee:

- The Committee met on March 9th.
- The current state physical exam requirements are being reviewed and compared to the new federal exam requirements for possible coordination/combination, i.e. forms, standards, etc.
- Reporting requirements for events such as a non-navigational incident are being considered.
- Annual reviews or inspections of pilot boats with respect to safety are being considered.

Activity Reports. Gary Nelson, representing Port of Grays Harbor, reported there were 12 arrivals in February for 26 jobs and it is estimated that March will bring about 6 arrivals; log ships are calling about every six weeks; Emperium is back up and operating; and retired Grays Harbor pilot Captain Bill Dietrich recently passed away. Commissioner Lee inquired if any thought had been given to the scheduling of the next pilot exam, to which Gary replied, maybe sometime in 2011.

Captain Andy Coe, representing Puget Sound Pilots, reported there were 585 jobs in February 2010, and 553 in February of 2009; comp days created/taken in February were 20/26 for a cumulative total of 3,385 days (a decrease of 6); escort team training is scheduled for March 22; and Captain Rob Kromann's 30-year career was highlighted, noting no incidents.

Captain Mike Moore, representing Pacific Merchant Shipping Association, reported that one of the major carriers may no longer be calling on a weekly basis which could mean 38 less arrivals and departures by the year-end; but some of the major players who were experiencing extreme financial difficulties are cautiously optimistic about their future.

Miscellaneous Correspondence Review. A letter dated February 26, 2010 was submitted by retired Puget Sound Pilot, Captain Bill Bock. Among several points mentioned, he encouraged all parties to try to work together through the difficult issues, realizing that compromise is key to achieving something everyone can live with.

Administrator's Report.

- The Board's newly revised form called *Petition for Vessel Exemption from Pilotage Requirements* is now available and on our web site.
- Pilot trainee Captain Scott Anacker reported he will soon be resuming his pilot training program and intends to take the stipend. Motion: Hannigan/Hulsizer - authorize Captain Scott Anacker to move from non-stipend status to stipend status upon resumption of his training program - Carried.

- Captain Calvin Hunziker has informed the Board that upon the expiration of his license year on April 2nd, he plans to begin using comp days in light of his anticipated June 30th retirement date. He requested that his license be put into inactive status and that he be allowed to pay the inactive license fee of \$1,000. If he should choose to return to work he must pay the remaining \$5,000. Motion: Thompson/Davis - accept Captain Hunziker's application for an inactive license and a reduced fee of \$1,000 - Carried.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for Thursday, April 8, 2010 at 9:30 a.m. in the Agate Conference Room, 2901 Third Avenue, Seattle.

Review of Pilot Physical Examination Reports. Motion: Hannigan/Thompson - accept the physicians' reports for Captain C.C. Hunziker for annual pilot license renewal, Captain D.E. Brusco for initial pilot licensure, and Captains J.R. Caspers and J.C. Scragg for annual pilot trainee license renewal - Carried.

A CLOSED SESSION was called from 1:50 p.m. to 2:05 p.m. regarding personnel evaluations of Captain Stephen Jones and Captain James Caspers. In attendance were Chairman Dudley, Commissioners Adams, Hannigan, McCurdy, Lee, Thompson, Davis and Hulsizer; Shawna Erickson and Peggy Larson. Regular session was reconvened by the chairman immediately following closed session.

Consideration of Licensure of PSPD Trainee: Captain Stephen Jones. No action was taken; this matter will be on the next regular meeting agenda.

Regarding Pilot Trainee, Captain James Caspers, Motion: Hannigan/Lee - after reviewing Captain Caspers' training program to date, it was determined that it be extended according to the TEC's recommendation to the Board which will be detailed in a letter to Captain Caspers - Carried.

There being no further business to come before the Board, Chairman Dudley adjourned the regular session Board meeting at 2:10 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Commissioner Charles F. Adams

Absent

Commissioner Edmund I. Kiley

Commissioner Patrick M. Hannigan

Commissioner Richard F. McCurdy

Commissioner Craig W. Lee

Commissioner Jeffrey L. Thompson

Norman W. Davis, Acting Vice Chairman

Commissioner Elsie J. Hulsizer