

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
September 17, 2020

PUBLIC HEARING – Call to Order

A public hearing of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn virtually via conference and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley

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

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

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

Mike Folkers: Port of Grays Harbor

Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: Northwest Seaport Alliance

Fred Felleman: Port of Seattle/OTSC Member

Jacob Rosenberg: Public

Patrick Hilbert, Nate Menefee, Laird Hail: USCG

Tom Ehrlichman: Swinomish Tribe

WAC 363-116-0751: Qualifications for Pilot Applicants. The purpose of the proposed rule revisions is 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 proposed changes include 1) combined tug and barge tonnage for the Towing category, 2) a separate category for Ship Assist to capture inner-harbor tug masters who have a great deal of shiphandling skill, but are operating on tugs under the tonnage in the existing Towing category, 3) clarity regarding the Pilot category, 4) clarification regarding the Board's definition of Sea Service, and 5) clarification regarding the types of vessels included in the Special Purpose category, and other minor housekeeping revisions for clarity. No oral or written comments or questions were received. Chair Tonn closed the Public Hearing at 10:10 a.m.

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:10 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: Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell,
Rik Krombeen, Phil Morrell, Dale Jensen

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

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

Mike Folkers: Port of Grays Harbor

Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: Northwest Seaport Alliance

Fred Felleman: Port of Seattle/OTSC Member

Jacob Rosenberg: Public

Patrick Hilbert, Nate Menefee, Laird Hail: USCG

Tom Ehrlichman: Swinomish Tribe

Meeting Minutes.

Motion: Kirtley/Scragg – approve the August 20, 2020 Meeting Minutes as written, with a correction in the TEC update from 6 hard-to-get ports to 5 hard-to-get ports, and a couple minor grammatical errors – Carried.

BPC Staff Report.

- The Board received a coversheet prepared by BPC staff in their packet materials, which was intended to make preparation for meetings easier. The response from the commissioners was mixed as to the usefulness of the coversheet in comparison to the effort it takes staff to prepare it. Commissioners offered a few suggestions for stream-lining the meeting preparation process such as limiting the distribution of last-minute materials. Jaimie Bever pointed out that the deadline for meeting materials is the Thursday prior to the meetings. However, that deadline has been moved up on some items, including TEC items, which are typically decided on the day before the Board meetings. There was conversation regarding changing the TEC meeting days to allow more time between the two meetings. Chair Tonn requested the TEC to discuss moving their meeting and bring a recommendation to the Board at the October meeting. Another commissioner suggested using something like Dropbox so that the entire packet was in one place, as opposed to several different emails and hard copies. Staff will research a Dropbox-type solution and possibly reorganize the agenda for clarity regarding necessary Board action.
- The 2019 BPC Annual Report was submitted to the House and Senate Transportation Committees and is posted on the BPC website. The 2020 Annual Report is already in draft form. Suggestions are welcome.
- At 9:30am today, the Joint Transportation Committee received an update on a study being prepared regarding the feasibility of a private auto ferry between Anacortes and Vancouver Island. This study was in response to 2020 proposed legislation, which the Board considered at the February 2020 meeting. BPC staff will send a link to the work session and the presentation to the Board.
- The next BPC meeting will be on the platform Teams to see if it is an easier platform for public participation.
- The Board reviewed updated charts from BPC Program Analyst Bettina Maki.

BPC Chair Report.

- Commissioner Scragg will not be seeking reappointment for his position as Puget Sound pilot representative on the Board when his current appointment expires at the end of 2020. Chair Tonn thanked Commissioner Scragg for his fantastic service and for agreeing to stay on the Trainee Evaluation Committee (TEC) for another year.
- Commissioner Kirtley was selected as one of the Puget Sound Business Journal's 40 Under 40 for 2020. The Board congratulated Commissioner Kirtley on this achievement.
- Chair Tonn attended a webinar hosted by the Puget Sound Harbor Safety Committee and presented by a vendor regarding using historic AIS data for forecasting. She also attended Ecology's latest Risk Model webinar, which will be described later in the agenda.
- Women Offshore's annual conference will be virtual this year, occurring on October 2nd and October 9th. Chair Tonn and Jaimie Bever will be in attendance. They are great conferences for promoting women in the maritime industry and particularly women who are potential candidates for pilotage.
- The 2020 Salish Sea Shared Waters Forum will be held virtually this year as well, occurring on October 14th and 15th. Commissioner Jensen will be involved heavily with the forum and Jaimie Bever will be presenting an update regarding ESHB 1578 implementation first thing on the 15th. Therefore, the already scheduled BPC meeting will need to start later in the afternoon. Chair Tonn asked commissioners to think about a 1:00pm start time and she will check back with them towards the end of the meeting.
- On October 21st, the BPC will be hosting a webinar for pilot aspirants regarding the 2021 Marine Pilot Exam. More information will be provided in the Joint Diversity Committee (JDC) report. Commissioner Farrell complemented staff on the webinar and how it is coming together. He feels it is going to be a great addition to the program.

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

Captain Patrick Hilbert, Captain of the Port, Sector Puget Sound since August, introduced himself to the Board. He gave a brief description of his previous Coast Guard roles and expressed that he and his family are pleased to be stationed in the Puget Sound area. Chair Tonn welcomed him and highlighted the Board's current and previous relationships with the Coast Guard.

In response to the Board's request for detailed accounting of pilot activity in August 2020, Puget Sound Pilots Executive Director, Linda Styrk, presented to the Board the requested information. The information will be reviewed further by the BPC Pilot Safety Committee (PSC). Ms. Styrk offered to meet with commissioners separately to answer questions about the information provided. Chair Tonn thanked Ms. Styrk and PSP for their efforts in compiling the information into a visualization.

Mike Folkers, Port of Grays Harbor, reported that the Port's new pilot boat, *VEGA*, arrived at the Westport Marina on September 3, 2020. They are looking forward to getting the vessel into service very soon.

NEW BUSINESS

Consideration of Preceding Hearing: WAC 363-116-0751. Commissioner Hamilton asked for additional background regarding the change in qualifications, which TEC Chair Commissioner Scragg provided.

Motion: Scragg/Anthony – Adopt the revised WAC language to expand pilot exam qualifications as proposed, with a small correction in the table under the Towing category for consistency – Carried.

Review of 2020-2025 Strategic Plan. BPC staff received a few comments/suggestions from Commissioners Anthony and Kirtley. The Board will take action on the plan at the October meeting. Additional comments/suggestions between now and then were encouraged.

Update on ESHB 1578. The BPC and Ecology will be presenting updates regarding ESHB 1578 to the House Environment and Energy Committee in a work session on September 29, 2020. The session will be available for viewing on TVW.

September 1, 2020 marked the implementation of tug escorts on laden tank vessels in Rosario Strait and connected waterways east. BPC has received clarifying questions from industry. The Oil Transportation Safety Committee (OTSC) will be meeting in October to consider those questions and compile an FAQ for the public.

At the August BPC meeting, the Board approved, in theory, a tank vessel movement report upon feedback from the OTSC. The results were mixed. Some members were in favor of the report and some were not. BPC Executive Director and OTSC Chair Jaimie Bever and BPC Program Analyst Bettina Maki prepared a form for the Board to consider. Jaimie reminded the Board that the origin of the report was a suggestion from the OTSC pilot representative. The intention was to provide the BPC with an accountability mechanism regarding the new tug escort laws and to gather data that is not easily available. Commissioner Scragg added that AIS data used for the Synopsis of Changing Vessel Traffic Trends does not include information on whether a tank vessel is laden or unladen, which is a critical piece. Jaimie added that the BPC does not currently have the authority to require the form. Because the BPC cannot require the form, the data gathered may not capture all the tank vessel movements. A robust discussion and Q&A between the commissioners followed. Jaimie suggested that the OTSC could consider the form at their next meeting and provide a recommendation for the Board to consider.

OTSC member Fred Felleman commented that the data being requested on the form was critical to following the directives of ESHB 1578 and urged the Board to initiate a rulemaking process now to require the form. He also urged the Board to look at the activity of whale watching vessels in Haro Strait and Boundary Pass.

Motion: Farrell/Scragg – adopt and implement the Tank Vessel Movement Report, adding a pilot/no pilot check box, closing two parentheses, and adding the word "if" – Carried.

BPC Assistant Attorney General Albert Wang will assess the Board's authority in the statute to require the form or to conduct rulemaking to require the form.

Jaimie Bever has received questions regarding the Board's interpretation of the term "oil" per the Interpretive Statement and whether it includes cooking or vegetable oils. She will be asking the OTSC for

their input and recommendation at the October OTSC meeting. She provided the Board with definitions used by other West Coast pilotage districts in terms of oil movement related to tank vessels, which the OTSC will consider in their recommendation to the Board. The Board discussed the topic at length and postponed a motion until further in the meeting.

Commissioner Jensen mentioned that the webinar earlier in the week regarding the Vessel Movement Module of Ecology's Risk Model went well and was well attended.

Consideration of Revised Vessel Exemption Petition Form. BPC Training Program Coordinator Jolene Hamel presented minor revisions to the existing BPC Vessel Exemption Petition. She suggested that a major overhaul of the form take place prior to the next yachting season.

Motion: Farrell/Hamilton – accept proposed minor form revisions with major form revisions scheduled for the first quarter of 2021 – Carried.

Approval of Pilot License Upgrade Program: Captains Ken Grieser and Trevor Bozina. Captain Grieser is nearing completion of his second license year and Captain Bozina is nearing completion of his first license year. Captain Bozina's letter has been updated to reflect both the new license levels and the new Duwamish license limitations.

Motion: Scragg/Anthony – approve pilot license upgrade programs for Captains Grieser and Bozina as proposed – Carried.

Consideration of 2021 Marine Pilot Exam Contract. The Board will be hosting a webinar titled Washington State Marine Pilot Exam Overview for pilot aspirants to receive information about the exam process and to get specific answers via a Q&A session. The webinar is currently scheduled for October 21, 2020. More information is forthcoming.

The Board reviewed a draft of the exam contract with MITAGS for the 2021 Marine Pilot Exam, which was mostly a boilerplate of previous exam contracts. The cost breakdown for applicants is as follows: Application Fee – \$400.00; Written Exam – \$1,200.00; and Simulator Evaluation - \$2,000.00, for a total of \$3,600.00, which is \$300.00 less than the 2018 exam. Any substantial changes proposed by MITAGS to the Board-approved contract amount or scope of work will come back before the Board. Less substantive changes will be considered by the Board's Assistant Attorney General prior to contract execution.

Motion: Farrell/Kirtley – accept financial portion of the contract and authorize the Chair or the Executive Director to execute the final contract – Carried.

Consideration of Training Programs for Captains Bostick and Mann. The Trainee Evaluation Committee (TEC) reviewed the experience questionnaires of Captains Bostick and Mann. Captain Bostick has a background in dry cargo vessels and car carriers. Captain Mann is primarily an ATB captain and has worked in this area, more extensively in the north country. The TEC decided to assign Captain Bostick to initial port Tacoma and Captain Mann to initial port Seattle. No other exceptions or changes were made to their training programs. Trainee Orientation is set for September 30, 2020, with their training programs beginning October 1, 2020.

Motion: Scragg/Anthony – approve training programs for Captains Bostick and Mann as proposed – Carried.

Pilot's Report of Marine Safety Occurrence: *SOUND RELIANCE*, 08-21-2020

Approaching Phillips Ferndale	Transiting in ballast from Ferndale to Anacortes when the assist tug parted, however they were able to complete the approach without incident.	<u>Motion:</u> Anthony/Morrell File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *FAIRCHEM SABRE*, 08-21-2020

Inbound TSS Marrison	A rowing shell was in the middle of the southbound traffic lane. Attempted to contact them on VHF with no success. Alerted other vessels in area.	<u>Motion:</u> Anthony/Jensen File as a Marine Safety Occurrence – Carried.
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Laird Hail, USCG, expressed his appreciation for the pilot on the *FAIRCHEM SABRE* for the extra steps taken in educating the rowers. He said it was very helpful. He would also appreciate contact information of the rowers to provide additional education.

Consideration of Request for Vessel Exemption:

Motor Yacht ALBATROSS – 115', 247gt, Marshall Islands registry, Captain Nunez.

Motion: Farrell/Jensen – concur with Chair Tonn's granting of an annual exemption which includes a restriction of Deception Pass– Carried.

Motor Yacht ITASCA – 175', 845gt, Cayman Islands registry, Captain Carter.

Motion: Anthony/Jensen– grant an annual exemption renewal – Carried.

Motor Yacht ZENITH – 136', 470gt, Cayman Islands registry, Captain Steenbhom.

Motion: Hamilton/Morrell– grant an annual exemption renewal – Carried.

Rulemaking: Consideration of Refiling WAC 363-116-078 Emergency Rule Regarding Training Stipends. This Emergency WAC filing needs to be refiled if the Board wants to continue paying training stipends per the provisions of the rule.

Motion: Scragg/Anthony – refile the WAC 363-116-078 Emergency Rule regarding training stipends in response to Governor Inslee's current COVID-19 emergency orders – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and reviewed status of all trainees. There have been no interventions and the current restriction of 1 trainee per vessel except for 5 hard to get ports, is still in force. The TEC had 4 trainees attend the skype meeting as they are preparing to move into their next training phases.
- The TEC is happy to report that the REC reopened on Monday, September 14 and we have 2 trainees that will be complete with both Federal and State requirements and be ready for licensure consideration by the November Board Meeting.
- Two more trainees are ready to receive PPU training as they intend to complete their programs and be ready for consideration of licensure in the next few months.
Motion: Scragg/Anthony – Approve the PPU training for Captains McGourty and Knutsen and provide additional one-time stipend for the training up to \$2,400 – Carried.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk reported that the JDC update was really the webinar which was reported on earlier in the meeting. The presenters are busy scripting out what they feel will be beneficial to the applicants and we have a great work team. We hope to have our commissioners attend and will have more information on registering for the webinar soon.

Commission Investigative Committee (CIC):

- There were no updates this month.

Oil Transportation Safety Committee (OTSC):

- The OTSC will meet on October 20, 2020 to go over questions and help prepare FAQs. They will also discuss the oil definition adopted by the Board in the meeting.

Pilot Safety Committee (PSC):

- The PSC is scheduled to meet October 6, 2020.

Exam Committee:

- The Board reviewed a checklist of the exam process used by BPC staff to schedule meeting milestones and actions.

Return to ESHB 1578 and Definition of Biological Oil. The Board reviewed the CFR and EPA definitions of biological oil.

Motion: Jensen/Farrell – reference the federal definition for biological oil and add the reference to the Interpretive Statement – Carried.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Farrell/Hamilton – approve the physician's reports for Captains J.L. Carstensen, W. J. Sliker, and D. B. Soriano for their annual pilot license renewal – Carried.

Motion: Farrell/Anthony – approve the physician report for Captain F. McMullen for his annual trainee license renewal – Carried.

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

- October 15 – Teams/Phone – Due to BPC involvement in the Salish Sea Shared Waters Forum, the October meeting will begin at 1:00pm.
- November 12 – Skype or Teams/Phone

There being no further public business to come before the Board, Chair Tonn thanked everyone and adjourned the meeting at 1:30pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Commissioner Timothy J. Farrell

Commissioner Rik Krombeen

Commissioner Michael Anthony

Commissioner Dale Jensen

Eleanor Kirtley, Vice Chair

Commissioner Philip Morrell

Commissioner John Scragg

Commissioner Jason R. Hamilton