

# MEETING MINUTES

## STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

February 14, 2008

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### Present:

Vice Chairman: Chuck Davis

Commissioners: Ole Mackey, Pat Hannigan, Bill Snyder, Vince Addington, Norm Davis, Elsie Hulsizer

Administration: Peggy Larson and Judy Bell

Del Mackenzie, Walt Tabler, John Harris, Mel Flavel, Jack Bujacich: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Eric Klapperich, Gordon Wildes: Pilot trainees

Mike Moore, Jordan Royer, Matthew Darbous: Pacific Merchant Shipping Association

Scott Craig: Crowley Marine

Bill Lowery, Dave Surface: Pilot aspirants

Cindy Klapperich, Deanna Wildes: Public

### REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Vice Chairman Chuck Davis at 2901 Third Avenue, Seattle, Washington.

**Minutes.** There being no corrections or additions, the January 10, 2008 and January 17, 2008 Minutes stand approved as written.

### OLD BUSINESS

### NEW BUSINESS

#### **2008 Legislative Activity Report - SSB 6602: Modifying Certain Provisions of the Pilotage Act.**

The Board's agency request legislation was heard before the Senate Transportation Committee on January 31, 2008. Chairman Dudley testified and was supported by various stakeholders including Puget Sound Pilots, Port of Grays Harbor and Pacific Merchant Shipping Association. An amendment was added by Senator Haugen which would change our Board to a non-appropriated agency. This means that beginning July 1, 2009 the Board would no longer require legislative spending authority for its budget. The bill has moved through the Rules Committee and is progressing well.

**Approval of Pilot License Upgrade Program for Captains Blake, Bujacich, Carlson and Sliker.** It was moved by Commissioner Snyder and seconded by Commissioner Addington that the license upgrade programs for Captains Mike Blake, Jack Bujacich, Ivan Carlson and Bill Sliker be approved as drafted by the TEC. The motion carried. They are all nearing completion of their second license year.

**Review and Consideration of Licensure of PSPD Trainees: Captains Eric Klapperich and Gordon Wildes.** On behalf of the Trainee Evaluation Committee (TEC) Commissioner Snyder reported that after a thorough review of all *Pilot Trainee Trip Reports* submitted to the Board, the TEC unanimously recommended the issuance of state pilot licenses to Captain Eric Klapperich and Captain Gordon Wildes. It was moved by Commissioner Snyder and seconded by Commissioner Mackey that Captains Eric Klapperich and Gordon Wildes be issued state pilot licenses for the Puget Sound Pilotage District. The motion carried. Licenses #172 and #173 were dated today making Captains Klapperich and Wildes eligible for dispatch.

**Pilot's Report of Marine Safety Occurrence: ATB SOUND RELIANCE, 1-6-08.** The Board has received a written report submitted by Puget Sound Pilot, Captain Robert Kromann. While proceeding from Anacortes to Guemes Channel a fire was reported in the vicinity of the starboard main engine. The vessel was re-anchored and the fire extinguished within ten minutes. VTS was notified and the pilot was dismissed. It was moved by Commissioner Snyder and seconded by Commissioner Mackey

that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

**Pilot's Report of Marine Safety Occurrence: OOCL HONG KONG, 1-11-08.** The Board has received a written report submitted by Puget Sound Pilot, Captain Michael Mendenhall. While proceeding northbound from SG buoy to SF buoy the fishing vessel *OCEAN ALASKA* was also heading northbound on the same track. The OA was performing engine trials and made a complete round turn in front of the OOCL HONG KONG, coming within one mile clearance of each other. The transit was completed without incident but not without a challenge to the pilot. It was moved by Commissioner Hannigan and seconded by Commissioner Addington that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

**Pilot's Report of Marine Safety Occurrence: TRIESTE, 1-13-08.** The Board has received a written report submitted by Puget Sound Pilot, Captain Mel Flavel. While transiting from the Port Angeles Pilot Station to the Pierce County Terminal in Tacoma the engines were being testing prior to entering the Blair Waterway. The engines did not respond so the pilot continued to the dock, without incident, using three assist tugs. The USCG MSO was notified. It was moved by Commissioner Snyder and seconded by Commissioner Mackey that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

**Consideration of Petition for Vessel Exemption: Motor Yacht STAR 7.** A petition for vessel exemption was received regarding the foreign flagged 90', 180 gross ton Motor Yacht *STAR 7*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements. It was moved by Commissioner Snyder and seconded by Commissioner Addington that the Board grant a one-year exemption as requested, to the *STAR 7* so long as it remains in the charge of Captain Aaron David Steenbhom. The motion carried.

**2008 Annual Tariff Hearings Preparation: Establish PSPD and GHPD Timetables for Document Submission.** Timetables for tariff document submission have been drafted for stakeholder review and Board consideration for both the PSPD and GHPD showing hearing dates of May 8, 2008 and June 12, 2008 respectively. Hearing no concerns or requests for modifications, the timetables stand approved as written.

**Request for Consideration to Extend the Statement of Policy Regarding "Qualifications of Pilot Applicants Under WAC 363-116-075 When Experience is on Vessels Employing More than One Master" to WAC 363-116-0751.** This item was deferred to the next regular meeting.

**Activity Reports.** Gary Nelson, Executive Director, Port of Grays Harbor, reported that there were 5 arrivals in January; Captain Cooke was returned to active duty status on January 17, 2008 following an on-the-job injury while descending a pilot ladder; Captain Cooke made an outport boarding in Port Angeles due to bad weather in Grays Harbor; Captain D'Angelo is on duty in February; and the Shipper's Crab Feed was very well attended this year - probably due to the advertising that incorrectly called it the Last Crab Feed. The Board received a copy of Captain Cooke's CG2682 accident report. Commissioner C. Davis suggested this form template be put on the Board's website.

Captain Del Mackenzie, President, Puget Sound Pilots, reported that there are currently 52 active pilots including the president; there were 665 jobs in January compared to 682 the previous January, resulting in a three year January average of 674; 33 comp days were created and 17 days taken; Captain Mark Shuler was returned to active duty status on January 29, 2008 and Captains Bill Thorsen and Micheal Wood remain on medical leave; two pilots attended manned model training classes last month in Port Ashe, Australia; lessons learned were sent to all pilots resulting from Captain Wood's accident; and the Board received a copy of Captain Wood's CG2682 accident report. Captain Mackenzie also reported on the status of PSP's Technology Committee and the Safe Practices Committee.

Captain Mike Moore, Executive Director, Pacific Merchant Shipping Association, reported that a state legislative bill regarding restricted areas for Orca Protection has been modified to target only small vessels, not deep draft vessels; the Harbor Safety Plan is ready to be published; the Harbor Safety Committee of San Francisco has been charged with looking into the COSCO BUSAN accident and the coordination of Standards of Care for the western states; and with respect to general projections, PMSA is reviewing a report on diversion of cargo in terms of competitiveness. (Fifteen minute break)

**Tariff Education Presentations.** PSP and PMSA continue to exchange and forward written materials to the Board for presentation and discussion in the interest of educating the Board and clarifying positions of all participating stakeholders. Even though many of the topics are disputed and rebutted without resolution, the Board finds value in this tariff education process. Today's presentations included written follow-up on three topics that were presented and rebutted back on October 29, 2007: (a) the history of rate setting, (b) the difference between a tariff year and a calendar year, and (c) a description of the different ways to calculate CPI. New information contained in one of the responses caused further discussion of the topic relating to a comparison of CPI vs. Tariff vs. Income. A new topic was presented today concerning "The Current Pilot Shortage and its Impact on Future Tariffs". Written and oral responses followed. The term "Safe Assignment Level" was discussed with regard to the appropriateness of its use with the "149" number that is referred to from time to time by the Board.

### **Committee Reports.**

#### **Trainee Evaluation Committee:**

- The TEC met on February 13<sup>th</sup>.
- The TEC reported on the status of trainees Bruce Nelson, Steve Semler and Katharine Sweeney. All trainees are continuing to improve.
- In keeping with the anticipated schedule to start additional trainees, it was moved by Commissioner Snyder and seconded by Commissioner N. Davis that the next two applicants on the trainee waiting list, Captains Jim Hannuksela and George Thoreson, be invited to start training on May 1, 2008. The motion carried.
- Grays Harbor Pilot, Captain Stephen Cooke will soon be completing his third year of piloting and in order to complete his required license upgrade trips the TEC has determined that the WAC language which describes these trips needs to be modified. Since the size vessel necessary to complete his upgrade trips rarely calls in Grays Harbor, the TEC is recommending that he be assigned trips in the Puget Sound Pilotage District which closely replicate the GHPD trips. The TEC will draft a WAC amendment for Board consideration and emergency adoption at the March 13 meeting in order to amend the requirements in time for Captain Cooke to perform his upgrade trips in a timely manner.

**2008 Legislative/WAC Committee:** The Committee is working on a draft of WAC amendments they plan to submit to the full Board for discussion at the next meeting. These amendments are not only related to the new statutes anticipated to soon be passed into law but will address some existing WAC rules as well. The Board will coordinate the adoption of these proposed rule amendments to coincide with the effective date of the new statutes which is likely to occur in mid-June. The Board at this time has not set the date for the next Puget Sound Pilotage District Examination but has determined that an informal notice announcing the Board's intent to schedule an exam could be posted now. It was moved by Commissioner Addington and seconded by Commissioner Snyder that an informal notice be created and distributed to announce the Board's intent to hold a post-July 1, 2008 PSPD pilot exam. The motion carried.

**2008 Pilot Exam Committee:** Since releasing the Request for Proposal concerning the post July 1, 2008 Puget Sound Pilotage District Marine Pilot Written Examination and Simulator Evaluation on January 22, 2008, the Board has been responding to questions from potential proposers. This question period ended on February 4<sup>th</sup> and all proposals are due on March 7<sup>th</sup> at 5:00 p.m. PST.

Following evaluations of the proposals by the Board's evaluation team, the apparent successful contractor will be announced at the March 13, 2008 regular monthly meeting of the Board.

**Confirmation of Next Regular Meeting Date.** The next regular meeting is scheduled for Thursday March 13, 2008, at 9:30 a.m. The meeting will be held in the Fourth Floor Rainier Conference Room, 2901 Third Avenue, Seattle. Vice Chairman Chuck Davis will be chairing the meeting.

**A CLOSED SESSION was called from 1:10 p.m. to 1:45 p.m. for purposes of reviewing pilot physical examination reports.** In attendance were Vice Chairman Davis, Commissioners Mackey, Hannigan, Snyder, Addington, N. Davis and Hulsizer; Peggy Larson and Judy Bell. Regular session was reconvened by the vice chairman immediately following closed session.

**Review of Pilot Physical Examination Reports.** After reviewing the physicians' reports it was moved by Commissioner Addington and seconded by Commissioner Hulsizer that the physical examination reports for Captains C.J. Engstrom, T.A. Jacobs, M.G. Mendenhall, A.J. Newman and J.T. Scoggins be accepted for annual license renewal and Captains E.C. Klapperich and G.R. Wildes for initial licensure. The motion carried. It was moved by Commissioner Addington and seconded by Commissioner Hannigan that the physical examination report for Captain J.B. Harris be accepted for annual license renewal with a request that he submit 3-month and 6-month updates on his medical status to the Board. The motion carried. He was also requested to provide the Board with all pertinent correspondence to and from the US Coast Guard as well. Captain B.L. Nelson was declared fit for duty and resumed training duties on January 28<sup>th</sup> and Captain M.J. Shuler was declared fit for duty and resumed piloting duties on January 29, 2008. Captains W.E. Thorsen and M.D. Wood remain in temporary inactive status due to their current medical conditions.

There being no further business to come before the Board, the Vice Chairman adjourned the regular session Board meeting at 1:50 p.m.

Respectfully submitted,

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Peggy Larson, Administrator

**Absent**

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Harry H. Dudley, Chairman

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Charles M. Davis, Vice Chairman

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Commissioner Oliver E. Mackey

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Commissioner Patrick M. Hannigan

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Commissioner William H. Snyder

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Commissioner Vincent Addington

**Absent**

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Commissioner Craig W. Lee

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Commissioner Norman W. Davis

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Commissioner Elsie J. Hulsizer