

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
January 21, 2021

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:00am by Chair Sheri Tonn via Conference Call and Microsoft Teams.

Present via Conference Call or Microsoft Teams:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Jason R. Hamilton (Public), John Scragg (Pilot), Mike Anthony (Pilot), Rik Krombeen (Foreign Shipping), Dale Jensen (Dept. of Ecology), Andrew Drennen (U.S. Shipping)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Linda Styrk, Ivan Carlson, Eric Klapperich, Bill Sliker, Alec Newman, Pat Ninburg, Tom Coryell, Sandy Bendixen, Matt Miller, Jamie Galvin and Travis McGrath: Puget Sound Pilots

Gary Nelson & Mike Folkers: Port of Grays Harbor

Mike Moore & Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: The Northwest Seaport Alliance

Fred Felleman: WAVE Consulting/OTSC Member

Laird Hail, Nate Menefee, Ish Looney: USCG

Vince Addington: General Steamship

Robert Fronenbroek, Harlow Wood, Colby Grobschmit: Pilot Aspirants

Sara Thompson & JD Leahy: Dept. of Ecology

Adam Deitz: Anderson, Carey, Williams, & Neidzwski, PLLC

Chris Reilly: Nicoll, Black, & Feig LLC

John Wright: ConocoPhillips/Polar Tankers Inc.

Chair Tonn welcomed the Board's new American Shipping representative Andrew Drennen, Polar Tankers, and thanked outgoing Commissioner Phil Morrell for his many years of service to the BPC and the state of Washington. Commissioner Drennen introduced himself and shared his maritime background.

BPC Staff Report.

- Reports of COVID in the 2901 building continue and recently impacted mailroom operations including BPC meeting material packets.
- The Governor's waivers of certain portions of the Open Public Meetings Act, which he has continuously extended since his emergency orders, will now be extended until those emergency proclamations are lifted or until the Legislature or the Governor rescinds the proclamations, whichever happens first.
- State Risk Management has rolled out a new database for evaluating and tracking agency risks. BPC committees will be assigned corresponding risks and identification of new risks as a part of their committee work. BPC Program Analyst Bettina Maki will be maintaining the database. Risks were discussed at the recent Pilot Safety Committee meeting and will be on the agenda for other BPC committees in the coming months.
- BPC Program Analyst Bettina Maki provided information and answered questions regarding the monthly data charts. This information can be found on the BPC website. Regarding the difference in revenue per assignment between the Puget Sound and Grays Harbor Pilotage Districts, Bettina will bring additional information to the next meeting.

BPC Chair Report.

- Amy Scarton, WSF Assistant Secretary, has been promoted to Deputy Secretary of WSDOT. Amy will be missed, but it will be nice to have someone who understands the BPC at the WSDOT leadership level. Her replacement is Patty Rubstello, who currently leads WSDOT's Urban Mobility and Access Team. The Board looks forward to getting to know and work with Patty.
- In mid-December, Chair Tonn and Jaimie Bever had a good meeting with Senate Transportation Committee Chair Senator Hobbs for the annual transportation agency check-in prior to the beginning of the legislative session.

Activity Reports. Mike Folkers representing the Port of Grays Harbor (PGH), Lou Paulsen representing the Northwest Seaport Alliance (NWSA), Mike Moore representing Pacific Merchant Shipping Association (PMSA), Captain Ivan Carlson representing Puget Sound Pilots (PSP), 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.

As a part of his activity report, Captain Carlson discussed COVID protocols for both pilots and trainees. He will continue the discussion on handling the potential cases and exposures with both PSP and the BPC. Regarding reporting of COVID exposures, Captain Carlson requested that an official Fit/Not Fit for Duty process not be required by the Board based on how cumbersome the reporting would be for PSP. Bettina pointed out that during the summer, PSP had reported when pilots were taking a comp day because of COVID exposure on their monthly activity report. She suggested that could be a good path forward. Linda Styrk clarified that “taking the book” is when a pilot decides to take a comp day and that the decision is not a request, it is a notification, which is driven by the individual pilot. She assured the Board that when a vessel comes in and there is exposure risk, PSP meets with Discovery Health MD and that there is a strict policy for notifications and process regarding risk exposure. Chair Tonn said that she and Captain Carlson had discussed PSP including a summary of vaccinations and other issues going on with COVID on the monthly Activity Reports. If a pilot has COVID, then the BPC would require the Fit/Unfit for Duty notification process.

OLD BUSINESS

Chair Tonn announced a Closed Session at the end of the meeting to discuss personnel matters.

M/V Levant Incident. The Board reviewed the Preliminary Investigation Report of the December 15, 2019 incident involving M/V LEVANT at the January 16, 2020 BPC meeting. At that meeting, the Board took action requiring the pilot of record to complete several actions. Jaimie Bever walked the Board through the documents provided to the Board indicating the pilot’s completion. The requests included Bridge Resource Management training, Portable Piloting Unit (PPU) training, a white paper regarding effective bridge resource management and sleep inertia, and two training trips with Trainee Evaluation Committee pilots. The USCG investigation report was provided to the Board and the NTSB final report is forthcoming. The NTSB report may include industry-wide recommendations, but nothing specific to the pilot of record. There were no public comments.

Motion: Anthony/Kirtley – file M/V LEVANT investigation as an incident with damage and with pilot error and that the pilot has completed the subsequent actions required by the Board – Carried.

NEW BUSINESS

Meeting Minutes.

Motion: Hamilton/Jensen – approve the December 10, 2020 meeting minutes as drafted with two small changes to the TEC section recommended by the TEC Chair, John Scragg – Carried.

2021 Board Meeting Schedule. The Board previously adopted the 2021 meeting schedule. However, the adopted dates did not align with all of PSP’s change days, which was the intent of moving the Board meetings during cruise season per PSP’s request. Captain Carlson confirmed that the revised dates aligned with PSP’s request.

Motion: Anthony/Hamilton – accept the proposed 2021 meeting dates revisions – Carried.

Committee Actions.

Trainee Evaluation Committee (TEC)

- **Consideration of Licensure of PSPD Pilot Candidate: Severin Knutsen.** On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Severin Knutsen has successfully completed all sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion of his federal licensing requirements. However, while confirmation has been received that the federal sticker has been approved, the sticker itself has not yet arrived. Commissioner Scragg added that Captain Knutsen has proven to be consistent, safe, and able to pilot independently. The Board has received his TPTR Summary and all training comments.

Motion: Scragg/Anthony – issue Captain Severin Knutsen state pilot license number #214 for the Puget Sound Pilotage District upon receipt of his federal pilotage endorsement – Carried

- **Approval of Pilot License Upgrade Program: Captain Adam Seamans.** Captain Seamans is nearing completion of his second license year. Captain Seaman's upgrade program letter has been updated to reflect the new license levels.
Motion: Scragg/Anthony – approve the pilot license upgrade program for Captain Seamans as proposed – Carried.
- **Emergency Rulemaking for WAC 363-116-078 Training Program.** This emergency filing will expire soon and needs to be refilled if the Board wants to continue paying training stipends per the provisions of the rule. The committee discussed the filing and recommends the Board extending and refiling 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.
- **TEC Appointment.** Captain Ryan White has retired from the Port of Grays Harbor, and consequently has left the TEC. Mike Folkers, the Grays Harbor delegate will continue as Grays Harbor representation. Captain Eric Klapperich has been elected PSP Vice-President and feels his schedule prevents him from being able to attend TEC meetings regularly. The TEC recommends that Captain Sandy Bendixen replace Captain Klapperich.
Motion: Scragg/Anthony – appoint Captain Sandy Bendixen to replace Captain Eric Klapperich as a pilot representative on the TEC – Carried.
- The TEC reviewed training programs for current trainees. There were no interventions to report. There are seven trainees in Puget Sound: two in the Observation Phase, four in the Training Phase, and one in the Evaluation Phase. There is one trainee in Gray's Harbor who is in the Training Phase. Three new trainees, the remainder of the 2018 exam list, have agreed to start training in the Puget Sound Pilot District on March 1, 2021. One candidate resigned from the 2018 exam list as he is training in San Francisco.
- A Train-the-Trainer virtual course has been established for the three recently licensed pilots and all the current trainees. Board members who have not attended a Train-the-Trainer are encouraged to attend either the session on Friday, January 22 or Friday, February 5, 2021. Jolene reports that approximately twenty individuals were signed up to attend both courses, including licensed pilots, trainees, candidates, and Board members.

Exam Committee

- The Committee met on January 11th, reviewed 14 applications, and determined that 12 of the 14 applicants qualified under WAC 363-116-0751 to sit for the April 5, 2021 written exam. Two of the applicants were not qualified due to their sea service.
Motion: Scragg/Anthony – approve the 12 qualified candidates to sit for the April 5, 2021 Written Exam per the Exam Committee's recommendation – Carried.
- Development of the Simulation Evaluation continues at PMI with four more sessions scheduled for March 1st and 2nd and 8th and 9th. Commissioners interested in the development are encouraged to attend.

Pilot Safety Committee (PSC)

- The PSC met on January 13th to finalize draft language for WAC 363-116-081 Rest Rules. The proposed changes to this rule regarding mandatory rest periods are necessary due to the passage of House Bill 1647 during the 2019 Regular Legislative Session, which amended RCW 88.16.103 Mandatory Rest Periods for Pilots. This new rule language would codify that pilots have a mandatory rest period of at least ten hours with an opportunity for eight hours of uninterrupted sleep after the completion of an assignment. In addition, the rule defines multiple assignments within a harbor area and codifies and defines the existing practice of Puget Sound Pilots to receive an extended rest period after three consecutive night assignments. A public hearing for this rule will be held on March 18, 2021.
Motion: Scragg/Kirtley – file the proposed CR-102 for WAC 363-116-081 – Carried.
- Other topics at the meeting included COVID and vaccinations, and Risk Management as described in the Staff Report. The next PSC meeting will be scheduled for March.

Underway in Elliott Bay	Fuel injection housing assembly failed and was replaced with a new one within an hour. Issue was resolved and anchor heaved followed by safe transit with no further issues.	<u>Motion:</u> Jensen/Hamilton File as a Marine Safety Occurrence – Carried.
-------------------------	--	---

Pilot’s Report of Marine Safety Occurrence: *MSC Anzu, 12-09-2020*

Underway in Puget Sound, between buoys SG and SF	Injector engine fuel leak. Issue resolved and followed by safe transit.	<u>Motion:</u> Anthony/Drennen File as a Marine Safety Occurrence – Carried.
--	---	---

Pilot’s Report of Marine Safety Occurrence: *Port Philip, 12-12-2020*

Underway in Duwamish River	Engine issue. Brought to anchor proceeding as a dead ship. Vessel needed a class inspection before further sailing.	<u>Motion:</u> Anthony/Kirtley File as a Marine Safety Occurrence – Carried.
----------------------------	---	---

Pilot’s Report of Marine Safety Occurrence: *Alonissos, 01-04-2021*

Grays Harbor, Terminal #2	Upon docking, equipment malfunction. Tugs used to push to dock.	<u>Motion:</u> Anthony/Jensen File as a Marine Safety Occurrence – Carried.
---------------------------	---	--

Review of Pilot/Trainee Physical Examination Reports.

Review of reports will occur at the February meeting. Jolene Hamel, Training Program Coordinator, reported that two of the three pilots who were Not-Fit-For Duty have been released, leaving one pilot in Not-Fit-For duty status.

ESHB 1578 Presentation – Department of Ecology. The Department of Ecology presented on two of their ongoing projects. First, Sara Thompson gave an update on the Synopsis of Changing Vessel Traffic Trends. Then J.D. Leahy presented on the status of the Risk Model. The slides from both presentations are available on the BPC website at <https://pilotage.wa.gov/2021---2022.html>. A Q&A session followed. Ecology will be hosting another Risk Model webinar on February 10, 2021 regarding vessel encounters.

Committee Updates.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Sheri Tonn advised that the current focus is on recruitment for the upcoming exam and reminded everyone that all are encouraged to help in recruiting a diverse applicant pool.
- Patty Rubstello, new Assistant Secretary of WSF will be invited to join the committee to replace Amy Scarton, as the committee continues to foster the relationship with WSF. Nicole McIntosh, WSF Chief of Staff, is a current JDC committee member.
- Sheri Tonn, Jaimie Bever, Commissioner Farrell, and Louis Cooper, Port of Tacoma, recently met regarding diversity and potentially partnering on the work towards a maritime school in Tacoma.

Oil Transportation Safety Committee (OTSC):

- OTSC Chair, Jaimie Bever, congratulated OTSC Environment representative Fred Felleman on his recent election as President of the Port of Seattle Commission.
- The next OTSC meeting will be held on Monday, February 1, 2021 at 10:00am.

Confirmation of Next Regular Meeting Dates.

- February 18 – Teams/Phone
- March 18 –Teams/Phone

There being no further public business to come before the Board, Chair Tonn thanked everyone and adjourned the meeting at 1:15pm for a Closed Session.

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 1:15pm to 2:00pm

virtually via Microsoft Teams to discuss matters relative to personnel matters. In attendance were Commissioners Tonn, Kirtley, Anthony, Drennen, Krombeen, Scragg, Jensen and Hamilton; Assistant Attorney General Albert Wang; BPC staff Jaimie Bever, Jolene Hamel and Bettina Maki; and Port of Grays Harbor Director of Finance and Administration Mike Folkers. Regular session was not re-convened by Chair Tonn immediately following the Closed Session.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Andrew Drennen

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Dale Jensen