

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

October 9, 2008

Present:

Chairman: Harry Dudley

Commissioners: Chuck Davis, Pat Hannigan, Bill Snyder, Vince Addington, Craig Lee,
Norm Davis, Elsie Hulsizer

Assistant Attorney General: Guy Bowman

Administration: Peggy Larson and Judy Bell

Del Mackenzie, Eric vonBrandenfels, Verne Justice, Eric Klapperich, Jonathan Ward, Frantz Coe,
and Walt Tabler (Administration): Puget Sound Pilots

Jordan Royer: Pacific Merchant Shipping Association

Vince O'Halloran, Kathleen Sarten: Public

Bill Lowery, Tom Webster: Pilot Aspirants

Del Kelly: Retired Puget Sound Pilot

Tom Paul: LeGros, Buchanan & Paul

PUBLIC HEARING

A public hearing of the Board of Pilotage Commissioners was convened at 9:30 a.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington.

WAC 363-116-200: Duties of Pilots.

The purpose of this proposed rule amendment is to set forth requirements for a pilot on board a vessel which has been involved in a serious marine incident. These requirements involve stabilizing the vessel, relieving the pilot, transferring the con, and drug and alcohol testing. Captain Mackenzie testified in favor of the new rule. The public hearing was closed by Chairman Dudley at 9:35 a.m.

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened immediately following the public hearing.

Consideration of Preceding Hearing: WAC 363-116-200. The portion of the proposed amendment which requires a pilot to depart the vessel for purposes of drug and alcohol testing was thought to possibly present a situation where a pilot could not meet the two-hour time limit in which such testing is required under 46 CFR Part 4.06. It was moved by Commissioner Addington and seconded by Commissioner Lee that the proposed rule be adopted as written with the exception that 11(c) be stricken and 11(b) be modified to make the language less restrictive. The motion carried. No other changes to the language were made. (9:40 a.m.)

Minutes. There being no corrections or additions, the September 11, 2008 Minutes stand approved as written.

OLD BUSINESS

Consideration of Licensure of PSPD Trainee: Captain Bruce Nelson. Captain Nelson and his attorney will address the Board in Closed Session later this morning. This agenda item is deferred to the end of today's meeting.

Pilot's Report of Incident: EVER URSULA, 8-19-08. While transiting inbound up the Blair Waterway in Tacoma, the vessel made contact with the southeast end of Pier 4. Three *Pilot's Report of Incident* submittals from pilot trainee Captain Katharine Sweeney and Puget Sound Pilots William Snyder and William Bundren were reviewed and considered as well as the CIC report submitted by Board investigators Commissioners Addington and Hannigan. According to the Board's *Incident Investigation Procedures*, there is no provision that speaks to a pilot trainee who is conning a vessel involved in an incident. The provisions only address the navigation of a vessel under the con of a state-licensed pilot.

Since the vessel was being conned by a pilot trainee, the CIC was constrained by these procedures to recommend a ruling against the trainee; in addition the CIC felt it could not recommend Board action against either pilot since neither was navigating the vessel. It was determined that the Board's *Incident Investigation Procedures* be reviewed. It was moved by Commissioner Hannigan and seconded by Commissioner Addington that this matter be declared an "Incident with damage and without pilot error". A motion to amend was made by Commissioner C. Davis and seconded by Commissioner Lee that this matter be declared an "Incident with damage and with pilot error". The motion to amend failed unanimously. It was moved by Commissioner Lee and seconded by Commissioner Hulsizer to table the motion in order to resolve underlying issues with the *Incident Investigation Procedures*. After discussion the motion was withdrawn. The initial motion carried. Commissioner Snyder abstained from voting on the above motions.

It was moved by Commissioner Hannigan and seconded by Commissioner Addington that the TEC be charged with developing ideas to present to the Board about procedures in the training program to reduce the likelihood of incidents in the future. The *EVER URSEULA* incident would be used as a starting point for this development. The motion carried.

It was moved by Commissioner Hannigan and seconded by Commissioner Addington that the Board should consider developing language to be placed in the WAC and the Investigative Committee Procedures Policy Statement which would broaden the scope of incident reporting and investigative procedures to include trainees. The motion carried. The TEC will work with staff to develop language for purposes of filing a CR-101.

NEW BUSINESS

Consideration of Applicants for Approval to take the Puget Sound Pilotage District Pilot Examination. It was moved by Commissioner Hannigan and seconded by Commissioner Snyder that according to WAC 363-116-0751, the Board approve the 41 applicants who have met the requirements and qualify to take the pilot examination. The motion carried. It was moved by Commissioner Hannigan and seconded by Commissioner N. Davis that pursuant to WAC 363-116-077(2) that the Pacific Maritime Institute in Seattle be designated as the place where the simulator evaluations take place. The motion carried. It was moved by Commissioner Hannigan and seconded by Commissioner Lee that the Board appoint four evaluators for purposes of conducting the simulator evaluation portion of the pilot exam; they are Captain William Anderson, retired Puget Sound Pilot, Captains Gary Hurt, David Grobschmit and Pat Hannigan (alternate) active Puget Sound Pilots. The motion carried. It was moved by Commissioner Hannigan and seconded by Commissioner Lee that the *Written Examination Policies and Procedures* as developed by COMIRA be approved as written. It was moved by Commissioner Addington and seconded by Commissioner Lee to amend the first sentence under *Examination Behavior* to read "Candidates who engage in behavior that is disruptive to other candidates as determined by the proctors will be disqualified from the examination process." The motion to amend carried. Another suggested amendment was offered by Commissioner C. Davis to revise the first sentence under *Examination Security* to read "Candidates cannot receive any unauthorized assistance during or after the examination or engage in any inappropriate conduct, including but not limited to any of the following:" It was moved by Commissioner C. Davis and seconded by Commissioner Addington to amend the motion accordingly. The motion to amend carried. The twice amended motion carried. This document will be sent to all approved applicants prior to the written exam. Immediately after the administration of the written examination, Dr. Hertz will grade the exams and based on his analysis of the exam be prepared to make a recommendation to the Board as to the determination of a minimum passing score. This must be done after the written exam and before the simulator evaluations. Chairman Dudley announced a Special Meeting to be held at 12:00 noon on Tuesday, October 21st for purposes of setting a minimum passing score on the written examination and making a determination of how many successful applicants will advance to the simulator evaluations. Other exam related matters may also be considered. (Fifteen minute break)

A CLOSED SESSION was called from 11:30 a.m. to 12:40 p.m. for purposes of hearing a presentation by Captain Bruce Nelson and his attorney regarding his pilot training program. In attendance were Chairman Dudley, Commissioners C. Davis, Hannigan, Snyder, Addington, Lee, N.

Davis and Hulsizer; Guy Bowman, Peggy Larson and Judy Bell. The regular meeting of the Board of Pilotage Commissioners was reconvened immediately following closed session.

Activity Reports. Gary Nelson, Executive Director, Port of Grays Harbor, reported by written report that there are a total of 36 vessel calls, 82 jobs through the end of September with one vessel arrival during September; one or two vessels are expected in October; two AGP vessels in November and two in December with 2 or 3 vessels expected at Bay City through the end of the year; and the pilot boat *CHEHALIS* is scheduled for maintenance this month.

Captain Del Mackenzie, President, Puget Sound Pilots, reported there were 54 active pilots including the president in September; Captain Denny Stensager ceased active piloting on October 1, reducing the pilot force to 53; there were 649 jobs in September compared to 701 the previous September resulting in a three year September average of 700; overall traffic for the first nine months of 2008 was 126 fewer jobs than the same period in 2007 ~ traffic is continuing to decline; in September 46 comp days were created and 15 days taken for a net of 31; and Captain Marin Johnson remains on medical leave. Captain Mackenzie spoke about the course outline for a Risk and Resource Management Class to be given at PMI. Thirty Puget Sound Pilots will be taking this class during November and December.

Jordan Royer, representing Pacific Merchant Shipping Association, reported that California Governor Schwarzenegger recently vetoed the container tax bill and signed some bills related to the Cosco Busan incident. The Ports of Seattle and Tacoma met to discuss the competitiveness of the ports and the outside pressures they face.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on October 8th.
- The status of trainees Katharine Sweeney, Jim Hannuksela, George Thoreson, Larry Seymour and Steve Jones was reviewed. It was moved by Commissioner Snyder and seconded by Commissioner Lee that Captain Thoreson be moved out of his initial evaluation phase. The motion carried.
- Due to the lack of Olympia ship traffic the TEC recommended a training program revision for four of the trainees. It was moved by Commissioner Snyder and seconded by Commissioner Lee that Captains Hannuksela, Thoreson, Jones and Seymour be allowed to make substitute trips to Olympia consisting of four round trips, two or from Olympia on a tug or a commercial vessel with a minimum length of 75 feet that is approved by the TEC, plus two additional trips turning a vessel in the Hylebos turning basin, with the proviso that if an actual training opportunity arises on a commercial vessel they are required to take that trip. Commissioner Hannigan made a friendly amendment to require that at least two of the four trips be at night. The seconder accepted the amendment and the motion carried.
- Preliminary training program formats for future trainees were presented. Trainees will be admitted to a training program in the order in which they ranked on the exam regardless of the amount of federal pilotage one has on his/her federal license.

2008 Pilot Exam Committee: Captain Hannigan encouraged all Board members to observe the simulator evaluations to be conducted during the week of October 27th at PMI.

Legislative/WAC Committee: No activity to report at this time.

Work Group Report: Extension of Route and Contract Pilotage. No activity to report at this time.

Miscellaneous Correspondence Review. A letter from Mr. Rick Spoonemore written on behalf of the retired pilots is asking the Board to give them plenty of advance notice for meetings, discussions, etc. regarding retirees' pensions so they can be involved in the process to resolve these issues.

Administrator's Report. A regional meeting of five west coast pilotage regulatory authorities will be meeting in Portland on November 6-7th. Representatives from Alaska, Canada, California, Oregon and Washington are invited by the hosting Board of Maritime Pilots of Oregon, in addition to any interested stakeholder who wants to be an audience participant. Harry and Peggy will be representing our Board. An open invitation was extended to all interested parties. The agenda is still being developed and will be sent to all Board members when it becomes firm. Peggy asked PSP for an update on the pilot retirement survey in order to analyze data for purposes of starting trainees in a training program.

Public Comments. Walt Tabler announced that state-issued photo identification cards were recently issued by the Board to all state pilots.

Confirmation of Next Regular Meeting Date. A Special Meeting will be held on October 21st at 12:00 noon to take action on certain exam related matters. Due to Board member scheduling conflicts the next two regular meetings scheduled for November 13th and December 11th were moved to December 4, 2008. The regular meeting will be held in the Agate Conference Room, 2901 Third Avenue, Seattle and the meeting place for the special meeting is to be determined.

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner C. Davis and seconded by Commissioner Addington that the physical examination reports for Captains C.N. Larson, J.R. Semler, D.B. Soriano and J.E. Ward be accepted for annual license renewal. The motion carried. Captain M.I. Johnson remains unfit for duty. (Ten minute break)

An EXECUTIVE SESSION was called from 2:05 p.m. to 3:00 p.m. for purposes of discussing Captain Bruce Nelson's training performance. In attendance were Chairman Dudley, Commissioners C. Davis, Hannigan, Snyder, Addington, Lee, N. Davis and Hulsizer; Guy Bowman, Peggy Larson and Judy Bell.

Consideration of Licensure of PSPD Trainee: Captain Bruce Nelson. No action was taken.

There being no further business to come before the Board, the Chairman adjourned the regular session Board meeting at 3:05 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Charles M. Davis, Vice Chairman

Commissioner Patrick M. Hannigan

Commissioner Vincent Addington

Commissioner Norman W. Davis

Absent

Commissioner Oliver E. Mackey

Commissioner William H. Snyder

Commissioner Craig W. Lee

Commissioner Elsie J. Hulsizer