

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

November 12, 2009

Present:

Chairman: Harry Dudley

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

Assistant Attorney General: Guy Bowman

Administration: Peggy Larson, Judy Bell

Frantz Coe, Dave Sanders, Walt Tabler (Administration): Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Ron Kinsey: USCG Sector Seattle

Jeff Shaw: Polar Tankers

Mark Homeyer, Russell Luttmann: Crowley Marine Services

Del Kelly, Bill Bock: Retired Puget Sound Pilots

David Moseley: Washington State Ferries/BPC

Jim Thompson, Loren Lee, Bruce Nelson: Public

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley in the Agate Conference Room at 2901 Third Avenue, Seattle, Washington. Chairman Dudley welcomed Charles Adams the new public representative appointed to fill the vacancy created when Ole Mackey left the Board in November, 2008.

Minutes. There being no corrections or additions, the August 13, 2009 Minutes stand approved as written.

OLD BUSINESS

WAC 363-116-078: Training Program ~ Consideration of Proposed Rule Making. Currently an emergency rule is in effect that amends the pilot training program by extending the length of time a trainee has to complete his/her initial evaluation and local knowledge exams. It was moved by Commissioner Snyder and seconded by Commissioner Lee to file a subsequent emergency rule with the same proposed amendments as shown in the emergency rule now in effect except for a change from ~~eight~~ to eleven months in subsection (5)(a). A friendly amendment was made and accepted from Commissioner Hannigan to insert language after "eleven months" as follows: or within such timeframe as may be established by the Board. The motion carried. Without this rule in place there exists a potential for losing trained candidates due to a premature testing cutoff which could severely impact the Board's goal of assuring the timely licensure of new pilots and the maintenance of the proper number of licensed pilots in the Puget Sound Pilotage District. Rule making will proceed with the filing of a CR-102 and a public hearing.

Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District and Management of the Comp Day System. A new PSP retirement survey dated 8-26-09 was submitted to the Board showing anticipated retirement dates for 55 of the 56 licensed pilots. The survey does not indicate how many pilots are currently standing watch and how many are inactive while they exhaust their accumulated comp days prior to retirement. Industry representatives indicated their continued desire to review more details of the comp day system.

Consideration of Request by PSP to Amend the 2009-2010 PSPD Tariff. The proposal to amend the tariff at this time with a line item pension charge was withdrawn by letter received today from PSP.

Consideration of Revisions to Proposed Statement of Policy Concerning Pilots Returning to Work Following a Sustained Absence. Commissioner Lee is continuing to develop further revisions.

Review of Manpower Status ~ Grays Harbor Pilotage District. Gary Nelson reported that Captain Cooke is several years away from mandatory retirement and Captain D'Angelo will continue to work as a GH pilot while training in the Puget Sound district. His date of entry into a training program is unknown at this time. Gary will keep the Board informed as he evaluates the pilot workforce and anticipates the announcement of a future pilot exam in Grays Harbor.

A CLOSED SESSION was called from 12:00 to 12:45 p.m. regarding ongoing litigation issues. In attendance were Chairman Dudley, Commissioners C. Davis, Adams, Hannigan, Snyder, Lee, N. Davis, Hulsizer and Thompson; Guy Bowman, Judy Bell and Peggy Larson.

NEW BUSINESS

Approval of Pilot License Upgrade Programs for Captains Scoggins, Klapperich and Wildes. It was moved by Commissioner C. Davis and seconded by Commissioner Hulsizer that the license upgrade programs for Captains John Scoggins, Eric Klapperich and Gordon Wildes be approved as drafted by the TEC. The motion carried. Captain Scoggins is nearing completion of his fifth license year and Captains Klapperich and Wildes, their second.

Pilot's Report of Incident: *POLAR DISCOVERY, 9-19-09.* Pilot: Pat Hannigan. Assist tug's stack made contact with the ship's hull during docking maneuver. Motion: C. Davis/Lee - Incident with apparent damage and no pilot error - Carried, Hannigan abstained.

Pilot's Report of Incident: *YONG JIN, 9-22-09.* Pilot: David Grobschmit. Lost anchor. Commissioners C. Davis and Hulsizer requested the pilot to determine if he believes he may have miscommunicated to the vessel master relative to letting all of the chain out. Commissioner Hannigan will follow up with the pilot. Motion: Lee/Adams - defer this matter until pilot has responded - Carried.

Pilot's Report of Incident: *CSCL NAPOLI, 9-27-09.* Pilot: William Snyder. Contact with gillnet. Motion: Lee/Thompson - Incident with damage and no pilot error - Carried, Snyder abstained.

Pilot's Report of Marine Safety Occurrence: *SANTIAGO, 8-7-09.* Ship's engine failed to start; taken to anchor. Motion: C. Davis/Snyder - File as a Marine Safety Occurrence - Carried.

Pilot's Report of Marine Safety Occurrence: *APL NEW YORK, 8-28-09.* Power failure, loss of propulsion, emergency generator came on. Motion: Lee/C. Davis - File as a Marine Safety Occurrence - Carried.

Pilot's Report of Marine Safety Occurrence: *DARYA TAAL, 9-26-09.* One of six cylinders on main engine was inoperable for approximately one hour, repairs were made while underway. Motion: C. Davis/Hannigan - File as a Marine Safety Occurrence - Carried.

Pilot's Report of Marine Safety Occurrence: *ATB COASTAL RELIANCE, 10-15-09.* Ship's service generator dropped offline for about four minutes before power was restored. Motion: C. Davis/Thompson - File as a Marine Safety Occurrence - Carried.

Pilot's Report of Marine Safety Occurrence: *BRITISH LAURAL, 10-20-09.* Loaded tanker with a tethered escort, one of the cylinders on main engine did not fire, anchored for repair. Motion: C. Davis/Adams - File as a Marine Safety Occurrence - Carried.

Pilot's Report of Marine Safety Occurrence: *CYPRESS PASS*, 10-28-09. Engine malfunction; assisted to anchor with two tugs. Motion: Snyder/Lee - File as a Marine Safety Occurrence - Carried.

Pilot's Report of Marine Safety Occurrence: *APL SCOTLAND*, 10-29-09. Gillnet blocked the ship's destination berth; ship held in the West Waterway for 30-35 minutes. Motion: C. Davis/Thompson - File as a Marine Safety Occurrence - Carried.

Pilot's Report of Marine Safety Occurrence: *ATB COMMITMENT*, 10-29-09. Online generator shut down due to a clogged sea water strainer; offline generator came on. Motion: C. Davis/Hulsizer - File as a Marine Safety Occurrence - Carried.

Pilot's Letter Report: *FURIA R*, 11-5-09. The Board received a letter from Grays Harbor Pilot Captain Stephen Cooke describing his fall into the water while disembarking the *FURIA R* in the vicinity of Bar Channel #2. A mis-step onto the pilot boat's boarding platform resulted in the fall and a 13-15 minute recovery with assistance from the 2-man crew. Once aboard the pilot boat and then to an ambulance at the Westport basin, Captain Cooke was monitored and released. The Board asked Gary Nelson several questions followed by a request for a copy of the Port's Safety Committee Report. It was moved by Commissioner Hannigan and seconded by Commissioner Snyder to defer further discussion of this item until more information is received. The motion carried. Discussion ensued regarding whether to classify this report as an *Incident* or a *Marine Safety Occurrence* or perhaps something else more appropriate. The Legislative/WAC Committee will pursue the matter.

Consideration of Requests for Vessel Exemption:

Sailing Yacht *PANDORA'S CAT* - 50' LOA, 31.32 gross tons, British Virgin Islands registry, interim granted on 9-18-09, Captain David Villeger. Motion: Thompson/C. Davis - approved for three months.

Sailing Yacht *BEAGLE STAR V* - 105' LOA, 137 gross tons, British registry, interim granted on 9-25-09, Captain Clive Brown. Motion: Thompson/C. Davis - approved for three months.

Motor Yacht *AL3AGRAB* - 112', 208 gross tons, Cayman Islands registry, interim granted on 10-9-09, Captain Michael Catania. Motion: Thompson/C. Davis - approved for three months.

Motor Yacht *HARMONY* - 164', 492 gross tons, Cayman Islands registry, Captain Mitchell Heath. Motion: Thompson/C. Davis - approved for three months.

Request for Consideration of Pilot License Reinstatement. Captain Eric Lichty who retired from PSP in June of 2006 is asking the Board to reinstate his State Pilot License and authorize renewed membership in the PSP. Several issues and questions were raised concerning this unprecedented request. Chairman Dudley requested Commissioner Lee to consider addressing this matter in his re-draft of the Policy Statement concerning pilots returning to work after a sustained absence. Further in-depth discussion will follow at future Board meetings.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on August 12th and November 10th.
- Training programs for Captains Moreno, Brusco, Caspers, Scragg, Anacker and Bouma were reviewed.
- Video and oral presentations were made by Commissioners Snyder and Hannigan which described in detail the process by which the Local Knowledge Exams were created and will be administered. The practice of validation and the use of subject matter experts guided the TEC with the development of exam questions which will be randomized on each individual exam.

After reviewing past state and federal pilotage exams with regard to content and scoring, it was moved by Commissioner Snyder and seconded by Commissioner N. Davis that the TEC recommend to the Board that the minimum passing score for the Local Knowledge Exams be set at 80%. A motion to amend was made by Commissioner C. Davis and seconded by Commissioner Adams that in view of these exams being given after the trainees have passed federal pilotage exams and have significant training that puts them at the peak of professional competency, the minimum passing score should be 85%. The motion to amend carried and the original motion as amended carried.

- It was moved by Commissioner Snyder and seconded by Commissioner Thompson that the Board approve the Reference List of study material for the Local Knowledge Exams as developed by the TEC and reviewed by the Board. A friendly amendment was made by Commissioner C. Davis to also give the TEC authority to update and amend the list without further Board approval. The motion carried.
- It was moved by Commissioner Snyder and seconded by Commissioner N. Davis to affirm Chairman Dudley's interim executive action to modify the training programs for Captains Moreno and Caspers that would allow them to make training trips once 50% of their observation trips are completed. The motion carried. This will put all trainees on an even playing field.
- It was moved by Commissioner Snyder and seconded by Commissioner Hannigan that the Board approve the TEC's format of administering, to each trainee, one Local Knowledge Exam covering the route from Port Angeles to the his/her initial port consisting of 100 questions and an additional Local Knowledge Exam covering the remainder of the district consisting of 200 questions. The motion carried.
- The TEC would like the Board to begin thinking about modifying the license upgrading process required of a new pilot which would adjust the tonnage categories and reduce the number of license limitations from 5 to 4 years. A written proposal will be sent to the Board for review before the next Board meeting.
- The TEC requested the Board to clarify that the stipend will continue to be paid if a trainee continues to make training trips when nearing the completion of their training program and necessary trips are not available. It was moved by Commissioner Hannigan and seconded by Commissioner N. Davis that all trainees' training programs be amended to include the language as presented to the Board which specifies the conditions under which a trainee may continue to earn a stipend while working to complete his/her training program. The motion carried.

Legislative/WAC Committee: Commissioner C. Davis suggested that Commissioner Adams transition onto this committee given his public member status and legal background.

Activity Reports. Gary Nelson, representing Port of Grays Harbor, reported that there have been 38 vessel arrivals year-to-date with 6 arrivals anticipated in November and 6 in December ending the year on target with projections; a steady trend of diverse cargo and increasing traffic is forecasted for 2010; there is no activity at the Weyerhaeuser dock; and Captain Cooke fell into the water recently while disembarking a ship. Subsequent to this event several safety enhancements have been made to the pilot boat.

Captain Andy Coe, representing Puget Sound Pilots, reported there were 702 jobs in August 2009 compared to 698 in August 2008, and similarly 638 to 649 in September and 662 to 677 in October; this represents a decline in traffic of about 5 ¼% which is an improvement in the declining vessel traffic statistics from earlier this year; comp days created/taken in July were 21/26, August 14/13, September 24/21 and October 26/19 for a net increase of 6 days over a 4 month period; and one Saturday in October there were 38 assignments, none of which were cruise ships. Captain Coe will furnish next month's report in a written format.

Mike Moore, representing Pacific Merchant Shipping Association, reported on the current headline news about vessel traffic in an effort to assist the Board in making informed decisions relating to setting the number of pilots as well as encouraging waterborne commerce; recently the Ports of Seattle and Tacoma held a joint meeting and are working with four other west coast ports to market themselves together to improve the discretionary cargo market among other things; container vessel calls stayed even through July but arrivals are now down by 51 ships; arrivals overall are down 126 ships with the exceptions being passenger vessels up by 9 and tankers up by 9.

Work Group Report: Extension of Route and Contract Pilotage. No activity to report at this time. In Captain Lichty's request for re-licensure he has withdrawn his earlier request for consideration of "contract pilotage".

Miscellaneous Correspondence Review. Chairman Dudley sent an e-mail to all Board members, PSP, Port of Grays Harbor and PMSA on October 27th which contained a document describing the Board's tariff-setting process. This draft is intended for discussion of the concept of outlining this process. He encouraged Board members, stake holders and the public to engage in a dialog between now and the next rate setting session.

Administrator's Report. Judy Bell generated two spreadsheets for the Board showing a 5-year picture of vessel movements by month in Puget Sound and a scenario of when trainees need to be entered into training in accordance with projected retirement dates. Currently the Board is undergoing an audit by the State Auditor's Office covering the period from July 1, 2006 through June 30, 2009 with a focus on the accountability and compliance with certain state laws and regulations in the areas of cash receipts, disbursements and payroll.

Public Comments. Walt Tabler addressed an issue relating to a collection dispute concerning General Steamship Corporation which the Board was informed of several months ago. He reported the matter has since been resolved. Mr. Loren Lee urged the Board to begin working on the next Grays Harbor pilot exam process in light of the lengthy timeline involved; he also stressed that he feels the Board needs to establish a mechanism to investigate such things like Captain Cooke's mishap; and he emphasized the difference between a medical and a voluntary reinstatement of a license.

Commissioner Comments. Chairman Dudley reminded the Board that Commissioner Chuck Davis is ending his service on the Board at the end of his term on December 26, 2009. The Governor's staff is aware of this and is working to appoint a new public representative in a timely manner.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for Thursday, December 10, 2009 at 9:30 a.m. in the Agate Conference Room, 2901 Third Avenue, Seattle. Commissioners Thompson and Adams will be unavailable.

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner Lee and seconded by Commissioner Thompson that the physical examination reports for Captains B.F. Henshaw, P.S. Kelly, E. Marmol, D.W. Mayer, J.K. Ward, J.R. Semler, J.E. Ward, W.H. Snyder, W.A. Bundren, L.P. Emerson, P.A. Giese, J.A. Hannuksela, J.B. Harris, M.I. Johnson, C.N. Larson, L.M. Mathisen, L.R. Petke, J.A. Shaffer, D.B. Soriano and G.P. Thoreson be accepted for annual license renewal and Captains D.S. Anacker and B.W. Bouma for training licensure. The motion carried. Captain T.A. Jacobs was found fit for duty and returned to work on July 7, 2009. The Board affirmed Chairman Dudley's action to reinstate his license to active status.

A CLOSED SESSION was called from 2:40 p.m. to 3:05 p.m. regarding ongoing litigation issues. In attendance were Chairman Dudley, Commissioners C. Davis, Adams, Hannigan, Snyder, Lee, N. Davis, Hulsizer and Thompson; Guy Bowman, Judy Bell and Peggy Larson.

REGULAR SESSION continued.

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 Charles F. Adams

Commissioner Patrick M. Hannigan

Commissioner William H. Snyder

Commissioner Craig W. Lee

Commissioner Jeffrey L. Thompson

Commissioner Norman W. Davis

Commissioner Elsie J. Hulsizer