

# MEETING MINUTES

## STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

October 29, 2007

---

### Present:

Chairman: Harry Dudley

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

Assistant Attorney General: Susan Cruise

Administration: Peggy Larson and Judy Bell

Del Mackenzie, Walt Tabler, Mel Flavel, John Harris, Dick McCurdy, Don Mayer, Eric vonBrandenfels:  
Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Victor Zboralski: Vessel Traffic Service

Captain Bill Lowery: Pilot aspirant

Captain Del Kelly: Public

### **REGULAR MEETING**

The regular meeting of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington. He welcomed new Commissioner Elsie Hulsizer who represents the marine water environment.

**Minutes.** It was moved by Commissioner Hannigan and seconded by Commissioner Snyder that the August 9, 2007 Minutes be approved as amended by Susan Cruise to include language as follows: "Puget Sound Pilots has offered an opinion, provided by the law firm, Perkins Coie, that the Board has authority to approve a line-item charge for pension expenses in the tariff for the Puget Sound Pilotage District and that this does not subject the State to liability for benefits under a pension plan maintained by Puget Sound Pilots for licensed pilots. The law firm, Perkins Coie, did not provide this opinion at the request of the Board, nor is the Board a client of Perkins Coie. Perkins Coie represents Puget Sound Pilots." The motion carried. The September 13, 2007 Minutes stand approved as written.

### **OLD BUSINESS**

**Proposed Agency Request Legislation.** Today's two-hour session was spent hearing stakeholder input for purposes of finalizing the Board's legislative submittal package. The Code Reviser's Draft Z-0705.1/08, was reviewed and minimally amended. It was moved by Commissioner Hannigan and seconded by Commissioner Lee that the amended version be submitted to the Governor's Office for consideration. The motion carried. It was moved by Commissioner Hannigan and seconded by Commissioner Hulsizer to include a letter listing "housekeeping" provisions contained in several of the sections that, if requested, could be removed if it was determined that any or all of them could hinder passage of the proposed legislation. The motion carried. (Commissioner Mackey left at 10:30.)

### **NEW BUSINESS**

**Pilots' Reports of Marine Safety Occurrence: 9-27-07.** An unidentified boater forced five deep draft commercial vessels to take evasive action near Port Townsend on September 27, 2007. At approximately 0430 a tug operator and several Puget Sound pilots transiting in the area of Marrowstone Point in low visibility reported an intermittent radar contact to the USCG Vessel Traffic Service. Two southbound and three northbound vessels, four deep draft vessels and a laden tanker under escort, were diverted and re-routed under the guidance and concurrence of Seattle Traffic. The unknown operator, without radio communications, eventually found his/her way toward Port Townsend Harbor without incident. It was moved by Commissioner C. Davis and seconded by Commissioner Addington that these five individual reports of a navigational safety concern be filed together as a Marine Safety Occurrence and that Captains Alec Newman, Tom Jacobs, Mike Wood, Bill Sliker, and Mel Flavel, along with the Vessel Traffic Service be commended for an outstanding professional job. The motion carried.

**Pilot's Report of Marine Safety Occurrence: *SAGACIOUS ID, 10-1-07.*** The Board has received a written report submitted by Puget Sound Pilot, Captain Pat Kelly. While docking the vessel port side to at the Anacortes Port Dock the propeller got fouled with a spring line that dropped into the water when the messenger line parted. The line was cut where it ran through the chock in order to run a new spring line. Because of the damage to the line, it was moved by Commissioner C. Davis and seconded by Commissioner Lee that this Report of Marine Safety Occurrence be filed not as an MSO, but declared an "Incident with damage and without pilot error" pending any request to re-visit this matter. The motion carried.

**Activity Reports.** Gary Nelson, Executive Director, Port of Grays Harbor, reported that there have been 39 arrivals through October with 31 to the Port Docks and 8 to Weyerhaeuser; the first large outbound tanker of biodiesel left Grays Harbor this week; there will be some emergency dredging done between November and January 15 to remedy some shoaling at Buoy 11 near Westport; and Captain D'Angelo is on duty in October and Captain Cooke in November.

Captain Del Mackenzie, President, Puget Sound Pilots, reported that there are currently 54 active pilots including the president; there were 701 jobs in September compared to 751 the previous September, resulting in a three year September average of 712; year-to-date traffic is down 111 jobs partly due to the grain terminals in both Seattle and Tacoma being down for maintenance in September; 72 comp days were created and 58 days taken; Captains Jonathan Ward, Mark Shuler and Bill Thorsen are currently out on medical leave; Captain Wiley retired on October 5 and Captain Fosse retired on October 7; several pilots are attending various continuing education and training classes; the PSP Tide Books are being revised to include educational information for people like recreational boaters and fisherman; Captain Mackenzie worked with Captain Moore to revise the PSP Tide Book with updated information about the Harbor Safety Committee; and a joint project with the USCG Captain of the Port on the revision of several anchorage areas is nearing completion.

Captain Mike Moore, Executive Director, Pacific Merchant Shipping Association requested time on the agenda to present a tariff-setting educational briefing which ideally, if presented over the next several months, could alleviate debates and streamline the tariff hearing process. Captain Moore focused on (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. Walt Tabler contributed to the presentation and offered comments relative to the PSP's perspective. Chairman Dudley asked Captain Moore to follow up his comments with a written summary of his presentation. He also invited PSP and PMSA to continue bringing tariff issues to the table prior to the May tariff hearings.

## **Committee Reports.**

### **Trainee Evaluation Committee:**

- The TEC met on October 29<sup>th</sup>.
- The TEC reported on the status of trainees Eric Klapperich, Gordon Wildes, Steve Semler and Katharine Sweeney. Captain Wildes has completed all of his trips in his initial evaluation. It was moved by Commissioner Snyder and seconded by Commissioner Lee that the TEC recommends to the Board that Captain Wildes be approved to advance in the training program pursuant to WAC 363-116-078(5)(c). The motion carried.

### **2008 Legislative Committee:**

Chairman Dudley expressed his gratitude to Commissioner Chuck Davis, his committee and the stakeholders for all of the hard work and effort put into the development of the Board's proposed agency request legislation.

**PSP Pension Discussion of October 26, 2007.** Chairman Dudley reported that there was a meeting held on October 26<sup>th</sup>. Representatives from PSP and PMSA met in an attempt to resolve issues concerning the funding of pension expenses. Nothing substantive was reported.

**Administrator's Report.** Peggy Larson reported that she submitted a supplemental budget request based on a projection of possible legal expenses by the Attorney General's Office during this current biennium. Harry Dudley and Peggy Larson met with AGO and OFM officials to discuss the request.

The Board's web site now includes a link to the USCG VTS and some other new items.

**Confirmation of Next Regular Meeting Date.** Since the next regularly scheduled meeting falls only ten days away, it was moved by Commissioner Lee and seconded by Commissioner Snyder that the November 8, 2007 meeting be canceled and the next meeting date be confirmed as December 13, at 9:30 a.m. The motion carried. The meeting will be held in the Fourth Floor Rainier Conference Room, 2901 Third Avenue, Seattle.

**Review of Pilot Physical Examination Reports.** After reviewing the physicians' reports it was moved by Commissioner Snyder and seconded by Commissioner Lee that the physical examination reports for Captains W.A. Bundren, C.N. Larson, L.R. Petke, J.R. Semler, J.A. Shaffer, D.B. Soriano and J.K. Ward be accepted for annual license renewal and Captain Bruce Nelson for initial licensure. The motion carried. Captains M.J. Shuler and W.E. Thorsen have been placed in temporary inactive status due to their current medical conditions. Captain Jonathan Ward remains in temporary inactive status due to a medical condition but if given a Fit-For-Duty prior to the next Board meeting, it was moved by Commissioner Lee and seconded by Commissioner Snyder that Chairman Dudley be empowered to accept Captain Jonathan Ward's physical report for purposes of allowing him to return to work, subject to Board concurrence at the next regular meeting. The motion carried. (Fifteen minute break.)

**An EXECUTIVE SESSION was called from 1:25 p.m. to 1:55 p.m. for purposes of discussing a personnel matter.** In attendance were Chairman Dudley, Commissioners C. Davis, Hannigan, Snyder, Addington, Lee, N. Davis and Hulsizer; Susan Cruise, Peggy Larson and Judy Bell. Regular session was reconvened by the chairman immediately following executive session.

**Review and Consideration of Licensure of PSPD Trainee: Captain Bruce Nelson.** It was moved by Commissioner Snyder and seconded by Commissioner Lee that the Board extend Captain Bruce Nelson's training program for an additional month as set forth in a written training program addendum prescribing eighteen specified trips followed by six additional trips if the first eighteen are determined to be satisfactory by the TEC. The motion carried.

There being no further business to come before the Board the Chairman adjourned the regular session Board meeting at 2:00 p.m.

Respectfully submitted,

---

Peggy Larson, Administrator

---

Harry H. Dudley, Chairman

---

Charles M. Davis, Vice Chairman

---

Commissioner Oliver E. Mackey

---

Commissioner Patrick M. Hannigan

---

Commissioner William H. Snyder

---

Commissioner Vincent Addington

---

Commissioner Craig W. Lee

---

Commissioner Norman W. Davis

---

Commissioner Elsie J. Hulsizer