

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
June 18, 2020

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn virtually via conference call and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley

Commissioners: Dale Jensen, Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell, Rik Krombeen and Phil Morrell

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Linda Styrk, Eric vonBrandenfels, Ivan Carlson: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen, Rob Healy: Northwest Seaport Alliance

Fred Felleman: WAVE Consulting/OTSC

Mark Bostick: PSP Candidate

Laird Hail: USCG

Monique Webber: Pacific Yacht Management

Meeting Minutes.

Motion: Kirtley/Jensen – approve the May 21, 2020 Meeting Minutes as written – Carried.

BPC Staff Report.

- Jaimie Bever reported on the Governor's directives regarding furloughs and wage increase freezes that were announced earlier this week. At this time, it is believed that Bettina Maki and Jolene Hamel will be eligible for the 3% wage increase previously approved by the Legislature, which is scheduled for July. Board staff is awaiting further information regarding whether they will be required to furlough and whether the agency will be required to participate in 15% budget reductions directed to the Governor's executive and cabinet agencies, as the BPC is not either.
- At the May Board meeting, questions arose around yacht exemptions in relation to license levels and vessel tonnages. BPC staff has researched the issue and will be providing the Board with staff recommendations at the July meeting.
- Bettina Maki, BPC Program Analyst, presented 5 data reports for Board consideration. The reports included analysis of the training program applicant pool as well as a look at vessel traffic for both the Puget Sound and Grays Harbor Pilotage Districts. Commissioners Kirtley and Farrell commented that the reports were helpful. BPC/PSP Joint Diversity Committee (JDC) Co-Chair Linda Styrk responded that the JDC was trying to quantify data regarding diversity in the applicant pool and in pilotage, and that the reports prepared by Bettina were a good step toward that goal.

BPC Chair Report.

- WSF will not be returning employees to full time work at the 2901 building until Phase 3 of the Governor's Safe Start program. Chair Tonn thanked BPC staff for continuing to go to the office individually, on a periodic basis, and for minimal impacts to agency operations while working remotely. She also thanked Board and committee members for keeping up with the workload during the current process for conducting virtual meetings.

Activity Reports. Mike Folkers representing the Port of Grays Harbor (PGH), Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), Jordan Royer representing Pacific Merchant Shipping Association (PMSA), Laird Hail representing the United States Coast Guard (USCG), and Lou Paulsen representing The Northwest Seaport Alliance (NWSA) offered current and projected statistical data as well as updates on current maritime issues and activities.

As a part of the NWSA update, Lou Paulsen introduced Rob Healy, NWSA, who provided an update regarding the design, status, and environmental benefits relative to the development actions planned at the former Saltchuk site in the Blair Waterway, as a part of the Blair Waterway Deepening Project.

Commissioner Farrell requested an overlay of the general anchorages be added to the current Saltchuk site map and that it then be redistributed to the Board with this information. Lou agreed to provide that.

NEW BUSINESS

Approval of Pilot License Upgrade Program: Captain Rod Myers: Captain Myers is nearing completion of his third license year. His letter has been updated to reflect the new license levels.

Motion: Scragg/Farrell – approve the license upgrade program for Captain Myers as drafted by the TEC – Carried.

Presentation Regarding Puget Sound Pilots 2019 Financial Statement. Chair Tonn explained that due to the ongoing UTC pilotage tariff rate filing, there would not be a Q&A session regarding the financial statement. Commissioners were advised that if they had questions, they could contact PSP directly. PSP Executive Director Linda Styrk then presented a slide show of financial information to provide a better understanding of the audited financial statements filed with the BPC on May 22, 2020.

ESHB 1578 – Consideration of Interpretive Statement. Jaimie Bever explained that the version of the Interpretive Statement in front of the Board was the same as what was provided at last month’s Board meeting with the exception of a couple of minor changes, including an additional note regarding the definition of Laden/unladen (In Ballast) to clarify why the definition varied depending on vessel size. Jaimie noted that Commissioner Scragg was concerned about the definition of Bunkering previously, but she did not receive a request for revisions. Commissioner Scragg responded that he has spoken with Captain Blair Bouma, the pilot representative on the OTSC, and reviewed the OTSC’s work in coming up with the definition, believing they did their due diligence in crafting it. He supported the definition as proposed. There were no public comments regarding the statement.

Motion: Hamilton/Kirtley – approve the Interpretive Statement as recommended by the OTSC – Carried.

Consideration of Investigation Procedures. Jaimie Bever explained the proposed procedures were an expansion of the Board’s existing procedures and created clear criteria for both the investigation process and the investigators. Next steps will be to compile a list of investigators through the State’s contracting procedures and requirements. Jaimie Bever thanked the Commission Investigative Committee members for their hard work on the document. Two minor changes requested included adding “at least” in front of 1600 gross tons [for license level of investigator] and adding “vessel owners and vessel operators” to the section regarding corrective actions. Those changes will be made and sent back for one more review by the Board’s Assistant Attorney General (AAG) prior to finalizing the document.

Motion: Farrell/Scragg – approve the Investigation Procedures as drafted by the CIC, with the following modifications: change “not greater than 1600GT” to “at least 1600 GT”, add “vessel owners, and vessel operators”, and after final review and approval from the Board’s AAG – Carried.

Rulemaking – WAC 363-116-082 Qualifications for Pilot Applicants. TEC Chair John Scragg informed the Board that the proposed revisions, in addition to being provided to the Board in May, have been reviewed by the Puget Sound Pilots Board of Directors and Grays Harbor pilots. He reported that no significant changes or opposition were received. Next steps will be to obtain an official redline of the WAC from the Code Reviser and present a CR-102 at the July meeting for Board approval to file.

2021 Marine Pilot Exam – Consideration of Request for Proposals (RFP). Jaimie Bever reported that BPC staff has received one proposal from PMI: MITAGS prior to the June 15th deadline. She was in the process of working with PMI on revisions to that proposal and will provide an update at the July meeting of the Board. The actual contract for exam services will be executed in late September/early October, upon Board approval.

Pilot’s Report of Marine Safety Occurrence: *Aristaios*, 05-24-2020

Approach to Ferndale/Phillips	Faulty temperature sensor caused the main engine to reduce to dead slow ahead. Determined safe to berth. On final approach engine became unresponsive, however vessel was landed as a dead ship at berth with use of tugs.	<u>Motion:</u> Farrell/Jensen File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Sailing Yacht *Altair R* – 96’, 114gt, British Virgin Islands registry, Captain Alan Goff.

Motion: Farrell/Jensen– concur with Chair Tonn’s granting of an annual exemption including restrictions of Locks and Deception Pass given – Carried.

Motor Yacht *Minderella* – 190’, 702gt, Cayman Islands registry, Captains Degotardi & Rowland.

Motion: Farrell/Kirtley – concur with Chair Tonn’s granting of an annual exemption including restrictions of Locks and Deception Pass and orientation cruise given – Carried.

Motor Yacht *Paladin* – 156’, 496gt, Cayman Islands registry, Captains Smart & Pomeroy.

Motion: Farrell/Kirtley – grant an annual exemption – Carried.

Motor Yacht *CV-9* – 140’, 325gt, Cayman Islands registry, Captains Johnson & Chaplin.

Motion: Kirtley/Farrell – grant an annual exemption renewal – Carried.

Motor Yacht *Lady Bhai* – 138’, 296gt, Jamaica registry, Captain Chew.

Motion: Farrell/Anthony – concur with Chair Tonn’s granting of an annual exemption including restrictions of Deception Pass given – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and discussed at length the best way to handle the current restriction of one trainee per vessel, which has the potential to cause backlogs within the program, especially in the hard to get ports. The group looked at all ways to manage both COVID-19 safety and the training program time constraints. They decided to allow 3 trainees maximum per vessel. However, trainees must have prior approval from both the vessel and the supervising pilot and must continue to follow all COVID-19 safety protocols.
- The TEC reviewed the programs of all 9 current PSP trainees and 1 GH trainee. Chair Scragg informed the Board that the GH trainee had submitted a letter to the TEC requesting that the current restriction that would not allow him to transfer into the Puget Sound Program once he has started the Evaluation phase of his program be removed. His reasoning was to keep his options open. Discussion of this consideration will continue at the July TEC and BPC meetings.
- Captains Joe Siddell and Matt Hannuksela are ready for PPU training, as they intend to complete their programs and be ready for consideration of licensure in the next couple of months.
Motion: Scragg/Farrell – Approve the PPU training for Captains Siddell and Hannuksela and provide for an additional one-time stipend increase for the training up to \$2,400 – Carried.
- The TEC remains concerned about the USCG Regional Examination Center (REC) closure and the delays it is causing in the ability for the trainees to draw their federal charts. The TEC was advised that the USCG would be meeting on July 1 to discuss a plan for reopening on July 6.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk reported that the committee met on June 10 and finalized the Diversity Action Plan, which was provided to the Board. They continue to focus on recruitment for the next exam, striving to achieve a wide spectrum of candidates. Topics for potential future actions include looking into apprenticeship programs, hosting an exam FAQ webinar, hosting a study group webinar with exam candidates, and outreach with diverse individuals currently in master roles. Another meeting is planned for later this summer.
- Commissioner Farrell, who was present at the last meeting, encouraged the JDC and the Board to find small wins along the way, recognizing that it is unrealistic to think that diversity in pilotage can be achieved instantly. He suggested the need for positive milestones along the way to that goal. Commissioner Jensen added that hosting webinars for aspirants prior to the exam was great idea.
- Linda thanked the whole JDC team and member Emily Reiter for her help in updating the program language and graphics.

Commission Investigative Committee (CIC):

- Now that the revised Investigative Procedures document has been adopted, the next step will be to work with state procurement to build a pool of qualified investigators.

Oil Transportation Safety Committee (OTSC):

- The committee-approved meeting minutes from May 5 were provided to the Board for review.

- Jaimie Bever, Chair of the OTSC, was pleased to report that the committee met on June 16 and finalized the first phase of their work by approving the Geographic Zones document, which is due to the Department of Ecology by September 1, 2020. That document, which will help inform Ecology’s risk model, will be provided to the Board for consideration at the July meeting.
- The next steps for the committee are to bring them together for updates regarding the Synopsis of Changing Vessel Traffic Trends.
- Jaimie thanked the committee members again for their time and efforts in reaching this important milestone.
- Regarding the Interpretive Statement approved by the Board at the last meeting, the next steps are that Jaimie will present the document, explain next steps for ESHB 1578, and hold a Q&A session via webinar before September 1, 2020. She will send more information once it is available.
- Commissioner Jensen offered that Ecology will be hosting a webinar regarding the Science of Risk Modeling to increase public knowledge on the topic. Jaimie will forward information about all the webinars to the Board.
- Commissioner Jensen thanked Jaimie Bever for her facilitation skills and countless hours dedicated to the committee.

Pilot Safety Committee (PSC):

- The next meeting is scheduled for July 14th.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Jensen – approve the physician’s reports for Captains J.E. Kalvoy, D.W. Grobschmit, B.W. Bouma and J.P. Bujacich for their annual pilot license renewal – Carried.

BPC Training Program Coordinator Jolene Hamel inquired about possibly setting a timeframe for those pilots whose annual physical dates have passed while the Board has been in a non-enforcement period. She provided the language from the USCG via MSIB 08-20 Change 2: Novel Coronavirus – Mariner Credentials, which states that any pilot who has a national endorsement (license), physical, or Coast Guard physical due between March 1 and September 1, 2020 would be granted an extension for completion until December 31, 2020.

- Scragg/Anthony – adopt the applicable USCG language from MSIB 08-20 Change 2 for state and federal pilot annual physicals and for national endorsements via a policy statement – Carried.

Confirmation of Next Regular Meeting Dates. The next regular meeting dates are set for:

- July 16 – Virtual
- August 20 – Virtual

There being no further public business to come before the Board, Chair Tonn again thanked everyone for their patience with virtual meetings and adjourned the meeting at 1:15pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Dale Jensen