

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
August 16, 2022

Regular Meeting – Call to Order

The regular meeting was called to order at 12:00 p.m. by Chair Sheri Tonn via Microsoft Teams.

Present via Microsoft Teams:

Chair: Sheri Tonn

Commissioners: Sandy Bendixen (Pilot), Mike Anthony (Pilot), Jason R. Hamilton (Public), Mike Ross (Foreign Shipping), Andrew Drennen (U.S. Shipping), Timothy J. Farrell (Public)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Eric Klapperich, Bill Sliker, Jack Bujacich, Severin Knutsen, Magen Brooks,

Charlie Costanzo: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Jordan Royer: Pacific Merchant Shipping Association

Laird Hail: USCG

Lindsay Wolpa, Zack Thomas: The Northwest Seaport Alliance

Ann LaRue: Public

Brittany Flittner: Department of Ecology

Mark Bostick: PSP Licensure Candidate

Nick Sabbath: Pilot Candidate

Sol Kohlhaas: Marathon Petroleum

Eric Brickenstein: Public

Mike Haglund: Public

BPC Staff Report.

- The Summer 2022 edition of the BPC Pilotage Quarterly was distributed earlier this month and included in the Board meeting packets. The highlight on ladder safety was well received by many and redistributed by the international organization Marine-Pilots.
- BPC Executive Director Jaimie Bever attended Maritime Blue's State of the Blue event where Executive Director Joshua Berger gave an overview of the organization's history and status. She also attended the Grays Harbor Safety Committee meeting earlier this morning where Leonard Barnes, Deputy Executive Director of the Port of Grays Harbor, expressed enthusiasm about the two current trainees in Grays Harbor, Captains Leo and Grobschmit.
- Jaimie provided the Board with a brief presentation regarding the Washington State Department of Enterprise Services (DES) and the many services they provide for small state agencies like the BPC including risk management, contract procurement, financial services, and human resources.
- BPC Program Analyst Bettina Maki commented on the correction of the quarterly district assignments, which was noted at last month's meeting, and shared the dashboard view of Puget Sound Pilots' monthly activity report.

BPC Chair Report.

- BPC Chair Sheri Tonn and Jaimie Bever, along with Puget Sound pilot Captain Trevor Bozina attended Women Offshore's first Inclusion Summit on August 3. She added that Women Offshore did a superb job of pulling together speakers.
- Chair Tonn and Jaimie met with Patty Rubstello, Assistant Secretary of Washington State Ferries, to share updates and to meet the new members of the WSF Executive Staff: Steve Nevey, Director of Marine Operations and Eric Visser, Director of Vessel Maintenance. Both came from Holland American Group.
- Chair Tonn gave a brief reminder that the UTC ex-parte rules are in place and that discussions at the Board meeting cannot include anything from the current PSP tariff filing.

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

Regarding the recommendations in PMSA's activity report, Commissioner Bendixen cautioned everyone about using the term "underperforming pilots". She pointed out that pilots are showing up every day for their jobs, including working on upgrade trips, assisting when pilot boats aren't running, or assisting with committee work. When they are off watch they are doing these same things and attending to personal and family matters. She urged that the focus should be on pilots' on-watch time, not off-watch time. Jordan Royer, PMSA, agreed that it was a fair point and that he would pass that message along. Chair Tonn explained that in looking at the data, the mean for number of jobs per year by the pilots is currently above the TAL of 145.

PSP Executive Director Charlie Costanzo reported that PSP has adopted the first maternity leave policy in a pilot association nationally. It is designed to allow a pilot who is pregnant to utilize PSP's major medical provision as well as an additional period of extended leave while remaining on distribution. In other words, an extended period of paid leave to cover pregnancy, birth, and postpartum. They will be issuing a press release in the next few days. The BPC will post the announcement on the agency's social media as soon as it is released. The Board congratulated PSP on this achievement.

NEW BUSINESS

Meeting Minutes.

Motion: Ross/Hamilton – approve the July 19, 2022, Meeting Minutes as written with the few minor corrections discussed – Carried.

Committee Actions.

Trainee Evaluation Committee (TEC)

- **Consideration of Licensure of PSPD Pilot Candidate: Captain Mark Bostick.** On behalf of the Trainee Evaluation Committee (TEC), TEC Chair Bendixen reported that Captain Mark Bostick has successfully completed all sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training. However, while completion of the federal program has been confirmed, the sticker has not yet arrived. The TEC finds that Captain Bostick has proven to be consistent, safe, and able to pilot independently. The Board has received his TPTR Summary and all training comments.

Motion: Bendixen/Anthony – issue Captain Mark Bostick state pilot license number 221 for the Puget Sound Pilotage District pending his federal pilotage endorsement – Carried.

Motion: Bendixen/Ross – Authorize the use of a graduate program agreement for Captain Bostick if needed while awaiting his federal endorsement – Carried.

- **Proposed Rulemaking: WAC 363-116-082 Limitations on new pilots.** The TEC has started the process of reviewing all the training WACs, starting with 363-116-082 Limitations on new pilots. The recommendations from the TEC include WAC changes to allow the TEC more flexibility in prescribing upgrade trips and to better align the WAC with current practices in Grays Harbor, revising the language to reflect an upgrade process similar to the Puget Sound process. A public hearing will be scheduled for the October Board meeting. Chair Tonn asked for public comment and received none.

Motion: Bendixen/Drennen – approve the filing of the CR 102 for WAC 363-116-082 incorporating the proposed redline changes – Carried.

- The TEC has no further changes to their COVID-19 policies at this time and recommends they remain as-is for the upcoming months, adapting as needed. All trainees are still diligently following COVID recommendations from both BPC and Dr. Jarris, Discovery Health MD. The TEC remains concerned about the trainee restriction on Crowley ATB's and continues to seek a path forward to resume trainees on all vessels.
- The TEC has reviewed the current waiting list and is in the beginning stages of Exam preparation. A competitive bid solicitation is in development and there will be more information coming in future months.
- The TEC met yesterday and reviewed all the trips and comments for both Puget Sound and Grays Harbor. With the earlier licensure, that leaves 6 trainees in PS and 2 in GH. In Puget Sound, there are 2 trainees in the Evaluation Phase, 4 in the Training Phase, and none in the Observation Phase. Captain Leo came into the TEC meeting to transition from the Training Phase into the Evaluation Phase leaving 1 in the Evaluation Phase and 1 in the Observation Phase in Grays Harbor.

- Captain Bendixen reports that the federal first-class pilotage requirements and promulgation letter have been issued. She thanked the entire team for making this happen adding that while it was a large project to take on, it will be a great benefit to both current and future trainees. Chair Tonn also expressed thanks for the team and to Captains Bendixen and Coleman for all of the work they have done behind the scenes.
- Orientation for the October 1 start-date candidates will occur toward the end of September. Board members interested in attending should contact BPC Training Program Coordinator Jolene Hamel.

2021 BPC Annual Report. The Board reviewed the final draft of the 2021 BPC Annual Report. Chair Tonn thanked staff for an excellent job. She added that although there is continuous improvement each year, 2021 was a particularly good report.

Motion: Ross/Drennen – adopt the 2021 Annual Report and authorize staff to submit to the Governor and the Legislature – Carried.

Pilot’s Report of Marine Safety Occurrence: MANOA, 07/22/2022

Underway in Commencement Bay	On approach to back into the Sitcum Waterway, dead slow astern was ordered and the main engine failed to start. Tugs were used as brakes. An engineer was able to cycle the valve that had failed, test it, and proceed without incident.	<u>Motion:</u> Anthony/Hamilton File as a Marine Safety Occurrence – Carried. In addition, the Board asked for follow up from USCG at next meeting regarding repeated issues with vessel.
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Pilot’s Report of Marine Safety Occurrence: TEXAS, 07/24/2022

Approaching Davidson Rock	While in transit, tug escort <i>GARTH FOSS</i> reported possible bearing issue and tug <i>LINDSAY FOSS</i> was contacted to assist. After confirming bearing issue, <i>LINDSAY FOSS</i> took over and assisted during the remainder of transit.	<u>Motion:</u> Drennen/Anthony File as a Marine Safety Occurrence – Carried.
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Exemptions from Pilotage.

Motor Yacht LEMONADE – 102’, 160gt, Cayman Island registry, Captain Ferguson.

Motion: Ross/Drennen – concur with Chair Tonn’s granting of an interim 3-month exemption with the following conditions imposed: Dockside orientation at first port of entry, No Deception Pass, Duwamish Waterway or Locks – Carried.

Sailing Yacht JANICE OF WYOMING – 129’, 198gt, British registry, Captains Wilson & Anderson.

Motion: Anthony/Ross – concur with Chair Tonn’s granting of an interim 3-month exemption with the following condition imposed: Port Angeles only – Carried.

Motor Yacht DANCING HARE – 189’, 767gt, Marshall Island registry, Captains Mason & Smith.

Motion: Anthony/Hamilton – grant a 3-month exemption with the following conditions imposed: No Deception Pass or Duwamish Waterway – Carried.

Sailing Yacht CATALINA – 144’, 275gt, British Virgin Islands registry, Captains Whitney & Russell.

Motion: Ross/Anthony – grant a 3-month exemption with the following conditions imposed: No Deception Pass, Locks or Duwamish Waterway – Carried.

Motor Yacht AURORA – 120’, 414gt, Cayman Island registry, Captains Johnson & Arvidson.

Motion: Anthony/Ross – grant an annual exemption with no conditions imposed – Carried.

Pilot/Trainee Physical Examination Reports.

Motion: Hamilton/Bendixen – approve the pilot physical examination reports for Captains R.M. Gartner, P.V. Hunter, and B.W. Bouma for their annual pilot license renewals – Carried.

Motion: Bendixen/Anthony – approve the pilot physical examination report for Captain K.C. Kridler for his annual pilot license renewal with no recommendations after further discussion – Carried.

Motion: Bendixen/Ross – approve the pre licensing physical examination report for Captain M.P. Bostick – Carried.

2023-2025 Biennial Budget and Strategic Plan 2nd Draft Review. The Board received the second draft of the Strategic Plan along with the accompanying 23/25 biennial budget request. The final drafts will be on the agenda for approval at the September meeting.

BPC Executive Director Jaimie Bever explained the proposed budget and additional request for a temporary full-time position to focus solely on the 2025 rulemaking regarding ESHB 1578.

Staff had received a request from Commissioner Farrell to separate Pilotage Efficiency from the Safety objective and add it to the Public Service objective. Commissioner Bendixen expressed that she believed separating Pilotage Efficiency from Safety undermined the Board's mission to prevent the loss of human lives, loss of property and vessels, and to protect the marine environment, and that having it in multiple places sets a tone of putting efficiency above safety. Commissioner Farrell responded, via Microsoft Teams chat due to technology issues, that safety and efficiency were equal priorities of the Board and that neither should be prioritized over the other. A robust discussion followed regarding safety, efficiency, and delays as well as BPC's values as represented in the Strategic Plan.

Motion: Bendixen/Anthony – leave efficiency in the Safety section and remove it from the Public Service section. In addition, leave efficiencies and delays out the strategic planning discussions due to COVID 19 impacts on pilotage and until the Board-authorized number of 56 pilots in Puget Sound is reached – Carried.

Committee Updates.

Diversity, Equity & Inclusion Committee (DEIC)

- The BPC will once again sponsor the 2022 Women Offshore Conference, which will be held virtually between October 7 and October 14. This year's theme is Lift as You Climb. Chair Tonn encouraged Board members and staff to attend.
- Both Chair Tonn and Jaimie Bever have been following up with connections made at the Women Offshore Inclusion Summit, some of whom are interested in the joining the DEIC. The BPC is currently recruiting Board members for a steering committee to focus on exam recruitment.
- Jaimie Bever reported on the WSF Diversity Advisory Group is currently working on a code of conduct for ferry riders. This came about after some extreme customer harassment against WSF staff. This code would be extended to those riding ferries for federal pilotage.

Oil Transportation Safety Committee (OTSC)

- Jaimie Bever, OTSC Chair, reported that the tug escort risk model is running and has modeled 100,000 scenarios so far.
- No meeting is scheduled at this time although work continues with Ecology.

Pilot Safety Committee (PSC)

- Commissioner Drennen reported that the PSC met on July 28 and approved the minutes from the previous meeting, which were included in the packet materials and online under today's meeting materials.
- At the July meeting, the PSC looked at rest rule exceptions, 2nd pilot job changes, and pilot ladder forms. The retrieval lines continue to be a common theme coming in on the forms and the PSC will look at re-submitting the previous letter sent.
- The PSC has not yet scheduled their next meeting.

Vessel Exemption Committee (VEC)

- The VEC is not meeting over the summer, due to the busy season for committee members.

Confirmation of Next Regular Meeting Dates. Chair Tonn reminded everyone that the next meeting is scheduled to return to the third Thursdays at 10:00 a.m. and will be held on Thursday, September 15.

Public Comment. Chair Sheri Tonn asked for public comment. Hearing none, she adjourned the meeting at 3:20 p.m. after thanking everyone for such a spirited meeting.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Commissioner Timothy J. Farrell

Commissioner Mike Ross

Commissioner Michael Anthony

Commissioner Nhi Irwin

Eleanor Kirtley, Vice Chair

Commissioner Andrew Drennen

Commissioner Sandy Bendixen

Commissioner Jason R. Hamilton