

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

October 16, 2014

Present:

Vice Chairman: Dale Jensen

Commissioners: Elsie Hulsizer, Chuck Adams, Ned Kiley, Phil Morrell, Grant Stewart
Don Mayer, Ed Marmol

Administration: Shawna Erickson, Peggy Larson

Jonathan Ward, Peter Giese, Bud Carley, Walt Tabler: Puget Sound Pilots

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Christian Julien: Pilot Aspirant

Mary Nelson, Gary Nelson: Port of Grays Harbor

Steve Cooke: Grays Harbor Pilot

James Galvin: Puget Sound pilot candidate

Ryan White: Grays Harbor pilot candidate

Bari Bookout: Port of Seattle

Paul Tramm, Jim Tynan: USCG Sector Puget Sound

Katelyn Kinn: Puget Soundkeeper Alliance

Alex Parkman: Wilhelmsen Shipping

James Thompson: WA Public Ports Association

Shannon White, Loren Lee: Public

PUBLIC HEARING

A public hearing of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Vice Chairman Dale Jensen in the Alki Conference Room at 2901 Third Avenue, Seattle, Washington.

WAC 363-116-185: PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. RCW 88.16.035(4) requires the Board of Pilotage Commissioners to annually fix pilotage tariffs. Financial data used in this tariff hearing includes the GHP 5-year Capital Spending Plan, the 2013 audited financial statement in addition to some current-year unaudited data as well as some late-year projected data. The filed rule as proposed by the Port of Grays Harbor reflects an effective overall increase to the tariff of 5.3%, or \$357 per pilotage job, to be charged for pilotage services in the Grays Harbor Pilotage District for the 2015 tariff year. It calls for an across-the-board increase in all charges by 5.00% except as follows: *Pension Charge* - an increase from \$362 to \$403. The revised pension charge is calculated by the Puget Sound Pilots organization who administers the Grays Harbor pension funds for retired GH pilots with service credit prior to October 2001. The filing was based on a request dated July 31, 2014 submitted by Gary Nelson, Executive Director of the Port of Grays Harbor, which details the request for rule amendments. A formal written tariff proposal was submitted on September 18, 2014. The Port's request is based on their 50% increase in pilot staff and associated training programs. Oral testimony in support of the proposal was presented by Gary Nelson for the Port of Grays Harbor and Captain Mike Moore on behalf of the Pacific Merchant Shipping Association. Written comments from PMSA state their support for the requested tariff increase and appreciation for the Port's due diligence in assessing all port call costs. The public hearing was closed by Vice Chairman Jensen at 9:40 a.m.

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:45 a.m. by Vice Chairman Dale Jensen in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington.

Consideration of Preceding Hearing: WAC 363-116-185. All written and oral testimony was reviewed and considered by the Board. Motion: Adams/Hulsizer – file a new 2015 tariff as proposed and outlined above which reflects an effective overall increase to the tariff of 5.3% – Carried. The effective period of the new tariff is from 0001 hours on January 1, 2015 through 2400 hours on December 31, 2015. (9:50 a.m.)

Minutes. Motion: Marmol/Stewart – approve the September 18, 2014 Minutes as written – Carried.

OLD BUSINESS

Pilot's Report of Incident: PS Pilot Carley, Second Pilot F. Engstrom – LOCH MELFORT, 8-29-14

Hylebos Waterway, Tacoma	Commission Investigators, Capt. Ed Marmol and Ned Kiley completed their investigation and submitted their written report. A video presentation was given illustrating the events. Capt. Carley was present for questions from the Board. <i>Analysis/Findings of Cause:</i> A boathouse sustained damage when the starboard bow of the ship came to rest against it. The primary cause of the allision was loss of control of the ship's bow when the brake on the tow winch on the forward tug failed.	<u>Motion:</u> Mayer/Marmol File as an Incident with damage and no pilot error – Carried with Commissioner Stewart opposed.
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Pilot's Report of Incident: PS Pilot J.K. Ward – OVERSEAS BOSTON, 9-8-14

Pilot boarding area in Port Angeles	Commission Investigator, Captain Ed Marmol completed his investigation and submitted his written report. <i>Analysis/Findings of Cause:</i> The magnetic device designed to attach the pilot ladder to the side of the ship was altered by OSG which decreased its holding capacity to less than 50% of the manufacturer's intended usage. While boarding the vessel, a falling piece of the pilot ladder anchor magnet struck the pilot.	<u>Motion:</u> Marmol/Adams File as an Incident with pilot injury and no pilot error – Carried.
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Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as provided in WAC 363-116-065. Shawna Erickson displayed spreadsheets for review and discussion regarding pilot assignment history. Both Mike Moore and Walt Tabler spoke to the substantial drop in September vessel traffic. October data will help determine if this is a trend or an anomaly. This item will be on the next meeting agenda for discussion and possible resolution.

From 10:16 until 10:40 a.m. all meeting attendees participated in an earthquake and evacuation drill.

NEW BUSINESS

BPC Staff Report.

- A CR-102 Continuance was filed for the public hearing to re-open on December 16th concerning WAC 363-116-082: Limitations on New Pilots. The Quinault Indian Nation has requested a meeting with Board representatives in order to better understand the positions of all parties concerned. No date has yet been set. This proposal pertains only to new Grays Harbor pilots.
- Captain Richard McCurdy took his last pilotage assignment on September 30 with the intent to retire after 22+ years of service as a Puget Sound Pilot.
- Captain Chris Larson did not renew his state license on October 1 with the intent to retire after 18 years of service as a Puget Sound Pilot.
- The Board has received the letter sent by Captain Stuart Mork, Puget Sound pilot, to the Governor to which the response was shared with the Board last month. Captain Mork voiced his opinions on what improvements could be made by the Governor concerning the safe movement of vessels in Washington waters.
- A workload analysis is underway by staff to determine a solution for the overwhelming project-list and increase in day-to-day administrative duties.
- Month-end spreadsheets of PS pilot data were distributed.

A CLOSED SESSION was called from 12:30 to 1:30 p.m. to review the training programs for Captains Ryan White and James Galvin. In attendance were Commissioners Jensen, Hulsizer, Adams, Kiley, Morrell, Stewart, Mayer and Marmol; Captain White, Captain Galvin and Captain Cooke; Shawna Erickson and Peggy Larson. Regular session was convened by the Vice Chairman immediately following closed session.

Review and Consideration of Licensure of GHPD Pilot Trainee: Captain Ryan M. White. On behalf of the Trainee Evaluation Committee (TEC) Commissioner Mayer reported that after a thorough review of Captain White's complete Training Program the TEC unanimously reports that he has successfully completed the first three shipboard sections of his Training Program Agreement, as detailed in its letter to the Board dated October 16, 2014. Motion: Mayer/Marmol - in addition to the TEC's unanimous recommendation, the Board finds Captain Ryan White suitable for licensing and that Chairman Dudley be empowered to issue Washington state pilot license #17 to him upon satisfactory completion of PPU

Training – Carried. Motion: Marmol/Adams – approve the “Portable Pilot Unit (PPU) Training Addendum” to his Training Program Agreement by including a new “*Section 4 – PPU Training*”, naming Captains Marmol and Mayer as Board-designated representatives of the TEC, and offering Captain White a one-time additional training stipend of up to \$2,400 – Carried. His licensure will increase the number of licensed pilots in the GHPD to 3.

Review and Consideration of Licensure of PSPD Pilot Trainee: Captain James T. Galvin. On behalf of the Trainee Evaluation Committee (TEC) Commissioner Mayer reported that after a thorough review of Captain Galvin’s complete Training Program the TEC unanimously reports that he has successfully completed the first three shipboard sections of his Training Program Agreement, as detailed in its letter to the Board dated October 16, 2014. Motion: Hulsizer/Adams – in addition to the TEC’s unanimous recommendation, the Board finds Captain James Galvin suitable for licensing – Carried. Motion: Adams/Stewart – upon confirmation that two PS pilots will soon retire, empower Chairman Dudley to issue Washington state pilot license #192 to Captain Galvin upon satisfactory completion of PPU Training and presentation of his completed federal pilotage requirements – Carried. Motion: Marmol/Adams – approve the “Portable Pilot Unit (PPU) Training Addendum” to his Training Program Agreement by including a new “*Section 4 – PPU Training*”, naming Captains Marmol and Mayer as Board-designated representatives of the TEC, and offering Captain Galvin a one-time additional training stipend of up to \$2,400 – Carried. His licensure will bring the number of licensed pilots in the PSPD to 54.

Approval of Pilot License Upgrade Program. Captain David Brusco is nearing completion of his fifth license year. Motion: Hulsizer/Adams - approve the license upgrade program for Captain Brusco as drafted by the TEC - Carried.

Consideration of Request for Vessel Exemption:

Motor Yacht LATITUDE – 147’, 494 gt, Cayman Islands registry, Captain Sean Meagher
Motion: Mayer/Hulsizer - concur with Chair’s granting of a one-year exemption – Carried.

Pilot’s Report of Marine Safety Occurrence: NORWEGIAN PEARL, 9-7-14

Elliott Bay, Seattle	A gillnet fishing boat and two kayaks were drifting in the vicinity of the departing cruise ship. The gillnetter altered course but the kayaks and a speed boat remained near the ship’s bow. The ship passed within approximately 50’ of the kayakers. Port of Seattle Police arrived but gathered no identifying information.	Near Miss	<u>Motion</u> : Mayer/Marmol File as a Marine Safety Occurrence – Carried. <u>Motion</u> : Hulsizer/Mayer Notify USCG and Seattle Harbor Patrol expressing concern over lack of safety – Carried.
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Pilot’s Report of Marine Safety Occurrence: BLUE SUN, 9-18-14

Traffic lane near Buoy TC	Vessel required repairs due to a leak in a cooling water jacket. Vessel was anchored in the Hylebos Anchorage area.	Navigational Safety Concern	<u>Motion</u> : Mayer/Marmol File as a Marine Safety Occurrence – Carried.
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2014 Annual Tariff Hearings Preparation.

PSPD – Supplemental unaudited revenue and expense data based on financial information available as of 9-30-14 was reviewed. Also presented was the *Analysis of Impact of Agreed Upon Tariff Restructure on 2013 and 2014 Revenue*. This reflects what the impact would have been had the new joint tariff agreement for the first half of 2015 been in place during 2014. A CR-102 has been filed setting a public hearing for November 18, 2014 at 9:30 a.m. in the Alki Conference Room.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on October 15.
- Training Program progress was reviewed for all current trainees, Captains White, Surface, Galvin, Jensen, Lowe, Carstensen, Kelleher, Henderson, Furst and Rounds.
- Trainee Orientation for Captain Rounds was held on September 24th.
- Discussion has begun regarding another Train-the-Trainer Class.

Legislative/WAC Committee: Nothing reported.

Tariff Policy Committee: Stakeholders, without committee members, are meeting every three weeks.

Activity Reports. Gary Nelson, representing Port of Grays Harbor, Captain Jonathan Ward, representing Puget Sound Pilots, and Captain Mike Moore, representing Pacific Merchant Shipping Association, offered current and projected statistical data as well as updates on current maritime events.

Correspondence Review. Mike Moore expressed his disagreement with the statements in Captain Mork’s letter to the Governor that might infer that industry is not supporting safe operations. PMSA plans a more formal response.

Legal Update. The Board recently received a court decision in the Captain Sweeney tort case and is working with the Attorney General’s Office to determine what, if any, action it will take regarding the decision.

Confirmation of Next Regular Meeting Dates. The next two regular meeting dates were set as follows: November 18 and December 16, commencing at 9:30 a.m., at 2901 3rd Avenue, Seattle. Both meetings will be preceded by public hearings.

Review of Pilot/Trainee Physical Examination Reports. Motion: Marmol/Adams - accept the physicians’ reports for Captains P.A. Giese, D.B. Soriano and G.P. Thoreson for annual pilot license renewal; Captains J.T. Galvin and R.M. White for new pilot licensing; Captain J.L. Carstensen for annual trainee license renewal; and affirm Chairman Dudley’s action to accept Captain C.F. Rounds’ report for new trainee licensing – Carried. Captain J.K. Ward remains unfit for duty.

There being no further business to come before the Board, Vice Chairman Jensen adjourned the regular session Board meeting at 3:25 p.m.

Respectfully submitted,

Peggy Larson, Executive Director

Absent

Harry H. Dudley, Chairman

Dale R. Jensen, Vice Chairman

Commissioner Elsie J. Hulsizer

Commissioner Charles F. Adams

Commissioner Edmund I. Kiley

Commissioner Philip Morrell

Commissioner J. Grant Stewart

Commissioner Donald W. Mayer

Commissioner Edmund Marmol