

MEETING MINUTES

STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

September 13, 2007

Present:

Chairman: Harry Dudley

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

Assistant Attorney General: Susan Cruise

Administration: Peggy Larson and Judy Bell

Del Mackenzie, Walt Tabler: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Mike Moore, Jordan Royer, Peter Soles: Pacific Merchant Shipping Association

Stephen Semler: Pilot applicant

Ed Marmol, Bruce Nelson: Pilot trainees

Kathy Van Alstyne: 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.

Minutes. Susan Cruise requested that a statement she made at the last meeting relative to the funding of pension expenses be included in the minutes. Approval of the August 9, 2007 Minutes was deferred in order to give her time to submit her written statement.

OLD BUSINESS

Status Report: Pension Funding Committee. Chairman Dudley has invited representatives from PSP and PMSA to meet with him in an attempt to resolve issues concerning the funding of pension expenses. Letters regarding these issues have been received from both PMSA and PSP. The goal of this committee is to reach an agreement between the parties without having to hire a special Assistant Attorney General. The committee will schedule their first meeting as soon as possible.

NEW BUSINESS

Issuance of Pilot Training Licenses for Captain Katharine Sweeney and Captain Stephen Semler. Captains Sweeney and Semler have accepted their Board-approved training programs. It was moved by Commissioner Snyder and seconded by Commissioner Addington that the Board issue training licenses, numbered 13 and 14 respectively, allowing them to begin pilot training on October 1, 2007. The motion carried.

An EXECUTIVE SESSION was called from 9:50 a.m. to 10:15 a.m. for purposes of discussing a personnel matter. In attendance were Chairman Dudley, Commissioners C. Davis, Mackey, Hannigan, Snyder, Addington, Lee and N. Davis; 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 Trainees: Captains Bruce Nelson & Edmund Marmol. On behalf of the Trainee Evaluation Committee (TEC) Commissioner Snyder reported that after a thorough review of all *Pilot Trainee Trip Reports* submitted to the Board, the TEC unanimously recommended the issuance of a state pilot license to Captain Edmund Marmol and recommended 3 to 2 in favor of licensing Captain Bruce Nelson. It was moved by Commissioner Snyder and seconded by Commissioner C. Davis that Captain Bruce Nelson be issued a state pilot license for the Puget Sound Pilotage District. The motion failed with a vote of three in favor and four opposed. It was moved by Commissioner Lee and seconded by Commissioner Hannigan that Captain Nelson be given one additional month of training which shall include trips as prescribed by the TEC and which will be sufficient to meet the requirements for a stipend payment. The motion carried. Because the October Board meeting will most likely be postponed a couple of weeks, it was noted that if the TEC determines

that Captain Nelson be recommended for licensing following the expiration of his additional month of training and prior to the next regular meeting, it will request the Chair to call a special meeting to consider the matter. It was moved by Commissioner Snyder and seconded by Commissioner Lee that Captain Edmund Marmol be issued a state pilot license for the Puget Sound Pilotage District. The motion carried. License #171 was dated and signed today making Captain Marmol eligible for dispatch. The PSP roster is now at 55 licensed pilots.

Consideration of Petition for Vessel Exemption: Sailing Yacht *ANDROMEDA LA DEA*. A petition for vessel exemption was received regarding the foreign flagged 148', 304 gross ton Sailing Yacht *ANDROMEDA LA DEA*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements and was issued an interim exemption by Chairman Dudley on August 14, 2007, subject to final Board approval at today's meeting. It was moved by Commissioner Lee and seconded by Commissioner Addington that the Board concur with his action and issue the exemption for the *ANDROMEDA LA DEA* for three months so long as it remains in the charge of Captain Pieter Auwers. The motion carried.

Consideration of Petition for Vessel Exemption: Motor Yacht *CRACKER BAY*. A petition for vessel exemption was received regarding the foreign flagged 147', 491 gross ton Motor Yacht *CRACKER BAY*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements and was issued an interim exemption by Chairman Dudley on August 20, 2007, subject to final Board approval at today's meeting. It was moved by Commissioner Lee and seconded by Commissioner Mackey that the Board concur with his action and issue the exemption for the *CRACKER BAY* for three months so long as it remains in the charge of Captain George Allen. The motion carried.

Consideration of Petition for Vessel Exemption: Motor Yacht *ISLANDER*. A petition for vessel exemption was received regarding the foreign flagged 84', 155 gross ton Motor Yacht *ISLANDER*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements and was issued an interim exemption by Chairman Dudley on August 24, 2007, subject to final Board approval at today's meeting. It was moved by Commissioner Lee and seconded by Commissioner Addington that the Board concur with his action and issue the exemption for the *ISLANDER* for three months so long as it remains in the charge of Captain Eric Puijman. The motion carried.

Approval of Pilot License Upgrade Program for Captain John T. Scoggins. It was moved by Commissioner Snyder and seconded by Commissioner Mackey that the license upgrade letter for Captain John Scoggins be approved as drafted by the TEC. The motion carried.

Activity Reports. Gary Nelson, Executive Director, Port of Grays Harbor, reported that the activity in the District is about 35% ahead of budget; there have been 30 arrivals (60 jobs) through August; and Captain Cooke is on duty in September. In response to a question from Commissioner Hannigan, in 2006 there were 42 arrivals (88 jobs). Typically there are 2.2 jobs per arrival.

Captain Del Mackenzie, President, Puget Sound Pilots, reported that there are currently 54 active pilots including the president; there were 735 jobs in August compared to 795 the previous August, resulting in a three year August average of 743; 79 comp days were created and 63 days taken; there was one one-hour delay to an outbound vessel while waiting for a pilot to come off his rest period; Captain Jonathan Ward will be on medical leave approximately through October; and Captains Fosse and Wiley plan to retire in mid-October.

It is mutually understood by PSP, PMSA and the Board that the number of licensed pilots is currently short and the number of unrestricted pilots will become significantly short in the next five years due to pending retirements. In addition to conducting a pilot exam next year, consideration will be given to adjustments in license-upgrade procedures, training programs, and pilot dispatching procedures in order to ensure a consistent work force of fully qualified pilots.

With the recent onset of the fishing season, Captain Mackenzie spoke of one recent event involving the difficult navigation through a tribal fishing area and the frustration with having to re-establish rules

from year to year. He also reported that the construction of the Blair Waterway which began on August 15, 2007 will produce a 1500 foot turning basin by this November followed by construction of a new berth to be completed in September of 2008. This will replace the old Weyco Chip berth just north of the turning basin. TOTE will be relocated by late 2010 and NYK's berth should be ready by mid 2010. It is hopeful that PSP can continue its one-pilot assignments in this waterway during the construction.

Captain Mike Moore, Executive Director, Pacific Merchant Shipping Association reported that the Terminal 25-30 project which involves returning it to a container facility, is on hold due to dredging issues. He also pointed out some important issues like port competitiveness, new terminal start-ups like NYK and SSA, and pilot activity levels that are being watched as part of the forecasting of shipping activity in Puget Sound.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on September 12th.
- The TEC reported on the status of trainees Eric Klapperich and Gordon Wildes. Captain Klapperich has completed all of his trips in his initial evaluation and Captain Wildes has two remaining trips to make. It was moved by Commissioner Hannigan and seconded by Commissioner Addington that the TEC recommends to the Board that Captain Klapperich be approved to advance in the training program pursuant to WAC 363-116-078(5)(c). The motion carried.
- It was moved by Commissioner Addington and seconded by Commissioner Snyder that Commissioners Lee and Hannigan be appointed to form the beginning core of a special independent exam committee. The motion carried. They will begin working with Susan to draft an RFP for contracting with a third party or parties in the development of the next pilot exam.

2008 Legislative Committee:

The committee has no activity to report.

PUBLIC COMMENT PERIOD – PROPOSED CHANGES TO CHAPTER 88.16 RCW

In addition to the Board's document called "Draft #7 PL 8-31-07 Merged" Susan Cruise and Harry Dudley submitted additional new and amended sections for review and discussion. The next four hours were spent reviewing each section of RCW 88.16 and hearing stakeholder comments and Board discussion on all proposed amendments. Following Board action to accept or reject each proposal, a revised draft will be posted on the Board's web site as "Draft #8 PL 9-13-07. A final opportunity for additional stakeholder input will continue at the next regular Board meeting in October. The deadline for submittal of the final proposed Agency Request Legislation was extended to November 9, 2007.

Legal Update. Susan reported that she and a senior AAG from her office will be teleconferencing with Harry and Peggy regarding the need to submit a supplemental budget appropriation request to cover projected legal expenses during the current biennium. This request is due on October 10th.

Administrator's Report. There is a telephone meeting scheduled tomorrow with people from the Governor's Policy Office and Budget Office and Peggy Larson to discuss the Board's Agency Request Legislation. Elsie Hulsizer's appointment to the Board to replace Andy Palmer became effective on September 1, 2007. She unfortunately was unable to attend today's meeting.

Confirmation of Next Regular Meeting Date. Due to quorum issues, the next regular meeting scheduled for Thursday October 11, 2007, was postponed to Monday, October 29, at 9:30 a.m. 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 C. Davis and seconded by Commissioner Mackey that the physical examination reports for Captains D.W. Mayer, W.H. Snyder and W.E. Thorsen be accepted for annual license renewal, Captain Ed Marmol for initial licensure, and Captains Sweeney and Semler for training licensure. The motion carried. Captain J.E. Ward remains in temporary inactive status due to a medical condition.

EXTRA:

Even though the Board has previously given the TEC authority to grant a training program extension including specified trip requirements, the TEC has prepared an 18-trip extension for Captain Bruce Nelson for Board consideration today. It was moved by Commissioner Addington and seconded by Commissioner Lee that the one-month pilot training program extension outlined for Captain Bruce Nelson be approved as written. The motion carried. It was noted that if a special meeting is called in October to consider licensing Captain Nelson, it must occur no more than 45 days after the date of his physical examination in order for the physician's report to be valid.

EXTRA:

While off duty due to a temporary medical condition, Captain J.E. Ward's annual physical exam due date has passed and his license upgrade program has been suspended. Until he satisfactorily passes a physical exam he cannot return to work nor resume his license upgrade program. Also, having surpassed his license anniversary date does not automatically lift his current license restrictions for that license year. He must successfully satisfy the program requirements once he has been approved to return to active duty by the Board. It was moved by Commissioner Snyder and seconded by Commissioner Addington that staff write him a letter with regard to the status of his license, his license upgrade program, and his physical exam requirements. The motion carried. If the Board convenes a special meeting in October, it will, if necessary, address any issues that may arise in order to reinstate his license.

There being no further business to come before the Board the Chairman adjourned the regular session Board meeting at 3:45 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

Absent

Commissioner Elsie J. Hulsizer