

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

January 18, 2018

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### **CLOSED SESSION – Call to Order**

*A Closed Session of the Board of Pilotage Commissioners was convened from 10:00 a.m. to 10:30 a.m. in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to the pilot training program. In attendance were Commissioners Tonn, Kiley, Adams, Ferguson, Mayer, Marmol, Stewart, Assistant Attorney General Albert Wang; BPC staff Shawna Erickson, Jolene Hamel Jaimie Bever, and Puget Sound Pilot, and future BPC Commissioner, Captain Mike Anthony.*

### **REGULAR MEETING - Call to Order**

The regular meeting of the Board of Pilotage Commissioners was convened at 10:35 a.m. by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

#### Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

Commissioners: Chuck Adams, Scott Ferguson, Don Mayer, Ed Marmol, and Grant Stewart

Assistant Attorney General: Albert Wang

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Eric vonBrandenfels, Linda Styrk, Ivan Carlson, Mike Anthony, Jostein Kalvoy, Steve Moreno: Puget Sound Pilots

Mary Nelson: Port of Grays Harbor

Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: The Northwest Seaport Alliance

Peter Giese: Retired Puget Sound pilot

Robert Fronenbroek: Puget Sound Pilotage District trainee aspirant

Jason Mihok, Douas Dansen, and Tobias Haack: Clipper Navigation

Laird Hail: USCG-VTS

Monique Webber: Pacific Yacht Management

**Minutes.** Motion: Marmol/Adams – approve the December 7, 2017 Minutes as written – Carried.

### **BPC Staff Report.**

- The Board received notice that the Court of Appeals of the State of Washington has affirmed the decision in the Nelson case. The next step is an appeal to the State Supreme Court.
- Commissioners were reminded to submit their public disclosure forms. The submission deadline is April 16<sup>th</sup>.
- The Board will be reviewing existing incident investigation procedures at the upcoming February or March meetings.
- One of the goals going forward is to look at vessel traffic and revenue trends from year to year. Staff will be adjusting charts and graphs to better focus on these trends. The Board reviewed information pertaining to revenue and tonnage changes over the last few years.

### **BPC Chair Report.**

- Chair Tonn and Jaimie Bever have been spending considerable time in Olympia. They have been working on legislation regarding insurance for property and liability risk, which will be addressed later on in the agenda.
- Captains John Scragg and Mike Anthony, Puget Sound Pilots, were appointed to the Board. Their terms begin January 19, 2018. Neither of the public positions have been granted as of yet.
- Chair Tonn and Jaimie Bever met with the USCG last week. They discussed federal pilotage charts and exams as well as license issues. The USCG reports that captains can put their license into a suspension period for up to 10 years with a Document of Continuity. The USCG provided a tour of the VTS/JHOC facilities. The tour is available for Commissioners, who were encouraged to attend.
- Sheri reports that Grays Harbor has made a formal request for a new trainee.

**Activity Reports.** Mary Nelson representing the Port of Grays Harbor; Eric vonBrandenfels and Linda Styrk representing Puget Sound Pilots (PSP); Jordan Royer representing Pacific Merchant Shipping Association (PMSA); and Lou Paulsen representing The Northwest Seaport Alliance (NWSA) offered current and projected statistical data as well as updates on current maritime activities.

Puget Sound Pilot’s policy of board-on-arrival was recognized by the USCG as the preferred method for dispatching pilots.

**NEW BUSINESS**

**Consideration of Recommendations from Dr. Charles Czeisler Concerning Fatigue Management.**

The establishment of a Fatigue Management Committee (FMC) was proposed by Chair Tonn.

Motion: Marmol/Mayer – form a small committee consisting of members from both industry and the pilots, to review the issues and determine how to implement many of the recommendations. Nominations for the committee include: Captain Rick Kromdeen, Holland America Line, Tobias Haack, Clipper, BPC Commissioner Phil Morrell, Totem Ocean Trailer Express (TOTE), BPC Commissioner Grant Stewart, Westwood Shipping Lines (WSL), Captain Eric vonBrandenfels, Puget Sound Pilots, Captain John Scragg, Puget Sound Pilots, Captain Ivan Carlson, Puget Sound Pilots, Captain Mike Anthony, Puget Sound Pilots, Dr. Paul Darby, Board Designated Physician, a representative of the Department of Ecology/USCG (to provide technical assistance), and Sheri Tonn, BPC Chair – Carried.

The committee will meet 2-3 times over the next several months, with regular updates to the Board. Recommendations from the FMC will likely lead to RCW revisions regarding rest rules. BPC Staff will poll members to determine the date of the first FMC meeting.

**2018 Legislative Session.** The Board reviewed several impactful bills including SB 6269 Strengthening oil transportation safety and HB 2843 & SB 6443 Relating to joint self-insurance programs for property and liability risks, and the upcoming hearing schedule. Chair Tonn and Jaimie Bever have spent a good deal of time in Olympia meeting with legislators regarding these bills.

Motion: Marmol/Adams – authorize the Chair to speak on behalf of the Board in favor of HB 2843 and SB 6443 – Carried.

Jordan Royer, PMSA, reported that January 23, 2018 is Maritime Day in Olympia. The Washington Maritime Federation will be engaging in several activities promoting maritime awareness. Linda Styrk, PSP, reported that on the same day Governor Inslee will sign a proclamation declaring January 30, 2018 as the 150<sup>th</sup> Anniversary of the Pilotage Act, which will be presented to Puget Sound Pilots by the Lt. Governor during an evening reception. All BPC Commissioners are invited.

**Consideration of new BPC Vessel Exemption Petition.** The Board reviewed an updated version of the vessel exemption form. Updates were mostly of a structural nature for clarity with the addition of two requested documents: vessel insurance coverage, and Asian Gypsy Moth (AGM) Certification, if applicable.

Motion: Mayer/Kiley – approve petition as drafted with the addition of “if applicable” after the AGM requirement – Carried.

Monique Webber, Pacific Yacht Management, predicted, based on recent conversations with several yacht agents and owners, a very busy 2018 yachting season in Washington State.

**Pilot’s Report of Marine Safety Occurrence: CAP LARA, 12-7-17**

Port Angeles Harbor Anchor	Near miss, trap door malfunction. The door was secured open with a rope lashing.	<u>Motion:</u> Marmol/Kiley - File as a Marine Safety Occurrence – Carried.
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**Pilot’s Report of Marine Safety Occurrence: EVMAR, 12-17-17**

Port Angeles	Vessel had lost power due to a piston failure off the coast. Tug Denise Foss dispatched to assist vessel into anchorage. Repairs completed.	<u>Motion:</u> Marmol/Kiley - File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: *LEVERKUSEN EXPRESS*, 1-11-18**

Underway on approach to SEA berth 18-1	Failed drive unit on one tug. Cause unknown. About a half ship length from the berth the drive unit became operational again and the vessel was docked without any further issues.	<u>Motion:</u> Marmol/Kiley - File as a Marine Safety Occurrence – Carried.
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Commissioner Marmol was recognized and thanked for his excellent service to the Board, which included MSO investigation and reporting, and work on multiple committees.

**Consideration of Request for Vessel Exemption:**

**Passenger Vessel *VICTORIA CLIPPER V*** – 167', 910 gt, Cyprus registry, Captains Scott Carden, David Carney, Cabell Carr, Robert Earle, David Mayden, Jason Mihok, Andrea Tiffany and William Tiffany  
Motion: Marmol/Adams – grant an annual exemption – Carried.

**Motor Yacht *LEGEND*** – 168', 603 gt, Marshall Islands registry, Captain Egon Viljoen  
Motion: Kiley/Adams – grant a 3-month exemption. This vessel took a pilot initially to gain experience in Washington waters and is ready to come out of dry dock. – Carried.

**Committee Reports.**

**Trainee Evaluation Committee (TEC):**

- The TEC met on January 16, 2018. New trainees, Captains McGrath, Seamans and Ninburg were in attendance to discuss their upcoming training programs.
- Training Program progress was reviewed for all current trainees: Kridler, Bendixen, and Grieser.
- The TEC reviewed the need for the Board to have PPU's on hand for trainees in the Graduate Program.
- After reviewing retirement dates, the TEC recommends calling up 3 pilot trainees from the list for Puget Sound and 1 for Grays Harbor to begin training on April 1, 2018.  
Motion: Mayer/Kiley: Invite Melin, Stevens, Miller and Bozina, or others as needed, to fill the 4 positions – Carried.
- The TEC will be requiring trainees on board a vessel that has an incident to take a drug test.
- The TEC recommends the Chair continue to have authority to waive Captain White's license level as needed for him to pilot vessels in Grays Harbor up to 72,000GT. Grays Harbor will continue to notify the Chair when a waiver is necessary.  
Motion: Adams/Kiley – Grant the Chair authority to waive Captain White's license limitations up to 72,000GT – Carried.
- It was recommended that Puget Sound pilot and future BPC commissioner, Captain John Scragg be appointed Chair of the TEC.  
Motion: Mayer/Kiley – appoint Captain John Scragg as Chair of the TEC – Carried.
- Pilot retirements were reviewed. An exam will need to be held either November 2018 or January/February 2019. The TEC recommended a November 5, 2018 date after looking at all of the factors.  
Motion: Kiley/Stewart – authorize Jaimie Bever to post the RFP for the exam and finalize the exam schedule with the target date of November 5, 2018 – Carried.
- Chair Tonn asked the TEC to bring a recommendation next month regarding the sea time parameters specific to ATB vessels.

**Exam Committee:**

- A resolution was brought forth to appoint an exam committee.  
Motion: Mayer/Stewart – approve the appointment of Captains Jostein Kalvoy, Ed Marmol, Don Mayer, John Scragg, Mike Anthony, and Chair Tonn to the 2018 exam committee – Carried.
- The Washington State Marine Pilot Exam shall be joint exam, including both the Puget Sound and Grays Harbor Pilotage Districts.

**Legislative/WAC Committee:**

- A draft of WAC changes is in process.

**BPC/PSP Joint Diversity Committee (JDC):**

- The JDC will meet on January 30th, 2018 to review committee progress including outreach materials, making the exam process more accessible, and a proposal regarding diversity funding opportunities.
- The CalMaritime Women in Maritime Leadership Conference is March 2-3. Chair Tonn will moderate a panel on piloting, which will include pilots from Puget Sound Pilots, Columbia River Pilots, Columbia River Bar Pilots, and San Francisco Bar Pilots.

**Review of Pilot/Trainee Physical Examination Reports.**

Motion: Kiley/Marmol - approve the physicians' reports for Captains J.T. Kearns, A.J. Newman, G.R. Wildes, W.M. Carley, M.J. Shuler, and J.T. Scoggins for annual pilot license renewal, and Captains T.S. McGrath, A.B. Seamans, and E.P. Ninburg for new trainee licenses – Carried.

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

- February 15 – Commissioner Adams will not be present at this meeting.
- March 15 – Commissioner Kiley will not be present at this meeting.

There being no further business to come before the Board, Chair Tonn adjourned the regular session Board meeting at 12:50 p.m.

Respectfully submitted,

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Jaimie C. Bever, Executive Director

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Sheri J. Tonn, Chair

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Edmund I. Kiley, Vice Chair

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Commissioner Charles F. Adams

**Absent**

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Commissioner Philip Morrell

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Commissioner J. Grant Stewart

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Commissioner Donald W. Mayer

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Commissioner Edmund Marmol

**Absent**

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Commissioner Eleanor Kirtley

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Commissioner Scott Ferguson