

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
February 17, 2022

Regular Meeting – Call to Order

The regular meeting was called to order at 10:00 a.m. by Chair Sheri Tonn via Microsoft Teams.

Present via Microsoft Teams:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

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

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Charlie Costanzo, Travis McGrath, Eric Klapperich, Ken Grieser: Puget Sound Pilots

Gary Nelson, Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Laird Hail and Ish Looney: USCG

Lou Paulsen: The Northwest Seaport Alliance

Monique Webber: Pacific Yacht Management

Mike Haglund: Public

Ann LaRue: Public

Joel Michaelson: Pilot Candidate

Kyle Murphy: UTC

Vince Addington: General Steamship

BPC Staff Report.

- Commissioner information has been updated with the Public Disclosure Commission (PDC). The PDC filing deadline is coming up in April. Commissioners were reminded to watch for communications from the PDC.
- The state of Washington Ethics Board will be conducting a one-hour training, specifically tailored for state boards and commissions, during the BPC's regular public meeting on April 21.
- BPC staff is working on renewing the BPC's liability insurance policy, which expires April 6. Updates on that process will be provided as available.
- BPC Executive Director Jaimie Bever attended the Grays Harbor Safety Meeting last week. She reported that USCG Sector Columbia River will be moving to the USCG Marine Safety Unit in Portland, Oregon. She also inquired with the USCG regarding who should receive BPC MSO, Incident, and ladder reports for the Grays Harbor Pilotage District. The contacts, when received, will be updated in the agency's distribution lists for those forms.
- The Agate Conference Room will be getting a new audio-visual package installed, which will help the BPC to conduct hybrid meetings more effectively going forward.
- State agencies had previously planned to be reopen in January. However, the surge in omicron cases pushed that date to March 15. BPC staff will provide an updated reopening plan at the March Board meeting.

BPC Chair Report.

- Next month, Chair Tonn will be attending the Women in Maritime Leadership Conference in Vallejo, California, hosted by CalMaritime Academy. While in California she will be meeting with the San Francisco Board of Pilot Commissioners (BOPC) and looks forward to meeting with Executive Director Allen Garfinkle. The BOPC also has a new Assistant Director, who Chair Tonn is excited to meet.
- Tomorrow, Executive Director Bever and Chair Tonn will be meeting with Senator Marko Liias, new Chair of the Senate Transportation Committee, for the usual legislative session meet and greet.
- Chair Tonn acknowledged concerns regarding recent pilot delays. Only having 46 available pilots is problematic in terms of causing potential delays. The BPC anticipates licensing a few more pilots prior to cruise season. Chair Tonn proposed an offline meeting with both PMSA and PSP to strategize solutions and to minimize delays.

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

Charlie Costanzo, Executive Director Puget Sound Pilots, was excited to share that the PSP had recently approved its first Diversity, Equity, and Inclusion (DEI) Policy. He will send a copy of the policy to BPC staff for disbursement to the Commissioners.

Regarding redefining cancellations and multiple assignments, Charlie confirmed that a small WAC change, to be discussed further in the agenda, is all that is necessary. Mike Moore, PMSA, questioned if the WAC change would qualify for an emergency action. Commissioner Kirtley asked for clarification regarding if meetings, while not assignments, triggered the need for the mandatory 10-hour rest period. Captain Carlson, PSP President, responded that if a pilot could accomplish a meeting and a move within the 13-hour limit, then a meeting would not trigger a mandatory rest period. If they could not, then the meeting would trigger a mandatory rest period. The WAC change would allow for multiple revenue producing assignments within the 13-hour period.

NEW BUSINESS

Meeting Minutes.

A revised copy was issued to allow for Captain Bendixen's technical expertise in the MSO descriptions.

Motion: Farrell/Hamilton – approve the January 20, 2022, Meeting Minutes as written in the revised copy – Carried.

Committee Actions.

Trainee Evaluation Committee (TEC)

- **Consideration of Licensure of PSPD Pilot Candidate: Captain Andrew Stewart.** Chair Bendixen reported that Captain Stewart is very close to completion of his state program and federal pilotage. His licensure consideration will be on the agenda for the March Board meeting.
- **Pilot License Upgrade Program: Captains Dave Henderson & Chris Rounds.** Both Captains are nearing completion of their fifth license year. The TEC made a few changes to the upgrade letters in the TEC meeting yesterday due to vessel traffic and port calls.
Motion: Bendixen/Anthony – approve the pilot license upgrade programs for Captains Dave Henderson and Chris Rounds as recommended by the TEC – Carried
- **Stipend Policy Statement.** Last year, the TEC reviewed current stipend trip policy considering new rest rules and agreed that once the current Emergency Rule lifted, they would start the rulemaking process to lower the required maximum trip count from 18 to 14. The reduction of trips was based on rest rules and current vessel traffic. The Board reviewed a draft policy designed to lay the groundwork for the WAC change needed, which would align the 2018 Exam trainees with the 2021 Exam trainees.
Motion: Bendixen/Anthony– approve the policy statement regarding stipend trips as proposed by the TEC – Carried.
- **PPU Training: Captains Ekelmann and Mann.** Chair Bendixen reported that Captains Ekelmann and Mann are both nearing the end of their training programs and are ready to attend PPU training.
Motion: Bendixen/Drennen – approve PPU training for Captains Ekelmann & Mann and provide a one-time stipend increase up to \$2,400 for the cost of the course for both – Carried.
- COVID-19 update: All trainees continue to take appropriate precautions to stay safe while continuing to work through their training programs. There are no known cases of COVID linked to the trainees in Puget Sound and Grays Harbor. The TEC appreciates the diligence shown by the trainees.
- The TEC met yesterday and reviewed all the training programs and comments. One intervention occurred in the past month and the trainee attended the TEC meeting to discuss. He provided good feedback and lessons learned. There are ten trainees in Puget Sound and one in Grays Harbor. In Puget Sound, four trainees are in the Evaluation Phase with three nearing completion, four are in the Training Phase, and the two new trainees who started in Puget Sound on Feb 1 are in the Observation Phase.

- TEC Chair Bendixen reported that the two new trainees attended both a BPC and PSP orientation in addition to a newly required 1-day pilot transfer training course. Captain Bendixen stated that the new training was well received. She offered the Commissioners an opportunity to attend an upcoming trainee orientation session. Multiple Commissioners expressed interest. BPC staff will reach out to them as details about the next orientation are finalized.
- TEC Vice Chair Anthony reported that in January the Board voted to approve invitations to be sent to the next two candidates for the Puget Sound Pilotage District Training Program starting April 1. In the process of issuing invitations, the TEC received a letter from a candidate requesting a delay of more than 2 months, which under WAC 363-116-078 requires Board approval.
Motion: Anthony/Farrell – allow Candidate #2 on the 2021 Exam waiting list to delay entry into the training program until the next round of invitations are issued, subject to all rules under WAC 363-116-078(2A) – Carried with one abstention from Commissioner Bendixen.
- Captain Ryan Leo attended his training program orientation and started his Grays Harbor training program on February 1. He anticipated having his first section done by the beginning of March. All reports indicate he is settling in well and learning a lot from Captain D’Angelo.

Rulemaking WAC 363-116-081 Rest Period. The Pilot Safety Committee (PSC) will be introducing to the Board recommendations for changes to WAC 363-116-081 at the next BPC meeting. The rule would allow for multiple revenue producing assignments, as long as they are within a 13-hour window of time. The Board reviewed the Rulemaking Distribution Notice and draft CR101 provided in their meeting materials. The CR101 will be filed tomorrow. Following the standard rulemaking process, the rule would be in place sometime in June.

Pilot’s Report of Marine Safety Occurrence: *DEVON EXPRESS, 02/04/2022*

Underway in TSS between ‘SG’ and ‘T’ buoys	While heading toward Colvos Passage, pilot trainee called for slow ahead but pitch and speed did not increase. Engine room confirmed inability to adjust propellor pitch. Decision made with VTS to anchor in Yukon Harbor rather than continuing to Olympia. Vessel safely anchored and pilot and pilot trainee disembarked.	<u>Motion:</u> Anthony/Ross File as a Marine Safety Occurrence – Carried.
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Exemptions from Pilotage.

Passenger Vessel *SAFARI VOYAGER* – 171’, 1195gt, St Kitts registry, Captains Nelson & Clapp.

Motion: Farrell/Ross– concur with Chair Tonn’s granting of an interim annual exemption with the condition of no Deception Pass – Carried.

Pilot/Trainee Physical Examination Reports.

Motion: Farrell/Hamilton– approve the pilot physical examination reports for Captains P.L. Velarde and E.C. Klapperich for their annual pilot license renewals – Carried.

Motion: Bendixen/Farrell – approve the new trainee physical examination reports for Captains R.W. Leo and F. McMullen – Carried.

Motion: Bendixen/Farrell – approve the annual trainee physical examination reports for Captains L.R. Holland, R.T. Ekemann, and K.W. Riddle – Carried.

Currently, there are two Puget Sound pilots medically unfit for duty.

Update Regarding Mariner Credentialing Extensions Due to COVID-19. USCG MSIB 18-20 Change 5, which allowed for various extensions due to COVID-19, expired on October 31, 2021. As a result, the BPC’s policy to follow the USCG rule has also ended. BPC staff will send a reminder to all pilots that annual physicals will need to be completed before pilot anniversary dates. It is understood that significant delays in renewals remain for both MMC and Medical Certificates. Pilots and pilot trainees are encouraged to start the renewal process as early as possible.

Committee Updates.

BPC/PSP Joint Diversity Committee (JDC)

- A planning meeting is scheduled for February 28 to discuss the restructuring of the committee.

- Congratulations to PSP on their DEI Policy.

Oil Transportation Safety Committee (OTSC)

- A meeting is scheduled for March 24. The plan will be to review the charter and the next steps in upcoming work on SHB 1578. Jaimie Bever, OTSC Chair, has continued to meet monthly with the Department of Ecology and will have briefings for the committee at that meeting.

Pilot Safety Committee (PSC)

- The committee had a very fruitful last meeting, covering topics that included rest rule exceptions, pilot ladder forms, WAC language changes, workload data, and pilot efficiency. While there will not be another PSC meeting before the March Board meeting, the committee will be working through final WAC language via email.
- Both Staff and Committee Chairs are cognizant about taking pilots away from piloting to attend committee meetings, especially as cruise season approaches.

Vessel Exemption Committee (VEC)

- The VEC met on February 9 and had a very productive meeting. BPC Chair Tonn was able to attend, and work was done on future VEC recommendations at the March Board meeting.
- Captains Anthony & McGrath (PSP) and Captain Charlie Johnson (large vessel seat) have been working hard on finalizing the familiarization packet, which will go to AAG Wang for legal review.
- Another VEC meeting will be scheduled prior to the next BPC meeting.

Confirmation of Next Regular Meeting Dates. Chair Tonn reminded everyone that the next meeting is scheduled for March 17 at 10:00 a.m. via Teams.

Chair Tonn asked for public comment. Charlie Costanzo, PSP Executive Director, urged Chair Tonn and the Commission to rethink the definition of what constitutes emergency rulemaking in the case of WAC 363-116-081 and gave multiple reasons why waiting to go through the normal rulemaking process could be detrimental to both PSP and the public. It was determined that the Commissioners would take a break and go into a Closed Session to confer with Assistant Attorney General Albert Wang.

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 12:20pm to 12:55pm via Microsoft Teams to discuss legal matters relative to WAC 363-116-081 Rest Period. In attendance were Commissioners Tonn, Farrell, Drennen, Kirtley, Bendixen, Hamilton, Ross, and Anthony, Assistant Attorney General Albert Wang, and BPC staff Bettina Maki, Jolene Hamel, and Jaimie Bever.

OPEN SESSION

The Open Session of the Board of Pilotage Commissioners was reconvened by Chair Tonn at 12:55pm via Microsoft Teams.

Present via Microsoft Teams:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

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

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Charlie Costanzo: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Ann LaRue: Public

Rulemaking WAC 363-116-081 Rest Period Cont'd. Commissioner Kirtley requested, to assist in moving forward with the WAC change, that PSP provide an estimate of predicted savings in efficiency or productivity. A relationship between historical data regarding cancellations, number of assignments that were cancelled, and number of assignments that were delayed, as well as perhaps looking at those numbers of assignments that were inter-harbor moves that were not able to be joined with an inbound or outbound assignment would be helpful. Captain Carlson said he would do his best to provide the positive impacts to PSP. Chair Tonn clarified that the info requested would be for the March meeting materials. The Board could proceed with the public notice process to run parallel with an emergency rule vote. BPC staff will send proposed language to the Pilot Safety Committee today to prepare for the March meeting.

Jaimie Bever reminded everyone that the data needs to be received by March 10. PSP responded that they would provide the info in time for the March materials.

Gary Nelson, Executive Director Port of Grays Harbor, asked for clarification of the proposed WAC language and confirmed that the language would also affect the Grays Harbor Pilotage District.

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 1:10 p.m.

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