

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
May 16, 2019

REGULAR MEETING - Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:00 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: Michael Anthony, Sara Thompson, Eleanor Kirtley, Timothy J. Farrell, Phil Morrell, John Scragg, and Rik Krombeen

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

Eric vonBrandenfels, Eric Klapperich, Linda Styrk: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Mike Moore: Pacific Merchant Shipping Association

Lou Paulsen: The Northwest Seaport Alliance

Monique Webber: Pacific Yacht Management

Laird Hail: United States Coast Guard

Blair Fassburg: Williams, Kastner, Gibbs, PLLC

Jessica Norris: Shannon & Associates

Robert Fronenbroek: Blue Seattle LLC

Eric Michael, Mark Bostick, Peter Mann: Pilot Trainee Candidates

Dale Jensen: Department of Ecology

Josh Weir: Assistant Attorney General's Office

Minutes. Motion: Farrell/Thompson – approve the April 18, 2019 Meeting Minutes as written – Carried with one abstention from Commissioner Scragg who was not present at the April 18th meeting.

BPC Staff Report.

- Jaimie Bever reminded everyone in the audience to sign in. Additionally, she advised the commissioners of an administrative change to their meeting packets.
- Individuals in the 2901 building were potentially exposed to the measles on May 7th and 9th. It was recommended that individuals consult with their physicians if there were any concerns about possible exposure.
- April data reports were provided to the commissioners and will be available after the meeting on the Board website under Meeting Materials.
- Jolene Hamel introduced successful 2018 exam candidates Captains Michael, Bostick and Mann, as well as pilot aspirant Captain Fronenbroek, who were all in attendance at the meeting.
- BPC Assistant Attorney General, Albert Wang, introduced Josh Weir. Mr. Weir, who has a maritime background, is a colleague from the AAG's office and will be assisting him with issues concerning the Board.
- On April 24th, Board staff attended the UTC hearing on the CR102 filing for pilotage tariff rule-making. The rules will go into effect sometime in June.
- Chair Tonn and Jaimie Bever have previously met with ABD Insurance to discuss the Board's need for public official's liability insurance. They will meet with ABD again next week to review received quotes.
- In November, Chair Tonn and Jaimie Bever will be attending the Pacific States/BC Oil Spill Task Force 30th anniversary meeting and the Salish Sea Shared Waters Forum. However, the forum occurs on the currently scheduled Board Meeting on November 14th. Staff will reach out to commissioners with proposed dates for rescheduling the November meeting.
- The next Puget Sound Harbor Safety Meeting is scheduled for June 4th at the Port of Tacoma, if any commissioners are interested in attending.
- Shawna Erickson will be out of the office on vacation from May 20th to June 5th.

BPC Chair Report.

- Chair Tonn and Jaimie Bever met with Amy Scarton, Assistant Secretary WSF and Nicole McIntosh new WSF Chief of Staff. It was a very positive meeting and renewed the Board

partnership with Washington State Ferries (WSF). Pilotage is now in the long-term pipeline for ferry masters, who also now have the ability to return at the same rank if they decide pilotage is not for them. They also discussed issues facing the ferries now and in the future.

- Chair Tonn and Jaimie Bever also met with the Department of Ecology in regards to the implementation of the oil spill legislation that passed in the 2019 session. Dale Jensen, Program Manager for the Spill Prevention, Preparedness, and Response Program, was present to speak about this effort later in the agenda. There are many more meetings to come.

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

From 10:30am – 11:00am all meeting attendees participated in a fire drill.

NEW BUSINESS

Approval of Pilot License Upgrade Program: Captains Brad Lowe, Jim Carstensen, Phil Hunter and Sandy Bendixen. Captains Lowe and Carstensen are nearing completion of their fourth license year, Captain Hunter is completing his second year and Captain Bendixen is nearing completion of her first year. The TEC reviewed the letters yesterday and they reflect the newly incorporated tonnage levels.

Motion: Scragg/Kiley: approve license upgrade programs for the aforementioned four pilots as drafted by the TEC – Carried.

Presentation and Q&A Regarding PSP Audited 2018 Financial Statement – Puget Sound Pilots.

Puget Sound Pilots Executive Director Linda Styrk, along with input from Jessica Norris, Shannon & Associates, presented the 2018 audited financials. A Q&A session followed the presentation.

2019 Legislative Session Wrap-Up. All three bills concerning the Board have now been signed by the Governor. HB 1431 *Addressing joint self-insurance programs for property and liability risks* was signed into law on April 17, 2019. HB 1647 *Revising the fatigue management rules for marine pilots* was signed on April 24, 2019 and ESHB 1578 *Reducing threats to south resident killer whales by improving oil transportation safety* was signed on May 8, 2019.

Dale Jensen, Program Manager for the Department of Ecology's Spill Prevention, Preparedness, and Response Program, recognized Sheri Tonn and Jaimie Bever for their efforts in helping to reach important milestones in oil transportation legislation. Dale mentioned that he is a former BPC commissioner and that he looks forward to continued partnership with the Board. He also highlighted some of the tasks laid out in the legislation. Chair Tonn added that one of the big challenges for the Board was the plan of implementation for Rosario Strait and connected waterways mandatory tug escorts, which go into effect in September of 2020. She also discussed plans for definitions and document sharing, and upcoming timelines.

Implementation of Engrossed Substitute House Bill 1160.

The Transportation Budget Bill (ESHB 1160), signed by Governor Inslee, enacted specific provisions under which the BPC must obtain revenue from Puget Sound Pilots and the shipping industry in order to make payments toward self-insurance liability premium expenditures. Jaimie Bever reported the need to adopt an emergency rule to amend WAC 363-116-301 New Revenue Collection in order to update the rule with ESHB 1160 conditions and directives; a regular rule making process will follow.

Motion: Morrell/Kiley: Approve the drafted language for a CR103E Emergency Rule in order to comply with the legislative intent through the passage of ESHB 1160 – Carried.

Consideration of Request for Vessel Exemption:

Motor Yacht *Mea Culpa*– 138', 302 gt, Cayman Island registry, Captain Christopher Grant.

Motion: Kiley/Kirtley – concur with Chair's granting of an annual exemption renewal – Carried.

Sailing Yacht *Tamsen* – 172’, 463 gt, Cayman Island registry, Captain Richard Catlett.

Motion: Kiley/Farrell – grant an annual exemption renewal – Carried.

Motor Yacht *Solaia*– 131’, 427 gt, Cayman Island registry, Captains Ian Boxshall and Peter Grubb.

Motion: Farrell/Kiley – grant an annual exemption renewal – Carried.

Sailing Yacht *The Aquarius* – 151’, 302 gt, Malta registry, Captains Mark Welch & Chris Callahan.

Motion: Kiley/Farrell – grant an annual exemption with the provision that the vessel must take a pilot orientation on first trip in and refrain from Deception Pass – Carried.

Motor Yacht *Pioneer* – 151’, 499 gt, Cayman Island registry, Captain Gareth Nicholls.

Motion: Farrell/Kiley – grant an annual exemption with the provision that the vessel must take a pilot orientation on first trip in – Carried.

Sailing Yacht *Malaika* –79’, 61 gt, Malta registry, Captain Ryan Gibson.

Motion: Kiley/Thompson – grant an annual exemption with the provision that the vessel must take a pilot orientation on first trip in and refrain from both Deception Pass and the Hiram Chittenden Locks – Carried.

Pilot’s Report of Marine Safety Occurrence: *GREEN BAY, 04-16-2019*

Underway, Sierra buoy off Dungeness Spit	Lost power twice and was required by the Coast Guard to be escorted to Tacoma. The vessel was escorted by tug <i>Protector</i> and detained by the USCG.	<u>Motion:</u> Anthony/Kiley File as a Marine Safety Occurrence – 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. The Board received two submissions: one from PSP and one from PMSA. Chair Tonn invited each interested party to give a brief opening statement regarding their submittals. Blair Fassburg, attorney for PSP and Captain Mike Moore, PMSA, presented their submittals. A lengthy Q&A followed the presentations. At the end of the Q&A, Chair Tonn requested that commissioners who still had questions to submit them in writing for submittal to the interested parties. A full transcript of the Q&A session will be available in the official record on the Board’s website found at <https://pilotage.wa.gov/rcw-wac.html>.

Discussion Concerning Grays Harbor Pilotage. Grays Harbor pilot trainee Captain Kaha’i Wodehouse resigned from the training program in early March 2019. The Board is working with the Port of Grays Harbor on establishing a new trainee in the district. Mike Folkers added that the Port is working through lessons learned in preparation for the next trainee, which includes communication protocols, and that they are updating their operating procedures. He also confirmed that the Port is still requesting a trainee, resulting in three active pilots in Grays Harbor to cover future business in the pipeline.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met on May 15, 2019 and reviewed training progress for all current trainees: Kridler, Ninburg, Seamans, Miller, Melin, Bozina, Siddell, Velarde, Hannuksela, McGourty, and Knutsen. There was nothing significant to report and no interventions. There are currently 11 trainees in the program: 5 in the evaluation phase, 3 in the training phase, and 3 in the observation phase. It is anticipated that one trainee will be ready for licensing in June with 2 more in August.
- The TEC would like approval to send Captain Adam Seamans through PPU training, as he intends to be completed with his program and approved for licensure in June.
Motion: Scragg/Anthony – Approve the PPU training for Captain Seamans and provide additional one-time stipend for the training – Carried.
- The TEC recommends 16 optional training trips to the Puget Sound Pilotage District training program to assist with trip availability due to the high volume of trainees in the program and vessel traffic reductions, and to provide options for more training before the Evaluation Phase of the program. The Board reviewed a draft policy statement provided by the TEC and discussed the language with the Board’s AAG. Jaimie Bever added that following the adoption of the policy statement, the training program WAC will be opened and revised through the standard rule-making process.
Motion: Scragg/Kiley – Approve proposed policy statement as drafted by the TEC – Carried.
Motion: Scragg/Kiley – Approve the 16 optional training trips in the Puget Sound training program as – Carried.
- The TEC requested a brief Closed Session to discuss the progress of one of the trainees.

BPC/PSP Joint Diversity Committee (JDC):

- Chair Tonn and Linda Styrk, PSP, co-chairs of the JDC will be meeting soon to look at the direction of the committee for 2019. Commissioner Farrell requested an invitation to the next meeting.

Fatigue Management Committee (FMC):

- The FMC will be meeting on Thursday May 23rd from 9-11 to start work on rule making.

Commission Investigative Committee (CIC):

- No updates to report.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Kiley – approve the physicians’ reports for Captains D.L. Shaffer, J.E. Kalvoy and S.D. Semler for annual pilot license renewal – Carried.

Motion: Kiley/Scragg – approve the physician’s report for Captain T.M. Bozina for annual trainee license renewal – Carried.

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

- June 20 –Agate Conference Room
- July 18 – Agate Conference Room
- August 15 – Meeting likely to be held in Grays Harbor, more information coming soon

Chair Tonn inquired if there were any public comments regarding the previous discussion concerning setting the number of pilots in the Puget Sound Pilotage District. Hearing none and there being no further public business to come before the Board, Chair Tonn adjourned the Board meeting at 2:45pm to go into Closed Session.

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 2:45pm to 3:20pm in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to training issues. In attendance were Commissioners Tonn, Farrell, Thompson, Kirtley, Kiley, Krombeen, Morrell and Anthony, Scragg, Assistant Attorney General Albert Wang, BPC staff Shawna Erickson, Jolene Hamel, and Jaimie Bever.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Edmund I. Kiley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Eleanor Kirtley

Commissioner Sara Thompson