

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
May 19, 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), Andrew Drennen (U.S. Shipping), Nhi Irwin (Ecology)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Eric Klapperich, Charlie Costanzo: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Laird Hail, Nate Menafee: USCG

Lou Paulsen, Lindsay Wolpa: The Northwest Seaport Alliance

Monique Webber: Pacific Yacht Management

Mike Haglund: Public

Ann LaRue: Public

Eric Brickenstein: Public

Peter Mann & Family: PSP Licensure Candidate

Joel Michelson, Harlow Wood: Pilot Candidates

Chair Tonn opened the meeting and announced that the BPC would be going into Closed Session from 10-10:30am rather than at the close of the meeting due to Commissioners' schedules.

CLOSED SESSION – Call to Order

A Closed Session of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn via Conference Call and Microsoft Teams to discuss matters concerning a trainee in the pilot training program.

Present via Conference Call or Microsoft Teams:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Jason R. Hamilton (Public), Sandy Bendixen (Pilot), Mike Anthony (Pilot), Nhi Irwin (Ecology), Andrew Drennen (U.S. Shipping), Timothy J. Farrell (Public)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Regular Meeting – Call to Order

The regular meeting was returned to session at 10:35 a.m. Chair Tonn asked if there were any motions to be heard from the Closed Session.

Motion: Farrell/Hamilton – terminate Captain Forest McMullen's training program based on his failure to maintain the minimum federal licensure required by RCW 88.16.090 and WAC 363-116-078(14)(a) – Carried.

There was no public comment regarding this motion. Chair Tonn referenced a process outlined in the training program agreement regarding potential next steps.

BPC Staff Report.

- The prohibition on in-person public meetings in Washington State will be lifted as of June 1, 2022. The BPC will consider the future hybrid meetings of the Board and the Board's committees with this information in mind.
- May 18 marked the first International Women's Maritime Day.
- Next month, the BPC will transition to a cruise season meeting schedule, which means the June, July, and August meetings will occur on a Tuesday at noon. The meeting schedule on the BPC website contains details regarding dates.
- The BPC office will be closed on Monday June 20 in the inaugural observance of Juneteenth.

- BPC Program Analyst Bettina Maki provided and commented on the dashboard view of Puget Sound Pilots' monthly activity report.

BPC Chair Report.

- Chair Tonn reported her updates would occur throughout the agenda items.

Activity Reports. Mike Folkers representing the Port of Grays Harbor (PGH), Mike Moore representing Pacific Merchant Shipping Association (PMSA), Laird Hail representing the United States Coast Guard (USCG), Ivan Carlson representing Puget Sound Pilots (PSP), and Lou Paulsen and Lindsay Wolpa representing The Northwest Seaport Alliance (NWSA) offered current and projected statistical data as well as updates on current maritime issues and activities. Lou informed the Board that this was his last meeting as he plans to retire at the end of June. He introduced Lindsay Wolpa, who will be representing the NWSA at future meetings. The Board thanked Lou for the valuable information he has shared and wished him the best in his well-earned retirement.

PSP President Captain Ivan Carlson reported on research PSP conducted regarding the impact of recent efficiency measures and delays:

- Regarding the change to WAC 363-116-081 Rest Period, in April PSP was able to pair an interport assignment with a harbor shift 9 times. The impact was that 9 pilots did 18 jobs instead of 18 pilots.
- Regarding cancellations, in 4 of the 15 reported cancellations, PSP was able to put pilots right to work, without requiring 10 hours rest between assignments.
- Regarding change in call times after 1830, this resulted in reducing 3 & Out jobs by 18 in April.
- Regarding immediate repositioning, this is not yet having the desired outcome as the inbound need matched the outbound need in April.
- Regarding the schedule change, while full implementation was not completed until April 11, PSP is seeing positive signs.
- Regarding delays, the general strategy is to reduce the reliance on comp days that stress the pilot corps when a small delay is possible. There are two reasons for this:
 - PSP has heard from 3 different fatigue experts that are very familiar with pilots across the country. They have all expressed safety concerns over the amount of work PSP are doing off watch.
 - PSP is expecting a busy summer. Asking the pilot corps to come in on their days off, to prevent a small delay, may create a problem when those pilots will be needed to prevent much larger delays.
- Of the delays:
 - Eleven vessels were going to anchor to await berth space for a total delay of 82 hours
 - Some were to avoid putting pilots into a 3 & Out situation
 - Some were to link harbor shifts
 - Some were to combine harbor shift and interport moves
 - One was to combine an area maritime security meeting with an inbound job, and
 - A number were to await a rested pilot

Commissioner Farrell thanked Captain Carlson for the insightful report, which provided a fresh look into how PSP is managing daily pilot capacity level on a day-by-day basis. He added that it would be great to understand the individual drivers on those strategies around delaying for a short time to avoid a larger problem down the road and how those contributed to the 34 delays in April that averaged roughly 5 hours per delay. He encouraged PSP to continue to provide this type of information. Commissioner Kirtley echoed Commissioner Farrell's appreciation for the report and the metrics included.

Chair Tonn reported that she has requested PSP to work on a histogram regarding the duration of the delays because it sounds like most of them are 2-3 hours or less, with a few significantly longer. She talked about looking at the mean and median of the length of delay. She suspects the median is quite a bit shorter than the mean.

Commissioner Drennen commented that while the focus seems to be on not delaying cruise ships, etc., tankers should also be considered as it costs them money to be delayed and anchored.

PSP Executive Director Charlie Costanzo explained that PSP is working to balance the meetings and stressing off-watch participation. He stressed that many meetings represent fundamental work of the pilot

corps, including navigational core competency issues, and that attendance at monthly meetings is more slanted toward pilots who are off-watch. BPC Executive Director Jaimie Bever asked if that information could be included in the monthly activity reports. Charlie responded that it was possible to include more detail, including which pilots are on or off watch. Commissioner Kirtley suggested removing the ETO details in the Activity Report to help streamline the information.

NEW BUSINESS

Meeting Minutes.

Motion: Hamilton/Bendixen – approve the April 21, 2022, Meeting Minutes as written with one minor correction to page 4 in the PSC section regarding the destination of an outbound vessel – Carried.

Committee Actions.

Trainee Evaluation Committee (TEC)

- **Consideration of Licensure of PSPD Pilot Candidate: Captain Peter Mann.** On behalf of the Trainee Evaluation Committee (TEC), TEC Chair Bendixen stated that Captain Peter Mann has successfully completed all sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion of his federal licensing requirements. Commissioner Bendixen added that Captain Mann has proven to be consistent, safe, and able to pilot independently. The Board has received his TPTR Summary and all training comments.

Motion: Bendixen/Farrell – issue Captain Peter Mann state pilot license number 218 for the Puget Sound Pilotage District – Carried.

- **Pilot License Upgrade Program: Captains Gartner & Hunter.** Captain Gartner is nearing completion of his first license year and Captain Hunter is nearing completion of his fifth license year. The first-year upgrade letter has some modifications, as the TEC is working on format revisions and trip reviews.

Motion: Bendixen/Anthony – approve the pilot license upgrade programs for Captains Gartner & Hunter as recommended by the TEC – Carried

- **COVID-19 update.** The TEC has increased the minimum trips required to receive full stipend from 12 to 13. They have been monitoring the situation closely and feel now is an appropriate time to continue to turn the dial. This change will help with trainee progress through the program while also maintaining a cautious approach to COVID. Currently, trainees are not permitted on Crowley and Foss tugs for ship assist observations. Nor are they allowed on Crowley ATBs, which is integral part of the program. The TEC is working closely to get the trainees back on the ATBs. Chair Tonn asked for public comment but received none.

Motion: Bendixen/Farrell – Refile the WAC 363-116-078 Emergency Rule to maintain cautious approach to COVID while progressing trainees through the program.

- Regarding federal pilotage, the work continues with the USCG. The hope is to finish the packet soon.
- The TEC met on May 18 and reviewed all the trips and comments for both Puget Sound and Grays Harbor. There are 10 trainees in PS and 1 in GH. Trainees are progressing well. There are 2 who hope to complete their training and be ready for licensure this summer. In Puget Sound, there are 3 trainees in the Evaluation Phase, 3 in the Training Phase, and 4 in the Observation Phase. In Grays Harbor, there is 1 in the Training Phase. The TEC is reviewing a training program start date for Captain Colby Grobschmit in Grays Harbor.

Vessel Exemption Committee (VEC)

- The VEC had a very productive meeting May 11, which resulted in a Guidelines document for the BPC and petitioners to reference when considering pilotage exemptions. The Board reviewed the first draft of the document. A final draft will be presented for adoption at the June Board meeting.
- The VEC made some minor revisions to the Pilotage Exemption Petition to make the process of filling it out more streamlined and straightforward.
- The group also discussed potential WAC/RCW changes, including a restructuring of the fees.
- Chair Tonn and VEC Chair Anthony thanked the committee members for their work.

Pilot Safety Committee (PSC)

- The PSC presented the final draft of a Safety Advisory Bulletin regarding pilot transfer arrangements. After reviewing pilot ladder forms received from pilots, the PSC noticed a common theme of incorrect rigging of the retrieval line, which prompted the bulletin. Chair Tonn asked for public comment and received none.

Motion: Drennen/Hamilton – adopt the Safety Advisory Bulletin as proposed for distribution – Carried.

- The PSC met on May 3. The Board received the meeting minutes from the March 29 meeting for review. The next meeting will be in July.
- It has been 6 months since the change to require two pilots for nighttime bulker assignments coming out of Tacoma. The PSC reviewed the data and noticed the trend of the bulkers shifting their departure times to a daylight transit to avoid the two-pilot assignment.
- The group also reviewed rest rule exceptions. There were zero in Grays Harbor and a couple in Puget Sound, attributed to the transition to the WAC change regarding multiple moves.
- Charlie Costanzo, PSP Executive Director, and Commissioner Bendixen spoke about a general standard of communication PSP is fostering with other pilotage groups when they see a concerning pilot transfer arrangement.

Exemptions from Pilotage. Chair Tonn thanked Monique Webber, Pacific Yacht Management, for her assistance in attempting to track down the Clipper Race vessels.

Motor Yacht HELIOS3 – 177', 776gt, Marshall Island registry, Captain Smith.

Motion: Farrell/Hamilton– concur with Chair Tonn's granting of an interim annual exemption with the following conditions imposed: No Deception Pass and must have pilot orientation cruise – Carried.

Motor Yacht CV20 -CV29 (10 Clipper Race Vessels) – 76', 50gt, Malta registry, Various Captains.

Motion: Farrell/Anthony – concur with Chair Tonn's granting of the 10 interim 3 month exemptions with the following conditions imposed: No Deception Pass, no Locks and must have pilot orientation cruise from PA through the Locks – Carried.

Motor Yacht AFTER EIGHT – 151', 498gt, Isle of Mann registry, Captains Holliss & Lindsay.

Motion: Farrell/Drennen – grant an annual exemption – Carried.

Sailing Yacht TAMSEN – 172', 463gt, British registry, Captain Catlett.

Motion: Anthony/Farrell – grant an annual exemption – Carried.

Motor Yacht CHEEMAUN– 70', 60gt, Cayman Islands registry, Captains Sanson & Piper.

Motion: Farrell/Drennen – grant an annual exemption – Carried.

Motor Yacht OSTARA – 130', 333gt, Marshall Islands registry, Captain DeBanks.

Motion: Anthony/Farrell – grant an annual exemption with the following conditions imposed: Dockside Orientation in Port Angeles – Carried.

Motor Yacht V6– 159', 568gt, Cayman Island registry, Captain Scrimshaw.

Motion: Anthony/Farrell – grant an annual exemption with the following conditions imposed: Dockside Orientation at first port of entry and No Duwamish, Locks, or Deception Pass – Carried.

Pilot/Trainee Physical Examination Reports.

Motion: Farrell/Drennen – approve the pilot physical examination reports for Captains W.J. Sliker, I.J. Carlson, D.W. Grobschmit, and J.E. Kalvoy for their annual pilot license renewals – Carried.

Motion: Drennen/ Farrell – approve the pre licensing physical examination report for Captain P.P. Mann – Carried.

Currently, there is one Puget Sound pilot medically unfit for duty. One pilot returned to duty on May 16.

Presentation Regarding PSP 2021 Audited Financial Statement – Puget Sound Pilots. Jessica Norris of Shannon & Associates, auditors for Puget Sound Pilots, gave a high-level overview of the 2021 audited financials. A Q&A followed.

Committee Updates.

Diversity, Equity & Inclusion Committee (DEIC)

- Chair Tonn met with BPC staff to review the approved positions and identified possible candidates for committee membership
- Regarding the Washington State Office of Equity's PEAR (Pro Equity Anti Racist) initiative, BPC will be partnering with Washington State Ferries going forward.

Oil Transportation Safety Committee (OTSC)

- The Board received the meeting minutes from the March 24 OTCS meeting for review. The next meeting is May 27 to review and discuss the findings of the Synopsis of Changing Vessel Traffic Trends.
- Ecology will host an introductory webinar regarding the Tug Escort and ERTV Analysis projects on June 8.

- Ecology will present to the Board an overview of their rulemaking process at the October Board meeting in preparation for the 2025 rulemaking deliverable in ESHB 1578.

Confirmation of Next Regular Meeting Dates. Chair Tonn reminded everyone that the next meeting is scheduled for June 21 at 12:00 p.m. via Teams.

Chair Tonn asked for public comment and received none. She adjourned the meeting at 1:50 p.m.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Andrew Drennen

Commissioner Mike Ross

Commissioner Sandy Bendixen

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Nhi Irwin