

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
March 20, 2020

SPECIAL MEETING – Call to Order

A special meeting of the Board of Pilotage Commissioners was convened at 1:00 p.m. by Chair Sheri Tonn.

Present:

Chair: Sheri Tonn *(by telephone)*

Commissioners: Sara Thompson *(by telephone)*, Jason R. Hamilton *(by telephone)*, John Scragg *(by telephone)*, Mike Anthony *(by telephone)*, Timothy J. Farrell *(by telephone)* and Phil Morrell *(by telephone)*

Administration: Jaimie Bever *(by telephone)*, Bettina Maki *(by telephone)*

Assistant Attorney General: Albert Wang *(by telephone)*

Eric vonBrandenfels *(by telephone)*: Puget Sound Pilots

Danny Kermod *(by telephone)*: Utilities and Transportation Commission

Gary Nelson *(by telephone)*, Mike Folkers *(by telephone)*: Port of Grays Harbor

Ned Kiley *(by telephone)*: TEC Member

Forest McMullen *(by telephone)*: GH Pilot Trainee

Pete Velarde *(by telephone)*: PSP Pilot Trainee

Joe Siddell *(by telephone)*: PSP Pilot Trainee

Matt Hannuksela *(by telephone)*: PSP Pilot Trainee

Mark Bostick *(by telephone)*: 2018 Pilot Candidate

Eric Michael *(by telephone)*: PSP Pilot Trainee

Severin Knutsen *(by telephone)*: PSP Pilot Trainee

Neil McGourty *(by telephone)*: PSP Pilot Trainee

Peter Mann *(by telephone)*: 2018 Pilot Candidate

Ryan Gartner *(by telephone)*: PSP Pilot Trainee

Discussion, Consideration and Potential Adoption of an Emergency Rule Regarding Suspension of the Pilot Training Program with Continued Pilot Trainee Stipends, as a Result of Governor Inslee's State of Emergency Proclamation 20-05 Dated February 29, 2020 concerning novel coronavirus/COVID-19. Chair Tonn provided background as to the reason for calling a Special Meeting. It came to the attention of the Board that there was concern from vessel masters regarding trainees on the bridge and potential COVID-19 exposure, especially when the vessel is outbound. In particular, there were several trainees on the bridge of a vessel on a hard-to-get trip in Bellingham. Some companies have placed restrictions on trainees being on the bridge and others are showing concern. Chair Tonn said the key was to keep the number of people the BPC is putting aboard vessels at an absolute minimum right now to reduce vectors being introduced shipboard and/or landside.

Chair Tonn, BPC staff, and the TEC explored multiple ways to accomplish the limitations of trainees aboard while still providing some flexibility, particularly for hard-to-get trips and trainee stipends due to the lack of available trips. She added that some remote training or distance learning could provide a good opportunity to continue to advance the Pilot Training Program. Jaimie Bever added that BPC staff and Chair Tonn had been in contact with the Governor's Office and Assistant Attorney General Albert Wang on the best approach considering the circumstances. It was agreed that an emergency WAC filing was the best course of action, as it would provide the most flexibility. Commissioner Scragg offered that there was concern amongst pilots as well, regarding having additional people on the bridge. Chair Tonn mentioned that a vote to adopt the proposed emergency WAC language would immediately put the TEC to work analyzing the options for trainees and language implementation.

Chair Tonn read the proposed language, WAC 363-116-078(10)(b), to the individuals on the phone. She then mentioned that due to pilot shortages in Puget Sound, trainees needed the opportunity to get through the program as expeditiously as possible.

The Board went through the language, asked questions, and identified better language choices for clarity and flexibility. Discussions included revisions to hard-to-get trip allowances and when trainees would be allowed to return to the full training program.

Commissioner Morrell asked if declining trips over the next few months would hinder the trainee's ability to finish their programs in the 36-month time frame allowed by WAC 363-116-078. Commissioner Scragg responded that the number of available Pilot Training program trips would likely be less, but it is expected that all trainees can complete their programs in less than 36 months. Commissioner Morrell asked why there were so many trainees if vessel traffic was declining. Chair Tonn responded that there were a number of pilots either not fit for duty out on medical leave or were sick, and also three mandatory retirements in 2020 as well as other retirements. She added that there was a very low number of active pilots currently available. PSP President Captain Eric vonBrandenfels mentioned that there were currently 48 licensed pilots, 43 of which who were actively working the two watches due to 5 with medical issues and pilots who took themselves out of rotation due to cold/flu symptoms. On the day of the Special Meeting, there were 28 jobs and 13 call-backs. He suggested the surges in vessel traffic were still in play, and that a surge of traffic was expected in April. He added that Puget Sound Pilots welcomed the new pilots. Phil Morrell was in favor of keeping those near completion working toward their goal. Chair Tonn reminded the Board that the current number of authorized pilot licenses in Puget Sound is 56, however she did not see how that number could be reached any time soon.

Mike Folkers, Port of Grays Harbor, wanted to confirm that there would still be flexibility in the Grays Harbor district to keep their one trainee progressing, pointing out that their district is different. Chair Tonn responded that the TEC was fully aware of the situation. Jaimie Bever pointed out that the language was intentionally written to allow for flexibility. The Board discussed the specifics of the language for statutory compliance and clarity.

Chair Tonn explained the two-step process: 1) to adopt the Emergency WAC language, and 2) to take action regarding Pilot Training Program, pursuant to the Emergency WAC language. Before the motion, she asked if there were any other public comments, particularly from the trainees on the call. TEC public member Captain Ned Kiley offered that it was typical of the Chair and the Executive Director have discretion to decide what went before the Board. He urged caution not to add additional burdens on the Board members, when there was a process of oversight in place. Commissioner Anthony pointed out that the language did not require action by the Board. Additional conversation regarding the specifics of the motions followed, including Board oversight of TEC recommendations.

Motion: Scragg/Anthony – Adopt the proposed language in WAC 363-116-363(10)(b) as an Emergency Rule – Carried.

Motion: Scragg/Anthony – Adjust the Pilot Training Program per WAC 363-116-078(10)(b) based on TEC recommendations that will be provided to the Board on a regular basis – Carried.

Chair Tonn alerted the Board of two more issues. Four pilots are due for simulator training/manned model. However, the schools that provide those services are closed. Chair Tonn suggested the Board not enforce the requirement until the pilots are able to attend those courses. She added that the same issue would apply to pilot annual physical exams, as Board-Designated Physicians are increasingly not seeing patients for routine exams. The Board could choose not to enforce the requirements at that time. There was consensus from the Board that proceeding along those lines was acceptable.

Captain vonBrandenfels gave an update regarding pilot precautions. He reported that only healthy pilots are being dispatched, pilots are taking their temperatures before assignments and logging them, they are in the process of getting a temporal scanner, and they are encouraging pilots to take the day off if they aren't feeling well. In addition, they have around 40 masks and are practicing social distancing and using outside stairs when available. They are also involved in daily Clallam County health briefings and doing rounds of sanitation at the pilot station and on the pilot boats. He extended his appreciation to the Board and TEC for their work to assist the trainees. Jaimie Bever mentioned that the Board notice regarding COVID-19 would be revised to include the responses from the pilots and that the local Coast Guard REC was now closed until further notice. Commissioner Morrell mentioned that logging temperatures is an important step and thanked the pilots.

Commissioner Scragg answered a trainee's question by confirming that the rule will take effect immediately; however, the TEC will need to meet to make recommendations regarding individual programs. Chair Tonn added that until the adjustments are made, the trainees should not be taking any trips. Captain vonBrandenfels mentioned a hard-to-get Duwamish trip necessary for a trainee close to completing their program. Chair Tonn suggested that coordination with the captain of that vessel would be necessary. She urged that captains and agents should be asked before a trainee gets onboard. Captain vonBrandenfels agreed. Commissioner Scragg asked for clarification that the program is suspended with the exception for hard-to-get trips, until the TEC can meet. Chair Tonn was comfortable with hard-to-gets as long as trainees followed the same health monitoring as the pilots. The direction will come from the Board via a letter to trainees.

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 2:15pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Absent
Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Absent
Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Sara Thompson