

MEETING MINUTES

STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

November 9, 2006

Present:

Chairman: Harry Dudley

Commissioners: Chuck Davis, Ole Mackey, Jay Niederhauser, Pat Hannigan, Vince Addington,
Craig Lee, Andy Palmer and Norm Davis

Assistant Attorney General: Susan Cruise

Administration: Peggy Larson and Judy Bell

Gary Nelson: Port of Grays Harbor/GHPD

Richard McCurdy, Bill Snyder, Walt Tabler: Puget Sound Pilots

Ron Kinsey: USCG Sector Seattle

Eric Klapperich, Katharine Sweeney: pilot applicants

Tom Paul: Eric Klapperich

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:40 a.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington.

Minutes. It was moved by Commissioner Niederhauser and seconded by Commissioner Hannigan that under "NEW BUSINESS – Discussion of Need for a Pilot's Letter of Intent to Retire" the first sentence be modified by dropping the reference to a "discrepancy in a report" and the fourth sentence be dropped, which reads "Similarly when a pilot is off duty due to a medical condition, the Board does not receive sufficient follow-up information in order to know the status of the pilot or the duration of the condition." The motion carried with a vote of six in favor, Commissioner Addington opposed and Commissioner Lee abstained. Susan Cruise asked that the dollar amount of her estimate concerning the exam appeals include the top of the range at \$175,000 based on her projections including a hearing set for November. She stated that since the hearing has been rescheduled for January, her cost estimate will be reassessed. It was moved by Commissioner Hannigan and seconded by Commissioner N. Davis that the October 12, 2006 Minutes be approved as amended. The motion carried.

OLD BUSINESS

Review and Approval of Correspondence re: MSO Report, *NORWEGIAN STAR*, 8-6-06. Based on a previous Board directive to Chairman Dudley, his draft letter to the shipping community was reviewed. It was moved by Commissioner Addington and seconded by Commissioner Niederhauser that the letter be finalized with a few suggested modifications and sent to all interested parties now and at the beginning of cruise ship season. The motion carried. The letter is intended to remind everyone of the compulsory pilotage laws in the state of Washington.

Review and Approval of Correspondence re: Incident Report, *APHRODITE*, 6-27-06. Based on a previous Board directive to Chairman Dudley, his draft letter to Puget Sound Pilot Captain Burt Knowles was reviewed. It was moved by Commissioner Palmer and seconded by Commissioner Addington that the letter be finalized with one modification approved by the Board during review. The motion carried.

Review of Interpretation of RCW 88.16.190 ~ regarding the *MISS CLAUDIA*. It was the desire of the Board to defer this discussion due to Susan Cruise's time constraints on concluding her research.

Consideration of Request to Begin Training: Captain Eric Klapperich. In a letter dated August 10, 2006 pilot applicant Eric Klapperich expressed his frustration to the Board regarding the exam review and appeal process resulting in his loss of position on the list of applicants awaiting training. His ranking went from #9 to #11 due to multiple Board reviews and scoring adjustments. Tom Paul, on his behalf, asked the Board for consideration to allow him to begin training in January when the current

applicants #9 and #10 will be starting. The Board acknowledged that, if allowed, this would be in direct conflict with the policy the Board established for purposes of conducting the exam and the review in a fair and consistent manner. The Board took no action with regard to this matter.

NEW BUSINESS

Approval of Pilot Training Programs for Captain Bruce Nelson and Captain Ed Marmol. The TEC presented two training programs for Captains Nelson and Marmol to the Board for review. It was moved by Commissioner Lee and seconded by Commissioner Mackey that the Board approve the two training programs as written by the TEC. The motion carried. Captains Nelson and Marmol have fifteen days to respond to the Board concerning the acceptance of their training programs.

Consideration of Petition for Vessel Exemption: Motor Yacht *RESOLUTE*. A petition for vessel exemption was received regarding the foreign flagged 130', 299 gross ton Motor Yacht *RESOLUTE*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements. It was moved by Commissioner Palmer and seconded by Commissioner Lee that the Board grant a three-month exemption as requested, to the *RESOLUTE* so long as it remains in the charge of Captain Stephen Fossi. The motion carried.

Pilot's Report of Marine Safety Occurrence: *HANNOVER EXPRESS*, 10-28-06. After backing the vessel out of the East Waterway from Pier 18-4 and preparing to turn in Elliott Bay, the tug *GLADIATOR* made contact with the ship. The contact was light and with no visible or apparent damage. It was moved by Commissioner C. Davis and seconded by Commissioner Mackey that this report be filed as a Marine Safety Occurrence. The motion carried.

Pilot's Report of Marine Safety Occurrence: *HANJIN BOSTON*, 10-31-06. While approaching Pier 37 for a starboard landing, the master was informed by the mate that the bow thruster had tripped off and the engineer was unable to restart it. Using the tug and the ship's main engine the pilot was able to dock the ship without further problems. It was moved by Commissioner C. Davis and seconded by Commissioner Mackey that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried. PSP will be establishing a data base relative to bow thruster failures, with an eye on certain vessels.

Committee Reports: Trainee Evaluation Committee

- The TEC met on November 8 to finalize the draft training programs for Captains Nelson & Marmol after having met with both previously.
- The TEC reported favorably on the status of trainees Grobschmit and Kalvoy.
- An e-mail will be going out to the PSP membership to gather feedback on the TEC's proposal to broaden the scoring options on the training forms.
- WAC language was examined for clarity regarding the effect a 2008 exam would have on successful applicants from the 2005 exam.
- Coordination with the USCG regarding recency requirements for license renewals is being sought for pilot trainees who need sea service credit but are in a training program.
- Draft amendments to WAC 363-116-082 have been modified and a new draft was presented to the Board which now consists mostly of housekeeping modifications. It was the consensus of the TEC and the Board not to proceed with rulemaking at this time. Further review of the draft language will be done at a future TEC meeting.
- Responses to letters from three pilot aspirants requesting the Board's review and determination of qualifications to sit for the next pilot exam have been drafted. Susan will review the drafts prior to sending them out.
- The next TEC meeting is set for January 2, 2007 which will also be the orientation session for the next two trainees ~ Captains Bruce Nelson and Ed Marmol.

Pilots' Activity Reports. Captain Richard McCurdy, President, Puget Sound Pilots, reported that there were 680 jobs this October compared to 706 a year ago for an average of 672 for the past 3 Octobers; 47 comp days were accrued and 41 comp days taken in October with October 4th being the heaviest day with 32 jobs; there were only 8 cruise ships and 255 container ships which is lower than average; two pilots remain on major medical leave ~ one with 1 month of leave left and one with 1½

months of leave left; two pilots have just returned from Port Revel for manned model training; two other pilots will be attending manned model training in Port Ashe, Australia this month; four other pilots are attending ARPA classes locally at PMI this month; Captain McCurdy just returned from the national APA conference in Orlando and learned that shipping activity is up 8-10% nationwide; the USCG is requiring all pilots to submit certain health information to them by December 27 as part of their new physical standards proposal; the Blair Waterway project has recently been completed; PSP is participating in an ad hoc committee to reexamine the Tanker Escort Standards of Care for the Harbor Safety Committee; and retired Puget Sound Pilot Captain Ken Florian recently passed away.

Gary Nelson, Executive Director, Port of Grays Harbor, reported that as of the end of October there were 27 arrivals year-to-date, 67 jobs year-to-date, and an expectation of 5 more jobs before the end of the year; and Captain D'Angelo is on duty this month.

Legal Update. This will be taken up in Executive Session at the close of the meeting to discuss the five appellants' cases regarding the 2005 pilot exam.

Administrator's Report. Peggy Larson reminded the attendees that on December 14, at 9:30 a.m. there will be a public hearing on the proposed amendments to WAC 363-116-300 regarding the stipend charges in the Puget Sound Pilotage District tariff. The agency's legislative request and supplemental budget appropriation request are in the review stage at the Office of Financial Management.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for December 14, 2006. A public hearing concerning the Puget Sound Pilotage District tariff will begin at 9:30 a.m. followed by the regular Board meeting. The hearing and meeting will be held in the Fourth Floor Rainier Conference Room, at 2901 Third Avenue, Seattle.

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner Lee and seconded by Commissioner Mackey that the physical examination reports for Captains J.A. Shaffer and D.B. Soriano be accepted for annual license renewal as well as W.A. Bundren subject to Chairman Dudley's satisfactory review of further information. The motion carried. Captains W.K. Anderson and W.A. Bock remain in temporary inactive status due to medical conditions, since May and June, 2006 respectively.

An EXECUTIVE SESSION was called from 11:55 a.m. to 1:35 p.m. for purposes of discussing litigation issues. In attendance were Chairman Dudley, Commissioners C. Davis, Mackey, Niederhauser, Hannigan, Addington, Lee, Palmer and N. Davis; Susan Cruise, Judy Bell and Peggy Larson. Regular session was reconvened by the chairperson immediately following executive session.

The Chairman adjourned the regular session Board meeting at 1:35 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Charles M. Davis, Vice Chairman

Commissioner Oliver E. Mackey

Commissioner John S. Niederhauser

Commissioner Patrick M. Hannigan

Commissioner Vincent Addington

Commissioner Craig W. Lee

Commissioner Andrew C. Palmer

Commissioner Norman W. Davis