

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
March 21, 2024

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was called to order at 09:45 a.m. by Chair Sheri Tonn via Microsoft Teams to discuss matters relative to the M/V *MATE* Incident.

Present In person:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Mike Anthony (Pilot), Sandy Bendixen (Pilot)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Puget Sound Pilots: Eric vonBrandenfels

Public: Phillip Lamphere

Present via Teams:

Commissioners: Nhi Irwin (Ecology), Jason Hamilton (Public), Tim Farrell (Public), Andrew Drennen (U.S. Shipping), Richard Firth (Foreign Flag Shipping)

REGULAR MEETING – Call to Order

The Regular Meeting of the Board of Pilotage Commissioners was called to order at 10:00 a.m. by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, WA and online via Microsoft Teams.

Present In person:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Mike Anthony (Pilot), Sandy Bendixen (Pilot)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Puget Sound Pilots: Ivan Carlson, Severin Knutsen

USCG: Laird Hail

Port of Grays Harbor: Mike Folkers

Puget Sound Pilot Licensure Candidate: Mike Mancini & Family

Present via Teams:

Commissioners: Nhi Irwin (Ecology), Jason Hamilton (Public), Tim Farrell (Public), Andrew Drennen (U.S. Shipping), Richard Firth (Foreign Flag Shipping)

Pacific Merchant Shipping Association: Mike Moore, Jordan Royer

Puget Sound Pilots: Travis McGrath, Eric Klapperich, Pat Ninburg, Mark Bostick, Peter Mann

Puget Sound Pilots Licensure Candidate: Will Kelly

Puget Sound Pilot Trainees: George Fleischfresser, Joel Michelson

American Waterways Operators: Peter Schrappen

Crowley: Grant Johnson, Paul Manzi

Department of Ecology: Sara Thompson, Haley Kennard, JD Ross Leahy

Public: Fred Felleman, Ralph & Marlene Rand

Puget Sound Pilot Retiree: Peter Giese

BPC Staff Report.

- BPC Executive Director Jaimie Bever shared details of several of the many meetings that she has been involved in since last month including a visit from the Governor's Board and Commissions staff to the BPC office, as well as meeting with the San Francisco Board of Pilot Commissioners' Executive Director Allen Garfinkle and his staff while in California to attend the annual Women in Maritime Leadership Conference hosted by CalMaritime. Next week she will be meeting with the Executive Director of the Oregon Board of Maritime Pilots, Tom Griffiths.

BPC Chair Report.

- Chair Tonn shared stories and pictures from Port of Grays Harbor Executive Director Gary Nelson's retirement party in Aberdeen, which she had attended over the weekend. She reported that it was well attended, and a good time was had by all. Gary will be missed. March 31 is his

official retirement effective date. Current Deputy Director Leonard Barnes has been appointed the new Executive Director.

- Chair Tonn and the BPC thank Patty Rubstello, who after 33 years with WSDOT and in her most recent role as Assistant Secretary, has chosen to retire to spend more time with her family. After an intense search they chose WSF Director of Operations Steve Nevey as the next Assistant Secretary. Steve shared his first message this week with WSF, which BPC staff will forward to the Board. Chair Tonn will reach out to have him attend a Board Meeting once he has settled in to his new role.

Activity Reports. Mike Moore representing Pacific Merchant Shipping Association (PMSA), Mike Folkers representing the Port of Grays Harbor (PGH), Ivan Carlson 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.

Chair Tonn reported that Lindsay Wolpa representing The Northwest Seaport Alliance (NWSA) was unable to join the meeting.

PSP President Ivan Carlson shared that he was planning on adding a trailing 12 month call back ratio into the activity report moving forward. BPC Data Analyst Bettina Maki was available for any questions on the PSP Dashboard however there were none.

UNFINISHED BUSINESS

Director of Operations for Crowley, Grant Johnson and Vice President of Asset Management for Crowley, Paul Manzi, joined virtually to discuss the issues previously reported with Tug *ARTEMIS*. They presented on the recent issues with the tug and took questions from the Board. Commissioner Bendixen suggested that the BPC share the presentation slides with all pilots and trainees.

Pilot’s Report of Marine Safety Occurrence: *MAUNAWILI (For TUG ARTEMIS)*, 1/26/2024

Underway in Commencement Bay	Tug <i>ARTEMIS</i> lost control of its port drive unit during an assist job.	Motion: Anthony/Bendixen – File as a Marine Safety Occurrence with the presentation slides included as backup documentation – Carried.
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Pilot’s Report of Marine Safety Occurrence: *SEABIRD (For Tug ARTEMIS)*, 1/30/2024

Unberthing at TEMCO	While assisting the <i>SEABIRD</i> , <i>ARTEMIS</i> operator discovered he could not increase the engine’s RPM’s above idle speed. The tug continued the ship assist safely using partial power until full power to the engines was restored.	Motion: Anthony/Bendixen – File as a Marine Safety Occurrence with the presentation slides included as backup documentation – Carried
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NEW BUSINESS

Pilot’s Report of Incident: Chair Tonn and Commissioner Anthony presented the Commission Investigation Committee’s report on the January 18, 2024 incident involving the M/V *MATE*.

Motion: Anthony/Kirtley – File as an incident with damage and with pilot error, and require the pilot, as recommended by the Commission Investigation Committee: 1) attend the next available Bridge Resource Management for Pilots (BRMP) course as provided by Puget Sound Pilots; and 2) provide to the Board, by EOB June 1, 2024, a white paper in final form of lessons learned. This white paper will be shared with the pilots and pilot trainees as information. Topics to be included in the white paper include crane safety competence and error trapping. A draft of the white paper is to be sent to Commissioners Bendixen and Hamilton for review and comment prior to submittal to the Board. – Carried, with one abstention from Commissioner Bendixen.

As part of the discussion, a second motion was also made:

Motion: Bendixen/Kirtley – establish and convene a workgroup for topics such as signage, terminal operations and procedures, and crane safety. Puget Sound pilot Captain Scott Coleman will chair and it is recommended to include pilots, Northwest Seaport Alliance, line services, terminal operators and Commissioner Kirtley – Carried.

Pilot’s Report of Marine Safety Occurrence: *NUNUI*, 2/05/2024

Underway in Seattle East Waterway	Vessel experienced an engine malfunction issue. Pilot proceeded out into Everett Harbor to stabilize the situation, await tugs, and return to the harbor. Once tug <i>PORT GARDNER</i> arrived on scene, a line was put up through the centerline and used to hold position while awaiting a larger tug. Once tug <i>SPARTAN</i> arrived on scene the vessel proceeded to shift the <i>NUNUI</i> dead ship back to Everett Terminal 3.	<u>Motion:</u> Farrell/Bendixen – File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: *PIER 7 CRANES (RJ PFIEFFER)*, 2/23/2024

Underway in Sitcum Waterway	After passing Browns Point, pilot observed two gantry container cranes in the down position at the north end of Pier 7. The two cranes were directly opposite the waterway from the intended berth of the <i>PFIEFFER</i> and extended 137.7' from the dock face into the waterway. The crane heights were 132.1' at MLLW or 126' above the waterline given the predicted height of tide at the time of docking. The presence of the boomed-down cranes was contrary to the Puget Sound Harbor Safety Plan and created an unnecessary constriction in the waterway.	<u>Motion:</u> Farrell/Drennen – File as a Marine Safety Occurrence and refer to the newly appointed workgroup to write a letter to terminal operators regarding the Harbor Safety Plan – Carried.
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Pilot’s Report of Marine Safety Occurrence: *CAP JARVIS*, 2/29/2024

Undocking in Seattle East Waterway	Vessel was departing the East Waterway in Seattle with both tugs made fast centerline. Vessel came off the dock with no issue but while attempting to put the engine astern, there was no response from the engine. Control was transferred from the starboard bridge wing to the center console in the wheelhouse and additional attempts were made with no results. Vessel stopped all movement for assessment and the engine department diagnosed the problem. After testing satisfactory, both tugs were let go and the vessel got underway for the pilot station with no further instance or interruption with the transit.	<u>Motion:</u> Farrell/Hamilton – File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: *ASIAN NAGA*, 3/07/2024

Underway, pre-docking in Everett	Upon approach into Everett Pacific Terminal, vessel lost propulsion. The vessel’s speed was being managed with the ship’s engines and assist tug as brakes. After checking stern way, the vessel was then brought alongside berth gently on azimuth without incident.	<u>Motion:</u> Farrell/Anthony – File as a Marine Safety Occurrence – Carried.
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Meeting Minutes.

Motion: Kirtley/Drennen – approve the February 15, 2024, Meeting Minutes as drafted – Carried, with Commissioner Bendixen abstaining due to her absence from that meeting.

Committee Actions.

Trainee Evaluation Committee (TEC)

- **Consideration of Licensure of PSPD Pilot Candidate: Captain William Kelly.** On behalf of the Trainee Evaluation Committee (TEC), TEC Vice Chair Anthony stated that Captain William Kelly has completed all sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training. However, he is still awaiting the receipt of his federal licensing requirements. The Board has received his TPTR Summary and all training comments. Captain Kelly started training in April 2022 and completed 296 trips.
Motion: Anthony/Kirtley – issue Captain William Kelly his state pilot license for the Puget Sound Pilotage District upon receipt of his federal license – Carried.
Motion: Hamilton/Anthony – Authorize the use of a graduate program agreement for Captain Kelly if needed while awaiting his federal endorsement – Carried.
- **Consideration of Licensure of PSPD Pilot Candidate: Captain Michael Mancini.** On behalf of the Trainee Evaluation Committee (TEC), TEC Vice Chair Anthony stated that Captain Michael Mancini has completed all sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion of his federal licensing requirements. The Board has received his TPTR Summary and all training comments. Captain Mancini started training in April 2022 and completed 295 trips.
Motion: Anthony/Drennen – issue Captain Michael Mancini a state pilot license for the Puget Sound Pilotage District – Carried with one abstention from Commissioner Bendixen.
- **Pilot License Upgrade Program: Captains Siddell & Scott.** TEC Chair Captain Bendixen reported that there are currently 19 pilots in their upgrade window and that the TEC reviewed the 2 upgrade letters for the captains listed above.
Motion: Anthony/Bendixen – approve the pilot license upgrade program for Captains Siddell & Scott as recommended by the TEC – Carried.
- **TEC Membership Update: Captain Knutsen.** TEC Chair Bendixen reported that Captain Pat Ninburg will be stepping down from the TEC leaving an open pilot seat and that Captain Severin Knutsen has stepped up to fill the absence. It was reported on and recommended at yesterday's TEC meeting. The Board thanks Captain Ninburg for his service on the TEC and welcomes Captain Knutsen.
Motion: Bendixen/Firth – approve Captain Knutsen to the TEC as recommended by the TEC – Carried.
- The TEC met yesterday and reviewed all trainee progress. With today's licensures, there are 5 trainees remaining in PS and zero trainees in GH. There are 2 trainees in Evaluation, 2 in Training and 1 in Observation. All are progressing well, and 2 trainees are expecting to be ready for licensure this Spring.
- TEC Chair Bendixen also recognized the efforts regarding federal pilotage and was thankful there have been renewed energized conversations, particularly regarding roundtrip requirements for trainees or aspirants coming to Puget Sound with lesser tonnage licenses. The TEC hopes to continue gaining momentum for renewing this recommendation as well as others that have been presented over the past years.

Oil Transportation Safety Committee (OTSC). BPC Executive Director and OTSC Chair Jaimie Bever, with support from many members of the Ecology team including JD Ross Leahy, Sara Thompson, and Haley Kennard, guided the Board through the Tug Escort Ideas and Environmental Elements for SEPA Analysis. Jaimie began by explaining that voting for Escort Ideas (Reasonable Alternatives) to include an alternative was not necessarily a vote in support of that alternative as the final rule language. A vote in support of an alternative says that a) there is information that can be learned to support decision-making by comparing this alternative to other alternatives and b) that this alternative should remain under consideration. Alternatives should be those that “could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable Alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly, or indirectly through requirement of mitigation measures” (WAC 197-11-786).

Jaimie then walked the Board through the five tug escort ideas as recommended by the Oil Transportation Safety Committee:

- *Idea 1 - Remove Rosario and waters east requirement (Pre-2020):*
Remove escort requirement for laden tank barges and ATBs over 5,000 DWT and oil tankers between 5,000 and 40,000 DWT, while not engaged in bunkering, in Rosario Strait and connected waters east.
- *Idea 2 - Maintain Rosario and waters east requirement (no change):*
Maintain escort requirement for laden tank barges and ATBs over 5,000 DWT, and oil tankers between 5,000 and 40,000 DWT, while not engaged in bunkering, in Rosario Strait and connected waters east.
- *Idea 3 - Expand 2020 escort requirements to the waters of Strait of Georgia South, and a corner of Strait of Georgia:*
Expand current escort requirement for laden tank barges and ATBs over 5,000 DWT and oil tankers between 5,000 and 40,000 DWT, while not engaged in bunkering, to the waters of Strait of Georgia South, and a corner of Strait of Georgia.
- *Idea 4 - Expand 2020 escort requirements to Haro Strait and Boundary Pass:*
Expand current escort requirement for laden tank barges and ATBs over 5,000 DWT and oil tankers between 5,000 and 40,000 DWT, while not engaged in bunkering, to Haro Strait and Boundary Pass.
- *Idea 5 - Remove requirements in Bellingham Channel and waters east:*
Remove escort requirements in Bellingham Channel and waters east for laden tank barges and ATBs over 5,000 DWT, and oil tankers between 5,000 and 40,000 DWT.

Taking into account the considerations provided by the OTSC and rulemaking team, and after Q&A, the Board vote commenced.

Motion: Kirtley/Drennen – approve Ideas 1-3 for inclusion in the SEPA analysis – withdrawn to consider each idea separately.

Motion: Kirtley/Drennen – approve Idea 1 to be included in the SEPA analysis – Carried.

Motion: Farrell/Anthony – approve Idea 2 to be included in the SEPA analysis – Carried.

Motion: Drennen/Firth – approve Idea 3 to be included in the SEPA analysis – Carried, with one abstention.

Motion: Anthony/Farrell – approve Idea 4 to be included in the SEPA analysis – Failed with 3 in favor and 6 opposed.

Motion: Farrell/Anthony – approve Idea 5 to be included in the SEPA analysis – Failed with all opposed.

Motion: Kirtley/Drennen – revisit Idea 4 as a part of the 2028 reconsideration of the rulemaking as directed by ESHB 1578 – Carried.

Jaimie then presented the Environmental Elements as recommended by the OTSC for consideration in the SEPA analysis. The elements included: Air quality and greenhouse gas emissions, water quality, plants and animals (including Southern Resident Killer Whales and marine mammals), energy and natural resources, environmental health: releases (oil spill), environmental health: noise (including underwater noise and ambient/operational noise), aesthetics, light and glare, Tribal natural and cultural resources, and transportation: vessel traffic.

Motion: Kirtley/Hamilton – approve the Environmental Elements as recommended by the OTSC in the SEPA analysis – Carried.

- Jaimie also reported that workshops are gearing back up again for late Spring. There will be an OTSC meeting prior to both a stakeholder and tribal specific workshop. In June the OTSC will have a specific meeting to consider tug capabilities.

Pilot Exam Committee (PEC)

- Training Program Manager Jolene Hamel reported that the Exam Committee had met to review a batch of applications and determined that some of the applicants qualified under WAC 363-116-0751 to sit for the April 8, 2024 Written Exam.

Motion: Bendixen/Anthony – approve candidates #s 22, 23, 24, 26, 27, 29, 30 and 31 to sit for the April 8, 2024 Written Exam per the Exam Committee's recommendation – Carried.

- At the end of the application period, the BPC reports that there were 31 applicants, with 16% of the applicants identifying from underrepresented populations.
- Jolene stated that the BPC is very pleased with all of the effort that has gone into preparing for the 2024 exam and expressed appreciation for the great deal of assistance provided by the pilots. Thanks specifically to Captains Bendixen and Leo, who had the heavy lift. Thanks also to Captains Anthony, Ninburg, Knutsen, and Kiley who worked on the application review team, and to all the pilots, Dainis & Co, and MITAGS for bringing the exam to life.
- Emails to the successful aspirants have gone out with links to the testing platform and a practice exam. They also have the option to schedule a 1-on-1 session if they have any reservations or questions about the remote proctoring procedures. There has been great feedback at these sessions thus far.
- Jolene reiterated the upcoming dates for any listening aspirants as well as the Board: Written Exam April 8, cut score April 12, emails to all candidates with their Simulator Evaluation timeslot on April 12, April 15 anonymous conference call to switch time slots, week of April 22-26 Simulator Evaluation, and cut score meeting for the Board Wednesday, May 1 at noon via Teams only. The Board's goal is to have final ranking wrapped up in May.

Pilot/Trainee Physical Examination Reports.

Motion: Firth/Drennen – approve the pilot physical examination reports for Captains D.S. Anacker, C.G. Grobschmit, D.E. Brusco, K.W. Riddle & N.T. Kelleher for their annual pilot license renewals – Carried.

Motion: Anthony/Drennen – approve the pre-licensing pilot physical examination report for Captains W.R. Kelly & M.D. Mancini – Carried, with one abstention from Commissioner Bendixen.

It was also noted that the Board had received a first draft of the new physical form that will be undergoing further revisions before coming up for a Board vote.

Exemptions from Pilotage.

Motor Yacht *DANZANTE BAY*– 164', 498gt, Cayman Island registry, Captains Mike Schott & Hans Rost.

Motion: Anthony/Farrell – concur with Chair Tonn's granting of the interim annual exemption with the conditions of limitations in geographic restricted areas for Captain Rost – Carried.

Committee Updates.

Pilot Safety Committee (PSC)

- Commissioner Drennen reported that the PSC is working to schedule the next meeting.

Vessel Exemption Committee (VEC)

- VEC Chair Anthony stated that the VEC is also working to schedule the next meeting.
- Jolene Hamel gave a quick update on the Vessel Exemption Form for 2024, which included the updated fee schedule.
- Chair Tonn inquired if there was any further information regarding the Clipper Race Around the World but unfortunately there is no new information at this time.

Diversity, Equity & Inclusion Committee (DEIC)

- BPC Training Program Manager Jolene Hamel gave a report on the MARAD's 12th Annual Women on the Water conference, hosted by Massachusetts Maritime Academy as did Commissioner Kirtley and PSP Pilot Captain Knutsen, who attended the Women in Maritime Leadership (WIML) Conference, hosted by Cal Maritime. Collectively the consensus was that it was wonderful to get an opportunity to network and sow seeds for the future. All three of them came back empowered and inspired.

Public Comment. Chair Tonn asked for public comment, but no public comment was offered.

Confirmation of Next Regular Meeting Dates. Chair Tonn reminded everyone of the upcoming meetings in April and May. The next regular meeting will be held on Friday, April 12 to set the Written Examination cut score. Then there will be a Special Meeting of the Board via Teams only on Wednesday, May 1 at noon to determine the Simulator Evaluation cut score. The May regular meeting will be back to the usual timeframe on Thursday, May 16. All meetings (excluding the Special Meeting) continue to be hybrid, and all are invited and encouraged to attend in person or online.

Adjourn. Meeting was adjourned by Chair Tonn at 1:40pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Andrew Drennen

Commissioner Richard Firth

Commissioner Sandy Bendixen

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Nhi Irwin