

**MEETING MINUTES**  
**STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS**  
**March 18, 2021**

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**CLOSED SESSION – Call to Order**

A Closed Session of the Board of Pilotage Commissioners was convened at 9:00 a.m. by Chair Sheri Tonn via Conference Call and Microsoft Teams to discuss legal matters.

**Present via Conference Call or Microsoft Teams:**

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Jason R. Hamilton (Public), John Scragg (Pilot), Mike Anthony (Pilot), Rik Krombeen (Foreign Shipping), Dale Jensen (Ecology), Andrew Drennen (U.S. Shipping), Timothy J. Farrell (Public)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

**PUBLIC HEARING – Call to Order**

A Public Hearing concerning WAC 363-116-081 Rest Periods for Pilots was convened at 10:00 a.m. by Chair Sheri Tonn via Conference Call and Microsoft Teams.

**Present via Conference Call or Microsoft Teams:**

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Jason R. Hamilton (Public), John Scragg (Pilot), Mike Anthony (Pilot), Rik Krombeen (Foreign Shipping), Dale Jensen (Ecology), Andrew Drennen (U.S. Shipping), Timothy J. Farrell (Public)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Sandy Bendixen, Ken Grieser, Severin Knutsen: Puget Sound Pilots

Mike Folkers & Gary Nelson: Port of Grays Harbor

Mike Moore & Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen & Zack Thomas: The Northwest Seaport Alliance

Laird Hail: USCG

Robert Fronenbroek & Glen McCann: Pilot Aspirants

Vince Addington: General Steamship

Rick LaBlond: Shell

**WAC 363-116-081 Rest Periods for Pilots.** The changes to this rule are necessary due to the passage of House Bill 1647 during the 2019 Legislative Session, which amended RCW 88.16.103 Mandatory Rest Periods for Pilots and became effective July 28, 2019. This new rule will codify that pilots have a mandatory rest period of at least ten hours with the opportunity for eight hours of uninterrupted sleep after the completion of an assignment. In addition, this rule defines multiple assignments within a harbor area, and codifies and defines the existing practice of Puget Sound Pilots to receive a mandatory rest period after three consecutive night assignments. This rule change is the result of the efforts and collaboration of the Board's previous Fatigue Management Committee (FMC) and the current Pilot Safety Committee (PSC), which are both comprised of pilots, industry, and Board members. The Board received one oral question from the Port of Grays Harbor Executive Director Gary Nelson seeking clarification for moves within a harbor area and how harbor area was defined. Chair Tonn closed the public hearing at 10:05 a.m.

**REGULAR MEETING – Call to Order**

The Regular Meeting of the Board of Pilotage Commissioners was convened immediately following the Public Hearing by Chair Sheri Tonn via Conference Call and Microsoft Teams.

**BPC Staff Report.**

- Commissioner Krombeen will go before the Senate Transportation Committee for his re-appointment hearing on March 23, 2021.
- There are two bills working their way through the 2021 Legislative Session that affect the BPC. ESSB 5395 authorizes agencies to provide state employees with office supplies, services, and

other materials necessary for employees to effectively work from home when necessary, allows agencies to reimburse employees since April 1, 2020 for additional expenditures necessarily incurred due to work from home orders due to COVID 19, requires OFM to adopt policies and procedures for the purchase or reimbursement of supplies, services, and other materials, authorizes state employees to use state internet resources outside of normal business hours during the proclaimed state of emergency for social activities that are no expense to the state, and authorizes OFM to convene a work group to study remote work and to provide recommendations regarding policies to more effectively allow state employees to work remotely. ESHB 1274 concerns cloud computing solutions regarding telecommunications and cloud consulting services.

- BPC Program Analyst Bettina Maki provided a revised data report regarding assignments per pilot, correcting a minor error made on the previous report provided to the Board.

### **BPC Chair Report.**

- Chair Tonn and Jaimie Bever participated in Cal Maritime's annual Women in Maritime Leadership Conference held virtually on March 4<sup>th</sup> and 5<sup>th</sup>. Chair Tonn encouraged attendance at next year's conference, especially if it is again held virtually.
- Chair Tonn and Jaimie Bever will be meeting with House Transportation Committee Chair Representative Jake Fey next week to discuss the BPC budget, the Governor's Office of Equity, and how the BPC can be involved in the statewide equity initiative.

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

Chair Tonn mentioned a recent allision of an empty barge into the docks of private properties just north of Gig Harbor, adding that there was no pilot on board the tug or involved in the incident. She asked Captain Hail to provide some additional information. He responded that because of the ongoing investigation, he was limited in what he could say. He did say that the tug operator appeared to have fallen asleep prior to the allision.

Captain Ivan Carlson, PSP, reported that PSP Executive Director Linda Styrk is no longer with PSP and that they are in the process of assessing their future office/administration needs.

Zack Thomas, Director Operations Service Center, NWSA, gave a presentation to the Board regarding the Seaport Alliance's efforts to develop a port community system. Slides from this presentation can be found in the meeting materials on the BPC's website at <https://pilotage.wa.gov/2021---2022.html>.

### **NEW BUSINESS**

#### **Consideration of Previous Hearing Regarding WAC 363-116-081: Rest Periods for Pilots.**

Motion: Kirtley/Drennen – adopt the WAC changes as proposed – Carried.

#### **Meeting Minutes.**

Motion: Farrell/Hamilton – approve the February 18, 2021 meeting minutes as drafted with a minor revision proposed by Commissioner Scragg to change PMI to MITAGS-West – Carried.

#### **Committee Actions.**

##### **Exam**

- **Consideration of Exam Applicant Qualifications.** A 2021 Marine Pilot Exam applicant appeared before the Board to address the concerns over his qualifications. The Exam Committee determined that he did not qualify due to insufficient sea service. The applicant made an opening statement and answered questions from the Board.

Motion: Anthony/Krombeen – affirm the Exam Committee's conclusion that the applicant's sea service does not meet the qualifications of WAC 363-116-0751 and deny the applicant's acceptance to the exam – Carried.

Chair Tonn thanked the applicant for coming before the Board while acknowledging the results. She encouraged him to work on his sea time and to apply again in the future. She added that the

Board's decision was taken very seriously and acknowledged that the bar is very high on sea time qualifications, as well as the exam process. The applicant encouraged the Board to reconsider revising the tonnage limitations. Chair Tonn responded that the Board typically re-examines qualifications prior to an exam.

- **Consideration of Exam Applications.** The committee met again on March 8 and reviewed 17 applications. The committee determined that 16 applicants qualified under WAC 363-116-0751 to sit for the April 5, 2021 Written Exam. One applicant did not have enough qualifying sea time. The total number of applicants approved to take the Written Exam is 37.  
Motion: Scragg/Anthony – approve the 17 qualified applicants to sit for the April 5, 2021 Written Exam per the Exam Committee's recommendation – Carried.
- The simulation development phase was completed this month. A preparation session for the Simulator Evaluators will happen on April 11 with the Simulation Evaluations beginning April 12.

**Pilot's Report of Marine Safety Occurrence: AMERICAN GRACEA, 02/04/2021**

Near buoy 46	The vessel experienced a propulsion problem that led to the vessel only being able to run on "slow." Able to successfully berth vessel.	<u>Motion:</u> Scragg/Drennen File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: SEASPAN HUDSON, 02/18/2021**

Enroute to Seattle from Pilot Station	Malfunctioning cylinder pressure sensor, however, successfully able to finish voyage.	<u>Motion:</u> Scragg/Drennen File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: POLAR ADVENTURE, 02/23/2021**

Southern Rosario Strait, approaching Bell Rock	Problems with one of the seven cylinders on the port main engine led to taking that engine offline. Pilot able to anchor without difficulty.	<u>Motion:</u> Scragg/Farrell File as a Marine Safety Occurrence – Carried with one abstention from Commissioner Drennen.
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**Review of Pilot/Trainee Physical Examination Reports.**

Motion: Anthony/Hamilton – approve the physician's reports for Captains J.M. Miller, R.L. D'Angelo, S.D. Semler, and D.E. Brusco for their annual pilot license renewal – Carried.

Motion: Kirtley/Anthony – approve the physician's report for Captains R.T. Ekelmann and N.K. Moore for their annual trainee physicals – Carried.

**Consideration of New Vessel Exemption Form.** Training Program Coordinator Jolene Hamel thanked BPC Executive Director Jaimie Bever for her leadership and assistance in the development of the new form, also acknowledging that this week marks one year since BPC staff have worked together in person. Jolene then walked through the proposed revisions to the form, including emphasis on timely submission of the form, moving the fee schedule to the front page, and including specific local waterways for petitioners to check for both planned voyages and local experience of the vessel's operator. Chair Tonn suggested adding a prompt to include vessel agent, if applicable. Commissioner Krombeen suggested replacing the term "master" with "person in command". Commissioner Jensen thanked Jolene for her excellent work on the form revisions, adding that it was more readable and easier to follow.

Motion: Anthony/Farrell – approve the proposed revisions to the Vessel Exemption Form – Carried.

**ESHB 1578 Update.** The Department of Ecology presented an update on the Synopsis of Changing Vessel Traffic Trends at the February Board meeting with the intention that updates would continue to be provided monthly to the Board members via a slide deck, but not necessarily presented verbally at the Board meetings. For this meeting, the Board received an updated slide deck. If Board members have questions, they can direct those to either Jaimie Bever or Commissioner Jensen. There were no other updates. Chair Tonn complimented Commissioner Jensen's staff at Ecology, adding that they were a fantastic group to work with.

**Maritime Blue Overview.** Commissioner Eleanor Kirtley, Board of Directors Co-Vice-Chair of Washington Maritime Blue, provided a brief overview of the organization. Commissioner Kirtley provided links to the Maritime Blue website, inviting commissioners to follow along as she spoke to the mission, goals, and programs of Maritime Blue. Commissioner Kirtley suggested that newly appointed Maritime

Blue President and CEO Joshua Berger attend the next BPC meeting to discuss an open invitation to the BPC to join Washington Maritime Blue on the organizational level. A brief Q&A followed. There was positive consensus among Board members to invite Joshua Berger to the next meeting.

### **Committee Updates.**

#### **Trainee Evaluation Committee (TEC)**

- The committee met on March 17, 2021 to review trainee reports. There were no interventions. There are currently ten trainees in the Puget Sound Pilotage District. One is in the Evaluation Phase, six are in the Training Phase three are in the Observation Phase. There is trainee in the Grays Harbor Pilotage District who is currently in the Training Phase.
- Regarding Initial Route requirements, the TEC agreed that trainees must submit their application for federal pilotage on their Initial Routes while on stipend within 8 months or off stipend within 15 months of the start of their programs, in accordance with WAC 363-116-078. But that they do not need to receive their endorsements. This decision was due to COVID 19 shutdowns that occurred at the Regional Exam Center (REC) and the difficulty the trainees have had obtaining their initial route pilotage endorsements. It is also in concert with the Emergency Rule filed by the Board on WAC 363-116-078, which allows the TEC to adjust the Training Program due to the pandemic.
- The TEC discussed the current COVID 19 restriction of one trainee per vessel and the difficulty it will pose to the three new trainees in the Observation Phase. The committee agreed that up to two trainees would be allowed on a vessel unless the vessel or pilot would not allow it. They believed this small change will help trainees move through the system more easily, with minimal health risks.
- Finally, we discussed the distribution of white papers, confirming that they should be sent to pilots and trainees as lessons learned.

#### **BPC/PSP Joint Diversity Committee (JDC)**

- JDC Co-Chair Sheri Tonn reiterated that Captain Eric vonBrandenfels has agreed to co-chair the committee on behalf of PSP. In addition, Puget Sound pilot Captain Sandy Bendixen has joined the committee.
- A meeting will be scheduled soon now that transitions are in place.
- Jaimie Bever has joined and recently attended Washington State Ferries' Diversity Advisory Group (DAG) and related Recruitment sub-committee. The group is currently working on an anti-racist policy for WSF as well as a charter. She added that it was interesting listening to WSF have similar conversations as the JDC. She will share more information after the next DAG meeting. Commissioner Krombeen added that Holland America Group is embarking on a similar effort. He reiterated that they are not using the term "master" any longer. There is a complete cultural overhaul going on in the industry.
- The Board was provided with the program for Cal Maritime's 2021 Women in Maritime Leadership Conference. Co-Chair Tonn provided an overview of a few of the presenters.

#### **Oil Transportation Safety Committee (OTSC)**

- The committee will meet again in May.
- The minutes from the February meeting will be provided to the Board in the April meeting packet.

#### **Pilot Safety Committee (PSC)**

- The next PSC meeting is March 25, 2021.

#### **Commission Investigative Committee (CIC)**

- Jaimie Bever met again with the state Risk Management contract liaison to discuss the solicitation for Marine Investigation Services.

### **Confirmation of Next Regular Meeting Dates.**

- April 07 – Teams/Phone, Special Meeting to Set Written Exam Cut Score
- April 19 – Teams/Phone, Regular Meeting and to Set Simulator Evaluation Cut Score

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 12:30 p.m.

Respectfully submitted,

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Jaimie C. Bever, Executive Director

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Sheri J. Tonn, Chair

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Eleanor Kirtley, Vice Chair

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Commissioner Timothy J. Farrell

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Commissioner Andrew Drennen

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Commissioner Rik Krombeen

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Commissioner John Scragg

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Commissioner Michael Anthony

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Commissioner Jason R. Hamilton

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Commissioner Dale Jensen