

MEETING MINUTES

STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

December 8 and 12, 2005

DECEMBER 8, 2005:

CLOSED SESSION

A four-hour closed session of the Board of Pilotage Commissioners began at 9:00 a.m. for purposes of reviewing pilot examinations and review forms. In attendance were all nine Board members, the AAG and two staff.

REGULAR MEETING

Following the closed session the regular meeting was convened at 1:10 p.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington. He announced the meeting would be very brief in order to conduct necessary business and reconvene the closed session as soon as possible.

Present:

Chairman: Harry Dudley

Commissioners: C. Davis, Mackey, Niederhauser, Hannigan, Addington, Lee, Palmer and N. Davis

Assistant Attorney General: Susan Cruise

Administrator: Peggy Larson and Administrative Assistant: Judy Bell

Captains McCurdy, Coe, Kromann, Flavel, Giese and Mr. Walt Tabler: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Luis Kohls: Pacific Merchant Shipping Association

Scott Craig: Crowley Marine

Ron Kinsey: USCG Sector Seattle

Steve Jones, Jim Kearns, John Ward, Pat Kelly, George Thoreson, Bill Sliker, Ivan Carlson, David Grobschmit, Eric Klapperich, Larry Seymour, Mike Blake, Jack Bujacich, Katharine Sweeney: pilot applicants

Tom Paul: attorney with LeGros Buchanan & Paul

Deborah Senn: attorney for Katharine Sweeney

Captain Del Kelly: public

Minutes. The approval of the November 10, 2005 Minutes was deferred.

OLD BUSINESS

Pilot's Report of Incident: *APL ENGLAND, 9-10-05.* This item was deferred.

Review and Consideration of Licensure of PSPD Trainee: Captain Fred Triggs. It was noted that Captain Triggs is continuing to ride as a pilot trainee even though the term of his training program has expired. It was moved by Commissioner Niederhauser and seconded by Commissioner Addington that in view of the fact that Captain Triggs' training program as prescribed and modified by the Board is finished, the Puget Sound Pilots be notified that he is no longer able to ride for training purposes. The motion carried.

NEW BUSINESS

Pilot's Report of Marine Safety Occurrence: 11-10-05. This item was deferred.

Pilot's Report of Incident: *P & O NEDLLOYD MERCATOR, 11-18-05.* This item was deferred.

Letter of Concern: *KIRSTEN MAERSK, 11-7-05.* This item was deferred.

Establish Procedure to Admit Applicants into the Training Program: WAC 363-116-065 & 363-116-078. This item was deferred.

Pilot Examination and Review Report. The Board was unable to complete its review of the pilot exams and review forms during the closed session earlier today. As a result, the closed session will be continued and this agenda item deferred.

Establish License Upgrade Procedures. The Training Evaluation Committee is working on a license upgrade directive for Captain Vic Engstrom but is not ready at this time to present it to the Board for approval. It was moved by Commissioner Niederhauser and seconded by Commissioner Palmer that the Chair be authorized to give interim approval of the 8-trip-upgrade for Captain Engstrom subject to the Board's concurrence at the next public meeting. The motion carried.

Committee Reports:

Pilot Examination Committee. Deferred. Trainee Evaluation Committee. Deferred.

Legal Update. Susan Cruise reported that she was asked recently how many reviews an applicant would be afforded of his or her exam results. She referenced both WAC 363-116-083(2) and the Board's Policy Statement which speak to an applicant's opportunity to review their exam. In addition, there was a procedures statement prepared by the Exam Committee and staff that was distributed to each applicant with the preliminary exam scores on November 18, 2005, which also addresses the informal exam review procedures. It was moved by Commissioner Hannigan and seconded by Commissioner Mackey that two reviews be the limit allocated to each applicant. The motion carried.

Administrator's Report. Deferred.

Pilots' Activity Reports. Captain Richard McCurdy, President, Puget Sound Pilots, reported that there were 658 jobs in November compared to the 610 average for the past 3 Novembers ~ about an 8% drop which was expected without the cruise ships; two pilots just became 5-year pilots and have completed requisite training courses; two pilots are attending ARPA training at PMI; two more cranes were delivered at Pierce County Terminal in Tacoma; a recent major medical review was done at PSP which revealed that during the past 12 months 17.5 watches were missed which equates to 1.6 FTEs who were unable to work due to illness or injury; PSP has been monitoring the governor's oil spill advisory council in Olympia; and PSP will soon be rolling out a new web page.

Gary Nelson, Executive Director of the Port of Grays Harbor, reported that there were 6 arrivals and 17 jobs in November; the year-end should show about 58 arrivals and 146 jobs which is about 15% over projections; Captain Cooke has completed his first year of required license upgrade trips; and PGH is also monitoring the governor's oil spill advisory council in Olympia.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for January 12, 2006, in the Fourth Floor Conference Room, at 2901 Third Avenue, Seattle. Today's public meeting will be continued to December 12, 2005 at 3:00 p.m. Today's closed session will continue immediately following the regular meeting today and then be reconvened on December 12, 2005 at 9:00 a.m.

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner Addington and seconded by Commissioner Palmer that the annual physical examination reports for Captains M.I. Johnson, L.M. Mathisen and R. Wiley be accepted for license renewal. The motion carried.

The Chairman adjourned the regular session Board meeting at 1:35 p.m. to be continued on December 12, 2005 at 3:00 p.m. The closed session resumed today from 2:00 p.m. until 6:00 p.m.

December 12, 2005:

CONTINUED CLOSED SESSION

A six-hour closed session of the Board of Pilotage Commissioners began at 9:00 a.m. for purposes of reviewing pilot examinations and review forms. In attendance were all nine Board members, the AAG and one staff.

CONTINUED REGULAR MEETING

Following the closed session the continued regular meeting was convened at 3:35 p.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington.

Present:

Chairman: Harry Dudley

Commissioners: C. Davis, Mackey, Niederhauser, Hannigan, Addington, Lee, Palmer and N. Davis

Assistant Attorney General: Susan Cruise

Administrator: Peggy Larson

Captains McCurdy, Coe, Kromann, Flavel, Semler and Mr. Walt Tabler: Puget Sound Pilots

Luis Kohls: Pacific Merchant Shipping Association

Ron Kinsey: USCG Sector Seattle

Ed Marmol, Bruce Nelson, Bill Sliker, Jack Bujacich, Larry Seymour, Ivan Carlson, David Grobschmit, John Ward, Jamie Pelland, Eric Klapperich, George Thoreson, Pat Kelly, Mike Blake: pilot applicants

Tom Paul: attorney with LeGros Buchanan & Paul

Gary Locke: attorney

Deborah Senn: attorney for Katharine Sweeney

Vince O'Halloran, Captain Del Kelly: public

Pilot Examination and Review Report. The Board has completed its closed session reviews of all 21 pilot examinations and the review forms submitted by applicants who requested informal reviews of their written exams and simulator evaluations. It was moved by Commissioner C. Davis and seconded by Commissioner Lee that the Board, (1) adopt the results of the examination reviews conducted in accordance with WAC 363-116-083(3)(g) in closed sessions on December 8 and 12, 2005; (2) notify in writing all applicants, who requested a review, of the Board's decision regarding each review item using language developed by the Board during the closed sessions; and (3) notify all applicants of their revised scores resulting from both individual reviews and general reviews made by the Board in accordance with the grading guidelines. A motion to amend was made by Commissioner Addington and seconded by Commissioner Palmer that "Applicant L" be credited for one point instead of two points on question #57. The motion to amend failed with a vote of three in favor and five opposed. The original motion carried. It was noted that in the case where additional credit was given resulting from a review, all exams were reviewed with respect to that particular adjustment.

Establish Procedure to Admit Applicants into the Training Program: WAC 363-116-065 & 363-116-078. Training Evaluation Committee member, Captain Rob Kromann, distributed copies of a draft training program outline to the Board for review. Walt Tabler spoke about vessel traffic and number of pilots, referring to a document dated 12-7-05 which he authored and provided to the Board. Considering the number of projected retirements in relation to the safe assignment level, PSP's statistics show a need for a minimum of 4 trainees as soon as possible. Chair Dudley stated that the formal review process could affect the final ranking order of applicants and consequently the Board has the option of waiting for that process to unfold before considering the admittance of any trainees at this time. It was moved by Commissioner Hannigan and seconded by Commissioner Mackey that the top five applicants be invited to enter into training at this time. Recognizing PSP will be 6 pilots short, based on needing 55 pilots and only having 49 by May of

2006, Commissioner Hannigan believes 6 is not a manageable number considering the proposed training program regimen. A motion to amend was made by Commissioner Lee and seconded by Commissioner Addington to reduce the number to 4 applicants to enter training at this time. The motion to amend failed with a vote of two in favor and six opposed. The original motion carried with Commissioner Lee opposed. Discussion continued without resolve concerning when to add more trainees and how many to add at a time.

A letter of notification will be given to each of the top five applicants after which they have 15 days to respond concerning their entry into training.

It was moved by Commissioner Niederhauser and seconded by Commissioner Mackey to authorize Chairman Dudley to give interim approval of the training programs soon to be finalized and presented to the top five applicants subject to the Board's concurrence at the next regular meeting. The motion carries.

It was moved by Commissioner Niederhauser and seconded by Commissioner Palmer to authorize Chairman Dudley to give interim approval of all physical exam documents as stated in WAC 363-116-120 subject to the Board's concurrence at the next regular meeting. The motion carries.

At this time the statute does not address a training license fee amount so there will not be a fee charged for a training license.

Review and Consideration of Licensure of PSPD Trainee: Captain Fred Triggs. The Board has received a letter from Captain Triggs dated 12-9-05 requesting that he be removed from consideration of licensing in the Puget Sound Pilotage District. There was no discussion.

Pilot's Report of Incident: APL ENGLAND, 9-10-05. On behalf of Captain Mork, Commissioner Niederhauser requested that this item be deferred to the January 12, 2006 agenda.

Pilot's Report of Incident: P & O NEDLLOYD MERCATOR, 11-18-05. The Board has received the written report submitted by Puget Sound Pilot Captain Bill Bundren. It was explained by Commissioner Hannigan that the stern of one of the assist tugs came in contact with the stern of the ship while taking in their line, causing a minor paint scratch. The pilot wasn't aware of the incident until the ship captain was notified by the tug captain. The vessel will be inspected at its destination port in Korea. It was moved by Commissioner C. Davis and seconded by Commissioner Addington that this matter be declared an "Incident with no substantial damage known at this time and without pilot error". The motion carried.

Pilot's Report of Marine Safety Occurrence: 11-10-05. The tanker *PUGET SOUND* lost power during its transit from Port Angeles to Anacortes. The vessel was in ballast and was attended by a tug that was not an escort tug. The tanker headed back to Port Angeles, assisted by the tug, during which time the vessel regained engine power. She went to anchor and was allowed to sail the next day. It was moved by Commissioner C. Davis and seconded by Commissioner N. Davis that this report be filed as a Marine Safety Occurrence. The motion carried.

Pilot's Report of Marine Safety Occurrence: 12-4-05. The vessel *PEKING SENATOR* was approaching Hein Bank inbound for Seattle when the pilot noticed they were 30 degrees off course. VTS also noted the vessel going off course. At the time the pilot's attention was focused on some electronic equipment while the helmsman steered the vessel off course without order or the immediate attention of the pilot. It was promptly maneuvered back on course without incident. The pilot was unable to discern why the vessel went off course. The Captain of the Port, USCG, ordered a vessel boarding prior to the vessel entering Elliott Bay. The USCG is investigating the matter. It was moved by Commissioner Lee and seconded by Commissioner C. Davis that this report be filed as a Marine Safety Occurrence. The motion carried.

Letter of Concern: KIRSTEN MAERSK, 11-7-05. This item was deferred in order for Commissioner Hannigan to develop a packet of more information for presentation to the Board.

Establish License Upgrade Procedures. A draft license upgrade directive has been given to Chairman Dudley for his review. As directed at the last meeting, he will proceed with the review and approval of Captain Vic Engstrom's letter subject to the Board's concurrence at the next regular meeting.

Approval of November 10, 2005 Minutes. This item was deferred.

Committee Reports:

Pilot Examination Committee. After the meeting adjourns today, a list of all successful applicants and their scores will be distributed to those who wish to remain.

Trainee Evaluation Committee. Notification letters will be distributed to the top five applicants who will be invited into training.

Public Comments. Captain McCurdy reported that Train the Trainer classes will be offered in January and approximately 31 Puget Sound Pilots have pledged to attend.

Mr. Ron Kinsey conveyed appreciation to Puget Sound Pilot Micheal Wood for delaying the departure of the *HANJIN COPENHAGEN* due to the inebriation of several crew members. A written report from the pilot will follow.

Commissioner Comments. Commissioner Addington suggested that the Board send a letter of appreciation to Captain Bill Anderson for his participation in the simulator evaluation review process. Chair Dudley responded that he intends to acknowledge all those who participated in the entire exam process for their extraordinary contributions.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for January 12, 2006, at 9:30 a.m. in the Fourth Floor Conference Room at 2901 Third Avenue, Seattle.

Review of Pilot Physical Examination Reports. As directed at the last meeting, the Chair will proceed with the review and approval of the physical exam documents for the top five applicants in anticipation of their entering the training program.

The Chairman adjourned the continued regular session Board meeting at 4:55 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