

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
March 21, 2019

REGULAR MEETING - Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn

Commissioners: Michael Anthony, Sara Thompson, Eleanor Kirtley, Timothy J. Farrell, Phil Morrell, John Scragg and Rik Krombeen

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

Eric vonBrandenfels, Ivan Carlson: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen, Zack Thomas: The Northwest Seaport Alliance

Peter Giese: Puget Sound Pilots, retired

Monique Webber: Pacific Yacht Management

Adam Paz: United States Coast Guard

Minutes. **Motion:** Kirtley/Anthony – approve the February 21, 2019 Meeting Minutes as written with one change on page one. Add the WAC number into the approval of the CR 102 line under the public hearing for clarity – Carried.

BPC Staff Report.

- Due to WSF training in the Agate Conference, the Board will meet in the Rainier Conference room on the Fourth Floor in April.
- Audience members were reminded to sign in when attending Board meetings.
- As reported at the February meeting, several Board members testified before the Senate Transportation Committee on February 13, 2019. All those in attendance, Commissioners Krombeen, Kirtley, Anthony, Scragg and Farrell were confirmed in an Executive Session of the Senate Transportation Committee on February 27, 2019.
- Jaimie Bever attended the 2019 Women in Maritime Leadership Conference hosted by Cal Maritime March 15-16. The Board has had a presence at the conference for the past four years. The format this year lent more to the sharing of sea stories and experiences rather than a technical focus, which was inspirational for cadets. It is always very energizing to spend time with the cadets and know that they are the future of the maritime industry.
- Jaimie Bever also represented the Board at the Puget Sound Harbor Safety Committee meeting on March 6, 2019. Rob Dengel from the Department of Ecology was a guest speaker and went through definitions in ESHB 1578, which have been concerning to industry.

BPC Chair Report.

- Sheri Tonn, Jaimie Bever, and Shawna Erickson met with the UTC in early March 2019 to discuss the tariff transition. It was a good, clarifying meeting. It was also decided that it would helpful to have a presentation from the UTC on their rate setting process at the April 18, 2019 Board Meeting. The UTC's CR102 filing for the tariff setting process was received this morning right before the meeting. It will be forwarded to the Board. The UTC will be moving to their new offices in Lacey, WA on July 1, 2019, likely before any future tariff hearings.
- Chair Tonn and Jaimie Bever continue to spend considerable time in Olympia as the legislative process rolls on. Legislators have been very receptive in meetings.
- Chair Tonn and Jaimie Bever met with USCG Captain of the Port Linda Sturgis, Captain John Dwyer and Captain Laird Hail in early March to discuss ESHB 1578 and other issues of mutual consideration. It was a very positive meeting.

Activity Reports. Lou Paulsen representing The Northwest Seaport Alliance (NWSA), Mike Moore representing Pacific Merchant Shipping Association (PMSA), Mike Folkers representing the Port of Grays Harbor (PGH), and Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), offered

current and projected statistical data as well as updates on current maritime issues and activities. Additionally, Adam Paz representing the United States Coast Guard (USCG) offered to answer any questions.

Captain vonBrandenfels reported a high number of call-backs in February and pointed to a shortage of pilots as the cause. A discussion regarding the causes for pilot shortages followed including medical issues, retirements, and use of comp days. Commissioner Krombeen requested concrete numbers on pilot availability in order to properly discuss the shortage issue. There was discussion regarding how comp days are accrued and used.

NEW BUSINESS

2019 Legislative Session. The Board reviewed three bills that are currently working their way through the legislative session. SB 5584/HB 1431 *Addressing joint self-insurance programs for property and liability risks* both made it out of their respective committees. The House version is out of the Rules Committee, and the Senate version is undergoing second review. SB 5563 *Revising the fatigue management rules for marine pilots* did not make it out of the house of origin in time for the cutoff. However, the House version, HB 1647, did and received a do pass recommendation from the Senate Transportation Committee earlier this week. SB 5578/HB 1578 *Reducing threats to south resident killer whales by improving oil transportation safety*, continues to evolve. It is scheduled for an Executive Session next week. Bills can be tracked and video of the testimonies are available at www.leg.wa.gov.

Consideration of Request for Vessel Exemption:

Motor Yacht Arrowhead – 115’, 193 gt, Marshall Island registry, Captain Michael St. Pierre.

Motion: Thompson/Anthony – concur with Chair’s granting of an annual exemption renewal – Carried.

Pilot’s Report of Marine Safety Occurrence: HONOURABLE HENRY JACKMAN, 12-24-18

TTS Elliott Bay	Engine issue due to old gaskets left behind during replacement. The USCG was notified and the vessel proceeded to anchor. Tugs were already in place due to history of issues.	<u>Motion:</u> Anthony/Scragg File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: TAURUS CONFIDENCE, 2-02-19

Ferndale, Intalco Pier	Mooring line released without order and fouled tug line. Another tug came and relieved first tug. The vessel sailed on with no further issue.	<u>Motion:</u> Anthony/Thompson File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: MELINA, 3-06-19

Underway in Elliott Bay	Radar malfunction. After notifying VTS, the vessel was directed to proceed to anchor at Elliott Bay East until resolved.	<u>Motion:</u> Anthony/Farrell File as a Marine Safety Occurrence – Carried.
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Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as Provided in WAC 363-116-065 with review and consideration of submittal timetable. The NASA report that was requested by Puget Sound Pilots, which will inform future number of pilots proposal submissions, will be delayed due to the recent government shutdown and consideration of questions posed at the Fatigue Management Committee meeting where NASA representatives were in attendance. Because of this, a new timetable for submission of documents is being presented to the Board. The proposal pushes the timeline out by two months. Official submissions are due May 6, 2019 with a hearing scheduled for the July 18, 2019 meeting.

Motion: Scragg/Anthony – adopt the revised timetable for document submission as presented – Carried.

Captain vonBrandenfels informed the Board and audience that NASA representatives will be available at the hearing for questions as a part of the official submission presentation. They will not be attending meetings beforehand. Regarding the questions posed by the Fatigue Management Committee, Captain vonBrandenfels said that they were not submitted to NASA and will be when NASA is ready to receive them. There were questions for Puget Sound Pilots regarding the scope of the NASA report. Captain vonBrandenfels pointed to Chair Tonn’s August 10, 2018 letter to PSP requesting information to support agency request legislation concerning pilot rest rules and Chair Tonn’s January 17, 2019 memorandum

to the Board highlighting and requesting additional criteria for setting the number of pilots, as scope items for the NASA report. Because the contract for the report is between NASA and Puget Sound Pilots, it was unclear, after much discussion, whether or not it will become part of the public record.

After a break, the Board discussed desired metrics and criteria including number of delays, number of total comp days, current watch schedule, target assignment level, workload, and travel time. At the April 18, 2019 meeting, the focus will be on the watch schedule. Puget Sound Pilots and BPC staff will provide visual aids to help understanding the pilot's current watch-standing and vacation schedule, as well as what a typical rotation looks like for five pilots at different license levels. There was discussion regarding the average assignment time, which Captain vonBrandenfels offered was 9.2 hours as well as the pilot's board-on-arrival vs. appointment system. There was also discussion regarding the history of the Target Assignment Level and how/when it was set at 145/month.

The Board identified three main objectives: reduce delays, manage fatigue, and manage comp days while adhering to the Board's mission of safe and efficient pilotage. It was determined that existing data would be gathered and synthesized in order to determine what is missing that could help inform the number of pilots in the Puget Sound Pilotage District. Chair Tonn reminded everyone that there would be data presented at the next meeting and encouraged the Commissioners to look at the data they have already received in the form of monthly spreadsheets prepared by Board staff.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and reviewed training progress for all current trainees: Kridler, McGrath, Ninburg, Seamans, Miller, Melin, Bozina, Siddell, Velarde and Hannuksela. There was nothing significant to report and no interventions. There are currently 10 trainees in the program: 3 in the evaluation phase, 4 in the training phase, and 3 in the observation phase. Two successful candidates from the 2018 Exam class will begin training on April 1, 2019. It is anticipated that one trainee will be ready for licensing in April and another in July. Two trainees attended the meeting to discuss goals, issues, and the transition to the next phase of the program. The Grays Harbor trainee called in to discuss his program.
- The TEC requested approval to send the 8 pilots transitioning between license levels the proposed upgrade programs provided to the Commissioners. The 2 required upgrade trips were a consensus of the tonnage level changes and will give the pilots the best opportunity to be ready for the new license level tonnage requirements.
Motion: Anthony/Morrell – Approve the upgrade programs for 8 transitioning pilots as drafted with a revision to the program for Captain Kelleher as discussed – Carried.
- The TEC requested a brief Closed Session to discuss the progress of one of the trainees.

BPC/PSP Joint Diversity Committee (JDC):

- The Committee has been on hiatus and is working on scheduling the next meeting and restructuring membership for 2019.

Fatigue Management Committee (FMC):

- The meeting scheduled for February 22, 2019 at 0900 with PSP's fatigue consultant, NASA, was very informative. The follow-up meeting to review the NASA report was cancelled due to the delay with the report submittal.

Commission Investigative Committee (CIC):

- Jaimie Bever has proposed a meeting with the Committee and Chair Tonn to go over the Request for Proposals and the draft procedures, as well as the Board's official response to a major incident including a procedural checklist.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Scragg/Anthony– approve the physicians' reports for Captains D.E. Brusco, and N.T. Kelleher for annual pilot license renewal – Carried.

Motion: Scragg/Morrell– approve the physicians' reports for Captain S.E. Knutsen for new trainee physical – Carried.

Confirmation of Next Regular Meeting Dates. The next regular meeting dates are set for:

- April 18 – Rainier Conference Room, Fourth Floor
- May 16 – Agate Conference Room

There being no further public business to come before the Board, Chair Tonn adjourned the Board meeting at 1:05pm.

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 1:05pm to 1:15pm in the Alki Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to training issues. In attendance were Commissioners Tonn, Farrell, Thompson, Kirtley, Scragg, Krombeen, Morrell and Anthony. Assistant Attorney General Albert Wang, and BPC staff Shawna Erickson, Jolene Hamel, and Jaimie Bever.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Edmund I. Kiley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Eleanor Kirtley

Commissioner Sara Thompson