

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
January 17, 2019

PUBLIC HEARING - Call to Order

A public hearing of the Board of Pilotage Commissioners was convened at 10:00 a.m. by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

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

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang (via phone)

Eric vonBrandenfels, Linda Styrk, Ivan Carlson: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Matt Hannuksela: 2018 Exam Applicant

Peter Giese: Puget Sound Pilots, retired

Jason Mihok: Victoria Clipper

Laird Hail: United States Coast Guard

Chuck Adams: Former Commissioner, Board of Pilotage Commissioners

WAC's 363-116-078 & 363-116-080: TRAINING PROGRAM AND LICENSING OF PILOTS. The proposed rule changes are intended to codify several Statements of Policy enacted by the Board including policies concerning the training program stipend, conning quizzes and local knowledge exams, and the length of the training program in the Puget Sound Pilotage District, modernize the training program rules to better align with current Board practices and recent enhancements, improve the alignment between WAC 363-116-078 and WAC 363-116-080, and clarify existing language. Captain Eric vonBrandenfels, President of Puget Sound Pilots, gave testimony and thanked the Board and the TEC for their work in providing the country with a leading edge training program and emphatically supported the changes. No other public comments either verbal or written were received. The public hearing was closed by Chair Tonn at 10:05 a.m.

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened immediately following the Closed Session by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

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

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang (via phone)

Eric vonBrandenfels, Linda Styrk, Ivan Carlson: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Matt Hannuksela: 2018 Exam Applicant

Peter Giese: Puget Sound Pilots, retired

Jason Mihok: Victoria Clipper

Laird Hail: United States Coast Guard

Chuck Adams: Former Board of Pilotage Commissioner

Consideration of Preceding Hearing: WAC's 363-116-078 & 363-116-080. All written and oral testimony was reviewed and considered by the Board.

Motion: Anthony/Kiley – Adopt the CR 102 as filed – Carried with one abstention from Commissioner Farrell.

Minutes. Motion: Kirtley/Thompson – approve both the November 7, 2018 Meeting Minutes and the November 18, 2018 Special Meeting Minutes as written – Carried with one abstention from Commissioner Farrell.

BPC Staff Report.

- The Board welcomed new Commissioners Timothy J. Farrell, representing the public, and Captain Rik Krombeen, representing foreign-flagged shipping. Their terms began as of January 1, 2019. Commissioner Krombeen was unable attend the meeting but will be present at the February 21, 2019 meeting. Additional information about the new commissioners is available in the Winter 2019 edition of the Board's newsletter, BPC Pilotage Quarterly, which can be found at www.pilotage.wa.gov.
- Jaimie Bever attended the PACMAR/Puget Sound Harbor Safety joint meeting in December where the focus was on whale protection initiatives.
- The Board recognized and thanked Jolene Hamel, Program Coordinator, for taking the lead with the examination process for the 2018 Marine Pilot Examination. The final steps have been completed and staff will be releasing the final ranked list today.
- Jaimie Bever will be attending the 2019 Women in Maritime Leadership Conference hosted by CalMaritime in March. The Board has had a presence at the conference for the past three years.
- The 2019 Legislative Session will be very busy for the Board. Chair Tonn and Jaimie Bever will be spending a significant amount of time in Olympia over the next few weeks. Board members are urged to reach out to Board staff with any issues.
- Staff provided the Commissioners with an updated Travel Policy.
- The 2019 Winter Edition of the BPC Pilotage Quarterly was provided to the Board and will be distributed today.
- Washington State Ferries Chief of Staff, Elizabeth Kosa, has announced she will be leaving at the end of the month. She served on the Board's Joint Diversity Committee and was a good strategic partner. The Board wishes her all the best in her next endeavor.

BPC Chair Report.

- Chair Tonn gave thanks to former public representative Commissioner Chuck Adams who had been with the Board for the past 10 years. His last meeting was the November 19, 2018 Special Meeting. Mr. Adams was in the audience and able to express his gratitude and thanks to the Board and the staff. He extended a warm welcome to his replacement, Commissioner Farrell.
- Board members and staff did brief introductions for Commissioner Farrell.
- Chair Tonn reported that she granted a tonnage waiver to Captain White for a vessel arriving in Grays Harbor that was above his license level.
- Chair Tonn and Jaimie Bever were involved in a work session with the Senate Energy and Environment Committee regarding the oil transportation safety report presented by the Department of Ecology. This will be revisited further in the agenda.
- Chair Tonn and Jaimie Bever also met with the State Risk Management office regarding contracting strategies for developing a pool of marine investigators.

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

NEW BUSINESS

2018 Pilot Exam Announcement – Candidate Ranking. The simulator evaluator reviews have been completed and no changes were made to any scoring. The final ranked list was presented to the Board. It was noted that #16 on the list has requested to have his name withheld due to potential employment conflicts as he awaits being called into the training program. Commissioner Kirtley inquired how the list reflected diversity and recruitment initiatives. It was reported that the Board received one application from a female and two applications from ethnic minorities. The final ranked list includes one of the ethnic minorities, but the other minority and the female applicant were unsuccessful at moving on to the simulator evaluation phase of the exam.

Motion: Anthony/Morrell – approve the 2018 Washington State Marine Pilot Examination Ranked List as presented – Carried.

Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as Provided in WAC 363-116-065.

The Board received a request from Puget Sound Pilots to review the number of pilots in the Puget Sound Pilotage District. Chair Tonn also indicated that the Port of Grays Harbor will likely want to start another trainee in the near future. She presented the Board with a memorandum to start the process and develop anticipated criteria anticipated to determine the appropriate number for each district. Her timeline included determining data needs and examining available data at the February meeting, reviewing all data for decision making at the March meeting, and taking action to set the new Target Assignment Level (TAL) and authorized number of pilots at the April meeting. Consideration needs to be given to recently adopted fatigue management rules and how those inform the number of pilots.

Captain Eric vonBrandenfels believes this is a good opportunity to revisit workload as it has not been done since 2010. He outlined Puget Sound Pilots' focus on fatigue mitigation in light of advancements in understanding maritime fatigue over the past 10 years. He provided information regarding their policy of 3-and-out to mitigate circadian misalignment, which means that they are not allowed to work more than 3 consecutive nights, which, according to Captain vonBrandenfels, has been monumental for the pilots. They have reviewed rules of other pilotage districts and safety sensitive industries that point to 10 hours of rest between assignments as a reasonable number, adding that some require 10-12 hours of rest. Captain vonBrandenfels defined "comp day", in the professional mariner world of working a day for a day, as a day earned when a pilot is called in for duty during their respite time. He pointed out that pilots are available for work 181 days/year on a rotation. There are peak times where the assignment level is greater than the pilots available on rotation and pilots have to be called in while they are off rotation. A number of comp days have been accrued over the years. It happens in Puget Sound more than any other district, according to Captain vonBrandenfels. Puget Sound Pilots believe readdressing the Target Assignment Level and number of pilots will alleviate the accrual of comp days and pilot fatigue. Captain vonBrandenfels, again, invited shipping representatives and new commissioners to view their dispatch system. Jaimie Bever offered staff assistance in setting up that meeting.

Shawna Erickson presented and the Board reviewed visual data interpreted by staff from monthly reports received from Puget Sound Pilots regarding numbers of pilots. Copies of the visual data will be sent to the Board members and any stakeholders who request them. The data shows that there are currently 46.8 pilots, of the 52 authorized, available for dispatch due to retirements and pilots being unfit for duty due to medical issues. In addition, trainees in the training program have not been ready for licensure in time to replace retiring pilots. Chair Tonn also informed the Board that Shawna Erickson has been working on displaying the workloads of 5 pilots in a calendar format to help the Board understand what a typical month looks like.

Commissioner Thompson inquired about the term "Target Assignment Level" as to whether or not it was a WAC or policy term. Chair Tonn and Jaimie Bever confirmed that it was not a WAC term or an official term adopted by the Board, but more of a concept or a bench mark. Commissioner Kiley added that the Board did not want a rigid definition, allowing for more flexibility in addressing the adequate number of pilots. Commissioner Kirtley questioned other metrics that would be a good way to capture an adequate number.

Chair Tonn highlighted the questions she identified in her memo, including: 1) a description of the watch system and how it has changed since the current number of pilots was established; 2) a description of how the watch system compares to other pilotage districts taking into consideration district variables; 3) factors that control comp day accumulation; 4) summary of retirements projected over the next 5 years pointing out the shortage issue caused by pilots who have not turned in their licenses but are essentially retired, using comp days before going on official retirement; and 5) a description of frequency of ship delays caused by pilot shortage. She asked for other questions and metrics from the Board members. Commissioner Kirtley pointed out that averages do not highlight high-risk cases, such as pilots who are constantly accruing comp days at a higher rate than other pilots. Commissioner Morrell expressed concern regarding the utilization of pilots. Commissioner Scragg offered that the upcoming change in license levels will help with license level pilots that are currently underutilized due to license limitations. Shawna Erickson pointed out that the information also has to account for time spent working outside of a revenue generating assignment, like repositions and attending meetings. Chair Tonn recognized the amount of work the pilots are doing just for the Board, such as for the exam process and Board

committees. Captain vonBrandenfels added that the pilots are engaged in much more public outreach than in the past, which is a time consuming effort to be more present in the maritime community.

Before the March Board meeting, the Fatigue Management Committee will plan to meet with the fatigue consultants hired by Puget Sound Pilots to provide the data the Board has requested to help inform to discussion regarding number of pilots.

2019 Legislative Session. The Board received approval from the Office of Financial Management (OFM) to proceed with Agency Request Legislation concerning revisions to RCW 88.16.103 *Mandatory rest periods for pilots* and the ability to purchase insurance through local government insurance pools, allowing for more affordable coverage options. There have been some minor revisions from the insurance bill that was circulated during the 2018 Legislative Session. The current language specifically calls out the Board to be considered a government entity for the purposes of qualifying for local government self-insurance pools, as opposed to the 2018 language which specified all state agencies operating with a biennial budget of five million dollars are less. OFM's intent with the language revision is to avoid possible unintended consequences. Commissioner confirmations by the Senate Transportation Committee are expected during this legislative session. It is likely a bill regarding oil transportation safety will emerge in response to the Department of Ecology's Salish Sea Vessel Traffic Safety Report, which was delivered in final form to the Legislature earlier this month. The Board will likely be named in developing rules and potential zones for additional tug escort requirements.

Consideration of Request for Vessel Exemption:

Passenger Vessel *Victoria Clipper V* – 167', 910 gt, Cypress registry, Multiple Captains.

Motion: Kiley/Morrell –grant an annual exemption renewal – Carried.

Captain Jason Mihok, representing *Victoria Clipper*, informed the Board that the new, higher capacity *Clipper V* reduced sailings this last year by 240, with a 5% increase in passengers. The new vessel is more efficient, cost effective, and has less environmental impact than the other *Clipper* vessels. *Clipper* and *Clipper IV* are currently for sale. Captain Mihok also informed the Board that regarding efforts to save the southern resident killer whales, *Clipper* would be supporting a science-based approach to recommendations.

Motor Yacht *MLR*– 174', 966 gt, Cayman Islands registry, Captain Mitchell Heath.

Motion: Kiley/Thompson – grant an annual exemption for sea trials with the condition that a new application must be resubmitted to the Board when ownership transfers from Delta Marine to the new owner – Carried.

Pilot's Report of Marine Safety Occurrence: *NOCC ATLANTIC, 12-12-18*

Blair Waterway, turning basin	Main engine distributor valve ceased, but then returned to normal. The USCG was notified. The job was completed without further issue.	<u>Motion:</u> Kiley/Anthony File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *ODYSSEUS N, 12-16-18*

9nm east of PS bound for SEA SCE Anchorage	Fuel valve failure in cylinder #7. After notifying VTS, the vessel returned to anchor in Port Angeles with the use of an assist tug.	<u>Motion:</u> Kiley/Kirtley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *AZALEA ACE, 12-20-18*

Yukon Harbor Anchorage/ Blake Island	Propulsion and main engine loss due to high pressure lube oil line bulging and rupture. VTS was notified and the vessel was anchored north of Blake Island with the assistance of two tugs.	<u>Motion:</u> Kirtley/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *OVERSEAS BOSTON, 12-20-18*

Westbound Guemes Channel	Assist tug bumped vessel bow. No damage was observed.	<u>Motion:</u> Anthony/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *WORLD SPIRIT*, 12-24-18

2.04nm NNE of Dash Point in o/b traffic lane	Black out on bridge due to second engineer inadvertently taking the incorrect generator off-line. The generator was put back online and the voyage continued with further impediments.	<u>Motion:</u> Anthony/Scragg File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *OOCL ANTWERP*, 01-08-19

Bush Point, outbound	Loss of propulsion caused by overabundance of water in the main engine fuel. VTS was informed and the vessel anchored safely in Port Angeles with tug assistance.	<u>Motion:</u> Scragg/Anthony File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *MV BREEZE*, 12-26-18

Intalco Berth, FER	Possible hard landing at berth. Fendering showed excessive wear, deterioration, and neglect. No allision was identified.	<u>Motion:</u> Anthony/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *COLUMBINE MAERSK*, 01-06-19

Underway, inbound for SEA Terminal 37	Hydraulic leak on the exhaust valve of the number 11 cylinder. The issue was resolved and the vessel continued to Terminal 37.	<u>Motion:</u> Scragg/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Incident: *GUANG DONG BRIDGE*, 07-03-18

Yukon Harbor, anchorage 4	Unusual failure of clutch connected to windlass motor. VTS was notified that the anchor was lost. The starboard anchor was used successfully.	<u>Motion:</u> Kiley/Scragg File as an Incident with minor damage and no pilot error – Carried.
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Committee Reports. Chair Tonn would like to revisit committee membership for 2019 at the February meeting.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and training progress was reviewed for all current trainees: Kridler, Grieser, McGrath, Ninburg, Seamans, Miller, Melin, Bozina, Siddell and Velarde. There was nothing significant to report and no interventions. There are currently 10 trainees in the program. 4 in the evaluation phase, 4 in the training phase, and 2 in the observation phase. One trainee will be ready for licensing in February and another shortly after that. The TEC hopes 2 more in the April to May timeframe. Three trainees attended the meeting and discussed goals, issues, and the transition to the next phase of the program.
- The current Coast Guard Regional Exam Center closures due to the partial shut-down of the federal government do impact trainees as they work through their federal pilotage.
- The TEC discussed the refresher trips for the Puget Sound Pilots president. Current president, Captain vonBrandenfels, has submitted 2 trips. Four more trips will be required. Captain vonBrandenfels has submitted the lessons learned white paper regarding fatigue management required by the Board. Board staff will distribute the white paper to pilots and pilot trainees.
Motion: Scragg/Anthony – Approve the refresher trips as recommended by the TEC and accept the lesson learned white paper as submitted by Captain vonBrandenfels – Carried.
- The TEC revised the training program agreement for Grays Harbor in anticipation of a new trainee being called up to the program. The program received input from Grays Harbor pilot Captain Ryan White as well as Captains Scragg and Anthony, who recently rode with Captain White on several assignments. The Grays Harbor program will be 24 months and will include trips in the Puget Sound Pilotage District. A Train-the-Trainer class is being assessed for Grays Harbor, which would increase the number of qualified Supervising Pilots available to train in that district. The Board recognized Captains Scragg, Anthony, and White for their efforts in preparing the training program.
Motion: Scragg/Kiley – Approve the Grays Harbor Training Agreement as recommended by the TEC – Carried.
- The TEC recommends inviting 1 trainee from the 2018 Marine Pilot Exam Candidate list to Grays Harbor for an immediate start in the training program.
Motion: Scragg/Anthony – Invite 1 trainee to the Grays Harbor training program – Carried.

- The TEC recommends inviting 3 trainees from the 2018 Marine Pilot Exam Candidate list to the Puget Sound training program for a March 15, 2019 start.
Motion: Scragg/Kiley– Invite 3 trainees to the Puget Sound training program – Carried with one abstention from Commissioner Farrell.

Legislative/WAC Committee:

- There are no committee updates at this time. It was noted that former Commissioner Adams was the Chair and only active Board member on this committee. With his departure the Board will need to make a decision on the future of the committee at the February meeting.

BPC/PSP Joint Diversity Committee (JDC):

- The Board is working on scheduling the next meeting and rebuilding membership for 2019.

Exam Committee:

- A huge thank you to the Exam Committee for help on the 2018 Exam. Board staff recently received the final report from the exam consultant, which will be distributed to Board. The total exam cost, including all expenses, was roughly \$220,000.

Fatigue Management Committee (FMC):

- The next meeting will be with PSPs fatigue consultant, prior to the March Board meeting, as referenced earlier.

Commission Investigative Committee (CIC):

- This committee is also in need of membership. Staff is working with the State Risk Manager regarding a contract and RFP for investigators. Per the State's recommendation, the Board will likely hold a meeting with potential contractors to assess their needs.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Thompson/Anthony – approve the physicians' reports for Captains L.P. Emerson, S.E. Moreno, G.P. Thoreson, J.A. Hannuksela, A.J. Newman, J.T. Scoggins, J.E. Arnold, W.M. Carley and E.M. vonBrandenfels for annual pilot license renewal – Carried.

Motion: Kirtley/Scragg – approve the physician report for Captain E.P. Ninburg for annual trainee license renewal – Carried.

Jolene Hamel notified the Board that one of the Board Designated Physicians is no longer with the Polyclinic. Staff is working on getting a replacement in the Polyclinic system as well as expanding the list of available physicians by looking at other clinics.

Chair Tonn notified the Board that communication continues regarding emergency pilotage in the Grays Harbor Pilotage District.

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

- February 21 – Hearing on WAC 363-116-082
- March 21

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

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 1:05pm to 2:00pm in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to personnel issues. In attendance were Commissioners Tonn, Kiley, Farrell, Thompson, Kirtley, Scragg, and Anthony. Assistant Attorney General Albert Wang (via phone), 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