

**MEETING MINUTES**  
**STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS**  
**October 20, 2022**

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**PUBLIC HEARING – Call to Order**

A Public Hearing concerning WAC 363-116-082 Limitations on New Pilots was convened at 10:00 a.m. by Vice Chair Eleanor Kirtley via Microsoft Teams.

Present via Microsoft Teams:

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Sandy Bendixen (Pilot), Timothy J. Farrell (Public), Nhi Irwin (Ecology), Mike Ross (Foreign Shipping), Jason Hamilton (Public)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Eric Klapperich, Ken Grieser, Travis McGrath, Matt Hannuksela, Charlie Costanzo: Puget Sound Pilots

Mike Folkers, Ryan Leo: Port of Grays Harbor

Mike Moore: Pacific Merchant Shipping Association

Laird Hail, LCDR M. Romero: USCG

Zack Thomas: The Northwest Seaport Alliance

Monique Webber: Pacific Yacht Management

Ann LaRue: Public

Eric Brickenstein: Public

Joel Michelson, Harlow Wood, Nick Sabbath: Pilot Candidates

Kim Morley, Katie Wolt, Brittany Flittner: Department of Ecology

**WAC 363-116-082 Limitations on New Pilots.** This rulemaking is to consider revisions to the pilot license upgrade programs in both the Puget Sound and Grays Harbor Pilotage Districts to better align with statutory rest rules and changes in vessel traffic. The Board seeks to ensure that upgrading pilots are gaining the necessary experience with larger vessels as they progress through their first five years of piloting while also maintaining best practices in fatigue mitigation and reducing stress on the pilot corps. There were no written or oral public comments. Vice Chair Kirtley 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 Vice Chair Eleanor Kirtley via Microsoft Teams.

Present via Microsoft Teams:

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Sandy Bendixen (Pilot), Timothy J. Farrell (Public), Nhi Irwin (Ecology), Mike Ross (Foreign Shipping), Jason Hamilton (Public)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Eric Klapperich, Ken Grieser, Travis McGrath, Matt Hannuksela, Charlie Costanzo: Puget Sound Pilots

Mike Folkers, Ryan Leo: Port of Grays Harbor

Mike Moore: Pacific Merchant Shipping Association

Laird Hail, LCDR M. Romero: USCG

Zack Thomas: The Northwest Seaport Alliance

Monique Webber: Pacific Yacht Management

Ann LaRue: Public

Eric Brickenstein: Public

Joel Michelson, Harlow Wood, Nick Sabbath: Pilot Candidates

Kim Morley, Katie Wolt, Brittany Flittner: Department of Ecology

**BPC Staff Report.**

- Vice Chair Eleanor Kirtley will be chairing the meeting today in Chair Tonn's absence.
- The Women Offshore 2022 Conference was held virtually from October 7-14. BPC staff attended along with representatives from Puget Sound Pilots. There were several sessions each day along

with informal opportunities for networking. This year's theme was Lift as you Climb. The topics of focus included BIPOC, LGBTQIA+, motherhood, and sexual assault/harassment in the maritime industry.

- The month of October is recognized as Hacktober by the state of Washington. Board members may receive several emails highlighting ways to keep their Outlook accounts safe. In addition to the email that Chair Tonn shared at the last meeting, WSDOT IT has implemented a phish alert button on state Outlook accounts to simplify reporting any phishing email attempts.
- The Winter 2022 edition of the BPC Pilotage Quarterly has been published. It is available on the BPC website.
- BPC Executive Director Jaimie Bever attended the Grays Harbor Safety Committee Meeting this week and is attempting to find out more details on a USCG Safety Bulletin covered at that meeting.
- Executive Director Bever met with DES, OFM, Senate, and House staff to review the 21/23 Biennial Budget request. It was a good meeting and the agency received positive feedback.
- The Pacific States/British Columbia Oil Spill Task Force is holding its annual meeting virtually on November 2. Chair Tonn and Executive Director Bever will be in attendance.
- Vice Chair Kirtley expressed gratitude toward BPC staff for maintaining positive relationships with OFM and the legislature, and pride for sponsorship and participation with Women Offshore.
- BPC Program Analyst Bettina Maki provided quarterly assignment numbers for both districts and the dashboard view of Puget Sound Pilots' monthly activity report.

**GREAT WASHINGTON SHAKEOUT.** At 1020, the Board participated in the annual Great Washington Shakeout earthquake drill.

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

In response to PSP's activity report, Vice Chair Kirtley asked if PSP calculated the number of repositions similar to how they calculated the number of call-backs. President Carlson replied no, but that he would implement that information into the activity report going forward. Commissioner Nhi asked about PSP's call-back percentage goal. President Carlson responded that 5% or less was the goal, which was similar to other districts across the country.

In response to PMSA's activity report highlighting an increase in pilot delays from the 18 months prior to July 2021, Commissioner Bendixen inquired with President Carlson regarding the number of assignments over the past 18 months, from July 2021 forward, and also the year-to-date number of COVID and not-fit-for-duty days during that same period. President Carlson responded by stating that of the 18 months referred to in PMSA's activity report, 12 months covered pandemic time and the remaining 6 months were semi-pandemic time. The assignment load then was 9,368 assignments. In the previous 18 months, it was 11,107 assignments, a difference of 1,739 additional assignments (30 more per pilot during the 18 months). From May to September of 2022, PSP had 401 days where a pilot was either out due to COVID or in not-fit-for-duty status.

Commissioner Bendixen then asked Executive Director Bever about previous Board action regarding efficiency measures. Executive Director Bever confirmed that the Board passed a motion in August 2022 to not include efficiency measures in strategic planning until the number of licensed pilots in Puget Sound reaches the authorized number of 56. Commissioner Bendixen expressed concern that PMSA continues to focus on delays and perceived inefficiencies despite PSP's efforts to provide information and adjust where possible. She also added that PMSA continues to publicly scrutinize pilots not working on their time off. She reminded everyone that with the announcement of the 2024 Marine Pilot Exam, there will be aspirants in attendance, as well as pilots. She added that it is discouraging for mariners, who during their careers had their time off upheld and protected by industry.

Vice Chair Kirtley responded that she appreciated the many objectives the Board is trying to meet simultaneously, first and paramount being safety, efficiency, keeping the pilot corps healthy so that they can continue to deliver pilotage services, keeping the supply chain moving, and managing their personal and professional lives.

Mike Moore responded on the importance of key metric identification and utilization, adding that if there were key metrics that could help identify areas of improvement, they should be utilized and that was the reason behind the comments in PMSA’s activity report.

**NEW BUSINESS**

**Consideration of Previous Hearing on WAC 363-116-082: Limitations on New Pilots.**

Motion: Bendixen/Ross – adopt the changes to WAC 363-116-082 Limitations on New Pilots as proposed – Carried.

**Meeting Minutes.**

Motion: Hamilton/Bendixen – approve the revised September 15, 2022, Meeting Minutes as drafted – Carried.

**Committee Actions.**

**Trainee Evaluation Committee (TEC)**

- **Pilot License Upgrade Program: Captain Stewart.** There are currently 7 pilots working on upgrading their pilot licenses.  
Motion: Bendixen/Ross – approve the pilot license upgrade program for Captain Stewart as recommended by the TEC – Carried
- There are 8 trainees in PS and 2 in GH. In Puget Sound, there are 3 trainees in the Evaluation Phase, 3 in the Training Phase, and 2 in the Observation Phase. In Grays Harbor, there is one trainee in the Evaluation Phase and one in the Training Phase. The TEC anticipates one licensure in each district in January 2023.
- The TEC met yesterday and reviewed all the trips and comments for both Puget Sound and Grays Harbor trainees. One trainee came in to discuss an Intervention.
- BPC Executive Director Jaimie Bever reported that the competitive bid for the 2024 Marine Pilot Exam was posted to the state’s procurement database, WEBS, last week. She thanked DES for all their assistance with the new procurement process. A pre-bid is scheduled for October 31 to allow potential bidders an opportunity to get clarification, and have any questions answered. The bids are due on December 1.
- The TEC is continuing to review training program and exam WACs for necessary updates to ensure that the current language best supports the BPC’s practices, goals and values. The next WAC that the TEC is reviewing is 363-116-0751 Qualifications for Pilot Applicants.
- A big thank you to Grays Harbor for hosting a meet up for Chair Tonn, Executive Director Bever and our TEC Chair Bendixen and Vice-Chair Anthony this month. They were able to meet with Port administration, the two pilot trainees, and ride pilot boat VEGA.

**Pilot’s Report of Marine Safety Occurrence: MAUNALEI, 09/17/2022**

Underway at the Pilot Station.	While pilot was climbing the pilot ladder, the ship’s AB dropped the metal hook end of a heaving line onto the deck of the pilot boat uncontrolled from approximately 7 meters. Pilot unaware of this occurrence at the time due to concentration on climbing. Made aware of the situation via email with video and then in turn informed Captain and mate and filed MSO.	<u>Motion:</u> Bendixen/Ross File as a Marine Safety Occurrence – Carried.
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**Pilot’s Report of Marine Safety Occurrence: TOMBARRA, 09/17/2022**

Underway Northbound between West Point and Edmonds.	While transiting northbound in the TSS approaching T buoy off of Seattle, pilot saw numerous small targets appear on radar between SG buoy and West Point, upon closer approach saw the vessels (hundreds and most likely thousands) extending for several miles. The vessels were less than 20m and impeding the safe passage of a power-driven vessel following a traffic lane in violation of COLREGS Rule 10.	<u>Motion:</u> Farrell/Ross File as a Marine Safety Occurrence – Carried with abstention from Bendixen.
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**Pilot's Report of Marine Safety Occurrence: *LIBERTY PASSION*, 09/20/2022**

Underway in Commencement Bay.	As the carship Liberty Passion was completing its turn to back into the Sitcum waterway and berth at P-7D, the aft tug's towline parted at the eye. No injuries were reported or other damage to either the ship or tug. Weddell Foss was available and made fast to complete the job.	<u>Motion:</u> Bendixen/Hamilton File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: *TORM SOLUTION*, 09/22/2022**

Underway on approach to Cherry Point BP North.	While on approach for a starboard side to landing, the main engine failed to respond to a dead slow ahead command. Vessel had both Lindsey Foss and Garth Foss made fast to the port side. Able to tow to Cherry Point General Anchorage and anchor without incident.	<u>Motion:</u> Bendixen/Farrell File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: *RJ PFEIFFER*, 10/01/2022**

Underway in Northbound Traffic Lane at T buoy.	While underway outbound from Tacoma APM Terminal to PS, pilot was informed that there was a saltwater leak in the engine room that was being assessed. Approaching the Fauntleroy-Vashon ferry crossing pilot was informed that vessel would be required to return to APM Term to complete necessary repairs on a 20" inlet seawater valve that was leaking. Vessel was not in any danger and did not experience any unknown maneuvering difficulties throughout the event and proceeded to anchor in Tacoma.	<u>Motion:</u> Bendixen/Farrell File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: *VOLOS*, 10/01/2022**

Underway between SD & SE buoys.	While underway inbound from Port Angeles Pilot Station to Manchester anchorage on board the empty bulker Volos, the pilot encountered a sailing race between buoys SD and SE. Pilot sounded danger signal multiple times with no movement from the pack and they continued to impede safe passage. Pilot ultimately had to turn to Port and make a round turn to avoid them.	<u>Motion:</u> Bendixen/Farrell File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: *EMPIRE STATE*, 10/02/2022**

Underway in Southbound Traffic Lane near the Edmonds-Kingston Ferry crossing.	As Empire State was Southbound in the traffic lanes, loaded and under escort, approaching the Edmonds-Kingston ferry crossing, there was a large number of recreational fishing vessels across both the North- and Southbound traffic lanes as well as the Separation Zone. After a call with VTS, USCG said they would start broadcasting Rule 10 on the appropriate VHF channels. Pilot proceeded to make a call on VHF 16, reduced RPMs and sounded 5 short blasts (danger signal). Ultimately the vessel did not have to deviate from the Southbound lanes, but many small vessels were in close proximity of the tanker as it transited the area. This was a violation of COLREGS Rule 10 and Tanker Security Zone.	<u>Motion:</u> Bendixen/Farrell File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: *K. ASIAN BEAUTY*, 10/08/2022**

Underway between Browns Point and Three Tree Point.	While underway, pilot was informed that the bow lookout was missing and crew had been searching the vessel for at least 45 minutes. VTS was informed of the missing person and started a USCG search while vessel transited to Pilot Station as planned. At 2358	<u>Motion:</u> Bendixen/Farrell File as a Marine Safety Occurrence – Carried.
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	pilot disembarked and the vessel proceeded to sea. Later that morning the crewmember was found deceased in the water near Normandy Park wearing street clothes and a type-1 lifejacket.	
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**Exemptions from Pilotage.**

**Motor Yacht KYA** –68’, 119gt, Marshall Island registry, Captain Alexandrov.

Motion: Farrell/Hamilton – concur with Chair Tonn’s granting of an interim annual exemption with the following conditions imposed: No Duwamish, Deception Pass or Locks without a pilot – Carried.

**Motor Yacht CALLIOPE** – 142’, 395gt, Marshall Island registry, Captains Bertuello & Goulding.

Motion: Farrell/Ross – concur with Chair Tonn’s granting of an interim 3-month exemption with the following conditions imposed: No Deception Pass or Locks and a Pilot Orientation required upon entry – Carried.

**ESHB 1578 Rulemaking Presentation – Department of Ecology.** Katie Wolt, Agency Rule Coordinator with the Department of Ecology, presented the regulatory framework for rulemaking at Ecology and discussed the complexities of the rulemaking process. The Board will be following Ecology’s framework with their assistance for the rulemaking directed by ESHB 1578 regarding tug escorts.

**Pilot/Trainee Physical Examination Reports.**

Motion: Farrell/Hamilton – approve the pilot physical examination reports for Captains M.N. Hannuksela, N.K. McGourty, B.R. Jensen, J.T. Galvin, E.M. vonBrandenfels and T.D. Coryell for their annual pilot license renewals – Carried.

Motion: Farrell/Ross – approve the new trainee physical examination report for Captain G.G. Fleischfresser – Carried.

**Proposed 2023 Board Meeting Schedule.** The Board briefly discussed the proposed schedule presented for Board meetings in 2023. Captain Bendixen informed the Board that due to the new update to change days at Puget Sound Pilots, the need to switch to Tuesdays during cruise season was no longer necessary. Jolene will include an updated schedule for the November meeting, and commissioners are asked to come prepared to take Board action at that time.

**Committee Updates.**

**Diversity, Equity & Inclusion Committee (DEIC)**

- The DEIC steering committee had an initial meeting and will meet again in early November. An update will be provided at the November Board meeting.

**Oil Transportation Safety Committee (OTSC)**

- The OTSC was scheduled to meet on November 2 but will be rescheduled due to a conflict with the Oil Spill Task Force annual meeting.

**Pilot Safety Committee (PSC)**

- The PSC has not met since the last Board meeting and will meet on October 31. An update will be provided at the November Board meeting.

**Vessel Exemption Committee (VEC)**

- The VEC is working on scheduling a meeting to review the 2022 yachting season and discuss further refinements for the 2023 yacht season.

**Confirmation of Next Regular Meeting Dates.** Vice-Chair Kirtley reminded everyone of the upcoming meeting dates.

**Public Comment.** Vice-Chair Kirtley asked for public comment. Hearing none, she convened a Closed Session at 1:00 p.m.

**CLOSED SESSION**

*A Closed Session of the Board of Pilotage Commissioners was convened from 1:00pm to 1:05pm virtually via Microsoft Teams to discuss matters relative to personnel issues. In attendance were Commissioners Kirtley, Irwin, Bendixen, Ross, Farrell, and Hamilton; Assistant Attorney General Albert Wang; BPC staff Jaimie Bever, Jolene Hamel, and Bettina Maki.*

**REGULAR SESSION**

The Regular Session of the Board of Pilotage Commissioners was reconvened by Vice-Chair Kirtley at

1:05pm via Microsoft Teams. After asking for and receiving no further public comments and there being no further business to come before the Board, Vice-Chair Kirtley adjourned the meeting at 1:10 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 Mike Ross

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Commissioner Sandy Bendixen

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Commissioner Michael Anthony

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Commissioner Jason R. Hamilton

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Commissioner Nhi Irwin