

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

August 13, 2009

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### Present:

Chairman: Harry Dudley

Commissioners: Chuck Davis, Pat Hannigan, Bill Snyder, Craig Lee, Norm Davis and Jeff Thompson

Assistant Attorney General: Guy Bowman

Administration: Peggy Larson, Judy Bell

Frantz Coe, Mel Flavel, Walt Tabler (Administration): Puget Sound Pilots

*Mary Nelson: Port of Grays Harbor (by telephone)*

Mike Moore, Jordan Royer, Vince Addington, Polly Kirkpatrick: Pacific Merchant Shipping Association

Phil Morrell: Totem Ocean Trailer Express

Jim Papp: Transmarine Navigation

Jeff Shaw: Polar Tankers

Del Kelly, Bill Bock: Retired Puget Sound Pilots

Stephen Jones, Blair Bouma: Pilot Trainees

David Moseley: Washington State Ferries/BPC

Bruce Nelson, Severin Knutsen: Public

### REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:30 a.m. by Chairman Harry Dudley in the Agate Conference Room at 2901 Third Avenue, Seattle, Washington.

**Minutes.** There being no corrections or additions, the July 9, 2009 Minutes stand approved as written.

### OLD BUSINESS

#### **Consideration of Request from Captain Stephen Jones Regarding his Training Status.**

Commissioner Hannigan stated that following yesterday's review by the TEC of the August 4, 2009 letter submitted by Captain Jones it was determined that their recommendation to the Board regarding his licensure remain the same. This item will be discussed further in a Closed Session later in today's meeting.

#### **Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District and Management of the Comp Day System.**

With respect to the management of the comp day system and its relationship to the setting of the number of pilots by the Board, Captain Mike Moore asked the Board to consider requesting more detailed data such as daily statistics on pilot call-backs in order to assist the Board as well as the stakeholders in the process of determining the appropriate number of pilots. Chairman Dudley responded that if any Board member wants to pursue this, the request should come from him or her to the Chair. He also encouraged all stakeholders to exchange all pertinent information with each other.

#### **Consideration of Revisions to Proposed Statement of Policy Concerning Pilots Returning to Work Following a Sustained Absence.**

Commissioner Lee presented a revised Statement of Policy for the Board to consider which, after review by the TEC, was revised further. The document is a work in progress and will be reviewed again at the next regular Board meeting.

### NEW BUSINESS

**Issuance of Pilot Training Licenses for Captain Scott Anacker and Captain Blair Bouma.** Captains Anacker and Bouma have accepted their Board-approved training programs. It was moved by Commissioner Snyder and seconded by Commissioner Lee that the Board issue training licenses,

numbered 23 and 24 respectively, allowing them to begin pilot training on September 1, 2009. The motion carried. Training orientation is scheduled for August 31, 2009.

**Pilot's Report of Marine Safety Occurrence: CSCL CALLAO, 8-4-09.** The Board received a written report submitted by Puget Sound Pilot, Captain Jack Bujacich. While departing Seattle, Pier 18-4, the vessel's engine failed to respond to the rudder command. VTS was notified and the vessel was anchored in the Elliott Bay east anchorage using the assist tug and the vessel's thruster. It was moved by Commissioner Snyder and seconded by Commissioner Lee that this report be filed as a Marine Safety Occurrence. The motion carried.

**Consideration of Request for Vessel Exemption: Motor Yacht TAMSEN.** A petition for vessel exemption was received regarding the foreign flagged 172', 463 gross ton Motor Yacht *TAMSEN*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements. It was moved by Commissioner C. Davis and seconded by Commissioner Thompson that the Board grant a three month exemption to the *TAMSEN* as requested, so long as it remains in the charge of Captain Walton Clark. The motion carried.

**Consideration of Request for Vessel Exemption: Motor Yacht ODESSA.** A petition for vessel exemption was received regarding the foreign flagged 160', 499 gross ton Motor Yacht *ODESSA*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements. It was moved by Commissioner C. Davis and seconded by Commissioner Thompson that the Board grant a three month exemption to the *ODESSA* as requested, so long as it remains in the charge of Captain Robert Lowden. The motion carried.

**WAC 363-116-078: Training Program ~ Consideration of Proposed Rule Making.** On July 21, 2009 an emergency rule was filed to amend the pilot training program by extending the length of time a trainee has to complete his/her initial evaluation and local knowledge exams. This emergency rule remains in effect for 120 days, during which time the public comment period is open and a public hearing will be scheduled in order to move toward enactment of a permanent rule.

**Review of Manpower Status ~ Grays Harbor Pilotage District.** Captain Robert D'Angelo is on the waiting list to enter a pilot training program in the Puget Sound Pilotage District. At this time it is unknown as to when he will begin training and whether he will participate in the stipend program. Mary Nelson will pursue a response to the Board. This will guide the Board in sustaining an adequate number of pilots in the GHPD in terms of determining the need for a future pilot exam.

**Consideration of Request by PSP to Amend the 2009-2010 PSPD Tariff.** Puget Sound Pilots has presented the Board with a formal proposal to amend the PSPD tariff with a "revenue neutral" adjustment regarding a line item pension charge. It was moved by Commissioner Lee and seconded by Commissioner Thompson that discussion of this agenda item be deferred to the normal tariff setting cycle beginning next spring when the 2010-2011 PSPD tariff is considered. Industry stated that being just six weeks into the new 2009-2010 PSPD tariff, now is not the time to re-open the tariff WAC and engage in another tariff setting process. Also, Industry expressed concern that two Board members were not in attendance today and that this agenda item should be considered by the full Board. PSP stated that the regular tariff setting cycle is not the proper time to consider this matter and that they would like it addressed as soon as possible so it is given the special attention it needs. In order to halt any further discussion of the merits of the matter Commissioner C. Davis asked for the question. The motion failed with a vote of Commissioners Lee and Thompson in favor, Commissioners C. Davis, Hannigan and Snyder opposed, Commissioner N. Davis abstaining and Chairman Dudley not voting.

It was moved by Commissioner Lee and seconded by Commissioner Thompson to take a ten minute break. The motion carried. At the conclusion of the break, the two shipping representatives did not

return to the meeting. The absence of both shipping representatives resulted in a loss of a quorum as defined in RCW 88.16.010(3). The Chairman asked Assistant Attorney General Representative, Guy Bowman, if there were any provisions in applicable law that would allow the conduct of any form of business by the Board without a quorum. His review of the law revealed that no business could be conducted (including even the receipt of verbal reports from the public; discussion of issues without action; announcements by the Board and/or Chairman; or any other activity that would normally be taken at a meeting). Therefore, the meeting was automatically adjourned until the next meeting of the Board at the time the quorum was lost – 10:35 a.m. The next meeting of the Board was scheduled for Wednesday, September 9, 2009 at 9:30 a.m. in the Agate Conference Room, 2901 3rd Avenue, Seattle.

Respectfully submitted,

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Peggy Larson, Administrator

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Harry H. Dudley, Chairman

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Charles M. Davis, Vice Chairman

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**VACANT**

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Public Member

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Commissioner Patrick M. Hannigan

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Commissioner William H. Snyder

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Commissioner Craig W. Lee

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Commissioner Jeffrey L. Thompson

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Commissioner Norman W. Davis

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**Absent**

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Commissioner Elsie J. Hulsizer