

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

February 10, 2011

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Present:

Chairman: Harry Dudley

Commissioners: Chuck Adams, Ned Kiley, Pat Hannigan, Dick McCurdy, Craig Lee,  
Doug Coburn, Norm Davis

Administration: Shawna Erickson, Peggy Larson

Captains Eric vonBrandenfels, Jostein Kalvoy, Don Mayer, Mr. Walt Tabler: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Captain Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Tad Robinson O'Neill: Office of the Attorney General

Tim Banks: COSCO Container Lines

Shaun Kim: HANJIN Shipping

Ron Kinsey: USCG Sector Puget Sound

Bari Bookout: Port of Seattle

Captains Mike Gavin, Del Kelly: Retired Puget Sound Pilots

### REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley in the Agate Conference Room at 2901 Third Avenue, Seattle, Washington.

**Minutes.** Commissioner Hannigan voiced his objection to the language Commissioner Coburn asked be added to the "Miscellaneous Correspondence Review" section of the *Draft Minutes*. Motion: Hannigan/McCurdy - strike all of Commissioner Coburn's proposed language. Friendly amendment: Chairman Dudley – only amend one sentence to read "Commissioner Coburn has concerns about the guideline "process"; he believes it is flawed and needs Board oversight or review ~~to prevent such unilateral and potentially arbitrary changes to the guidelines~~". – Carried with a vote of three in favor/two opposed. Motion: Hannigan/McCurdy – approve the January 13, 2011 Minutes as amended – Carried.

### OLD BUSINESS

**Consideration of Licensure of PSPD Pilot Candidate: Captain Blair Bouma.** This item remains on each monthly agenda in order to re-evaluate Captain Bouma's status relative to his imminent licensure. At this time there is no change in status; licensure approved but delayed.

### **Pilot's Report of Marine Safety Occurrence: SANTIAGO BASIN, 11-10-10.**

Grays Harbor Bar Entrance Channel	Engine failure necessitated a round turn into deeper water for engine repair. Another attempt was made with engine failure again. Tugs were ordered to assist the vessel through the channel.	Navigational Safety Concern	USCG Sector Columbia River and Dept of Ecology are pursuing. Investigation is ongoing at this time.	Deferred
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### NEW BUSINESS

**Consideration and Appointment of a Reviewing Officer for Captain Bruce Nelson's PETITION FOR REVIEW and Final Order or Remand.** Motion: Davis/Coburn – as provided in the Administrative Procedure Act (APA), the Board appoint Commissioner Chuck Adams as the Reviewing Officer for the purpose of rendering a decision regarding Captain Bruce Nelson's PETITION FOR REVIEW and subsequently to take appropriate action as provided in the APA relative to the Administrative Law Judge's initial order in the Captain Nelson case. Further, if this motion passes, Chairman Dudley will send a letter to Commissioner Adams advising him of his appointment (with an outline of the tasks he will be required to perform), and a letter to Captain Nelson advising him of Commissioner Adam's appointment as the Board's Reviewing Officer – Carried. Commissioner Adams abstained.

**Approval of Pilot License Upgrade Program:** Captain John Scragg is nearing completion of his first license year, Captain Seymour his second and Captains Blake, Bujacich, Carlson, Sliker, Kelly and J.K. Ward their fifth. Motion: Hannigan/Davis - approve the license upgrade programs for these eight captains as discussed and modified - Carried.

**2011 Annual Tariff Hearings Preparation.** Timetables for tariff document submission have been drafted for stakeholder review and Board consideration for both the PSPD and GHPD showing hearing dates of May 12, 2011 and June 9, 2011 respectively. Due to a few Board members having scheduling conflicts, some meeting dates needed to be adjusted. Motion: McCurdy/Coburn – move the April 14<sup>th</sup> Board meeting to April 7<sup>th</sup> – Carried. Motion: Adams/Lee – hold a public hearing on April 7<sup>th</sup> to consider extending the expiration dates of both pilotage district tariffs in anticipation of delaying the annual tariff hearings – Carried. Motion: Adams/Kiley – move the June 9<sup>th</sup> Board meeting and Puget Sound Pilotage District tariff hearing to June 10<sup>th</sup> – Carried. Motion: Coburn/Adams – cancel the May 12<sup>th</sup> Board meeting – Withdrawn; further discussion will follow at the March 10<sup>th</sup> Board meeting. Action to establish the PSPD and GHPD timetables will be deferred to the next Board meeting.

**Pilot’s Report of Marine Safety Occurrence: *JOYOUS AGE, 1-7-11.***

East of Dungeness Spit	Tug assisted vessel to anchor while repairs were made to a cracked piston.	Navigational Safety Concern	<u>Motion:</u> Lee/Coburn File as a Marine Safety Occurrence	Carried
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**Pilot’s Report of Marine Safety Occurrence: *HYUNDAI REPUBLIC, 1-10-11.***

Tacoma	Bow thruster failure necessitated full reliance on tugs.	Navigational Safety Concern	<u>Motion:</u> Lee/Coburn File as a Marine Safety Occurrence	Carried
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**Pilot’s Report of Marine Safety Occurrence: *HYUNDAI #103, 1-20-11.***

Sitcum Waterway Tacoma	Bow thruster shut down by Master due to failure of one of the generators. Two assist tugs were used during docking.	Navigational Safety Concern	<u>Motion:</u> Lee/Coburn File as a Marine Safety Occurrence	Carried
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**Pilot’s Report of Marine Safety Occurrence: *HORIZON CONSUMER, 1-25-11.***

Off Ediz Hook, Port Angeles	Engine failure; vessel waited for repairs near Port Angeles. Proceeded to Tacoma under tug escort without further boiler failure.	Navigational Safety Concern	<u>Motion:</u> Lee/Coburn File as a Marine Safety Occurrence	Carried
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**Committee Reports.**

**Trainee Evaluation Committee:**

- The TEC met on February 9<sup>th</sup>.
- AAG Tad Robinson O’Neill came to introduce himself and observe part of the meeting.
- License upgrade letters for eight pilots were reviewed and modified.
- Training program performance was reviewed for trainee Jim Kearns who is the only pilot currently in active training status. His initial evaluation period will expire on March 3<sup>rd</sup>, of which he has been notified. If he doesn’t complete certain program requirements by that date he may be terminated from the training program; or he has the option to go off stipend to extend the deadline.
- Based on the TEC’s analysis of pilot retirement projections and the recent and projected increase in vessel activity, the TEC recommends starting two more trainees. Motion: Hannigan/Lee – based on the TEC’s determination of the need for two additional trainees, invite the next two people on the waiting list to begin training on June 1, 2011 – Carried. Commissioner Hannigan noted that based on current information concerning pilot retirements, it appears all current trainees (5) could be licensed by February of 2012.

- Puget Sound pilots Captains Niederhauser and Scragg have been working with the TEC to structure the *Train the Trainer* course guidelines and framework. An exemption request from the statewide freeze on personal service contracts is being considered.
- All four active trainees will be invited to attend the next TEC meeting on March 9<sup>th</sup>.

**Legislative/WAC Committee:** Committee Chairman Adams reported that he and Commissioner Hannigan are currently working on drafting amendatory language for WAC 363-116-200 with respect to pilot safety related to pilot injuries or a pilot overboard situation.

**Tariff Policy Committee:** Committee Chairman Dudley reported that work is ongoing, but with the potential delay of the Puget Sound district tariff hearing it would give the committee a welcome extension to their timeline as well.

**Activity Reports.** Gary Nelson, representing Port of Grays Harbor, reported there were 6 ship arrivals in January for a total of 13 jobs; projections for February traffic is 5 vessels; Captain D'Angelo is readying for license renewal in March; and Captain Cooke is registered for Bridge Management class.

Captain Eric vonBrandenfels, representing Puget Sound Pilots, reported there were 611 assignments this January compared to 570 in January 2010 for a monthly increase of 41; there were no pilots in training in January; 17 comp days were accrued and 15 used in January which brings the total to 3243 days; and the PSP *General Guidelines for Vessels Transiting Restricted Waterways or Ports* is linked to the Harbor Safety Committee web site for ease of access.

Captain Mike Moore, representing Pacific Merchant Shipping Association, introduced Ms. Bari Bookout, Director of Commercial Strategy at the Port of Seattle who presented an overview of port activities both locally and in the global markets. She also announced that Mediterranean Shipping Company (MSC) will be starting a new container ship service in Puget Sound this month that will add approximately 100 new pilot jobs annually.

**Legal Update.** Chairman Dudley introduced Mr. Tad Robinson O'Neill to the Board who is representing us in the Nelson tort case which is scheduled for a February 2012 trial date.

**Administrator's Report.** Commissioner Elsie Hulsizer was re-appointed by Governor Gregoire to a second four-year term. All commissioners were reminded of the requirement to complete their annual filing with the Public Disclosure Commissioner by April 15<sup>th</sup>. In light of the Legislative/WAC Committee's work on WAC 363-116-200, staff will file a CR-101 in order to give the public proper notice of proposed rule-making activity. Shawna Erickson marked her first anniversary on staff with the Board and was given dazzling kudos. Confirmation hearings before the Senate Transportation Committee are slated this month for Commissioners Ned Kiley and Dick McCurdy. The Board was provided with statistical data, as reported by PSP, showing the number of trips taken by each licensed pilot for the month of January 2011. Any pilot with 5 or fewer jobs for the month is noted. The report also includes 2010/2009 comparative monthly totals from the *Earned Revenue* and *LOA* reports provided by PSP. Per the Board's request, information from PSP regarding the number of comp days earned and used, along with the total number of comp days remaining to be taken or paid out is also shown on the handout.

**Commissioner Comments.** Commissioner Hannigan expressed his desire to move forward with his review of the WAC as a member of the Legislative/WAC Committee. He spoke of possible conflicts Commissioner Adams may have with certain discussion items during the time he is undergoing his duties as a Reviewing Officer. All committee members, Board members and staff must be mindful of any interaction with Commissioner Adams during his review period. Committee work will continue under appropriate circumstances.

**Public Comments.** Commissioner Coburn introduced Tim Banks representing COSCO and Shaun Kim representing HANJIN who were present today to express their concerns before the Board regarding Puget Sound Pilots' recent amendment to their *General Guidelines for Vessels Transiting Restricted Waterways or Ports*. They came seeking answers to why PSP made the change to use two tugs rather than one to assist larger ships when docking at T-37, T-42 and T-46. Captain Don Mayer narrated a Power Point presentation to demonstrate PSP's rationale for the change. The emphasis was on "balance of redundancy". Further discussion led to comments concerning the availability of and reliance upon bow thrusters. Admittedly, PSP recognizes they could have done a better job of communicating and implementing the Guideline amendment and will endeavor to do so in the future.

**Confirmation of Next Regular Meeting Date.** The next regular meeting is scheduled for Thursday, March 10, 2011 at 9:30 a.m. in the Agate Conference Room, 2901 Third Avenue, Seattle. The April meeting has been moved from the 14<sup>th</sup> to the 7<sup>th</sup> and the June meeting from the 9<sup>th</sup> to the 10<sup>th</sup>.

**Review of Pilot/Trainee Physical Examination Reports.** Motion: Lee/McCurdy - accept the physicians' reports for Captains M.D. Wood, G.R. Wildes and V.K. Justice for annual pilot license renewal - Carried. Captains W.A. Bundren and P.M. Hannigan have been declared unfit for duty by their physicians on 1-10-11 and 1-31-11 respectively and are temporarily relieved of duties due to current medical conditions. It was noted Captain F.A. Coe is presently not working due to a medical condition but he has not been declared not-fit-for-duty by a physician.

There being no further business to come before the Board, Chairman Dudley adjourned the regular session Board meeting at 2:15 p.m.

Respectfully submitted,

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Peggy Larson, Administrator

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Harry H. Dudley, Chairman

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Commissioner Charles F. Adams

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Commissioner Edmund I. Kiley

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Commissioner Patrick M. Hannigan

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Commissioner Richard F. McCurdy

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Commissioner Craig W. Lee

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Commissioner Douglas S. Coburn

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Norman W. Davis, Acting Vice Chairman

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**Absent**  
Commissioner Elsie J. Hulsizer