

# MEETING MINUTES

## STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

April 20, 2017

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### **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 Rainier Conference Room, 2901 Third Avenue, Seattle, Washington.

#### **Present:**

Chair: Sheri Tonn

Commissioners: Chuck Adams, Phil Morrell, Grant Stewart, Don Mayer, Ed Marmol, Sara Thompson

Assistant Attorney General: Albert Wang

Administration: Jaimie Bever, Shawna Erickson, Peggy Larson

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Eric vonBrandenfels, Linda Styrk, Peter Giese: Puget Sound Pilots

Gary Nelson: Port of Grays Harbor

Lou Paulsen: The Northwest Seaport Alliance

Krysta Zangle: United States Coast Guard Sector Puget Sound

Sandra Bendixen: Pilot Candidate

Robert Fronenbroek: Pilot Aspirant

**Minutes.** Motion: Marmol/Stewart – approve the March 16, 2017 Minutes as written – Carried.

Motion: Marmol/Stewart – approve the April 7, 2017 Minutes as written – Carried.

### **BPC Staff Report.**

- The March 28, 2017 Train-the-Trainer session had 13 pilot attendees, the April 17, 2017 Train-the-Trainer session had 11 pilot attendees, 24 pilots trained, 34 untrained. The session included trainees. A Fall session will be offered in an effort to capture the remaining pilots.
- PSP's 2016 audited financial statement was received via email from Linda Styrk, PSP Executive Director. Hard copies will be distributed to all Board members at a future date. Schedules not included in the submittal will be discussed at a forthcoming meeting with PSP.
- Peggy Larson reported that the Executive Director of the Oregon Board of Maritime Pilots is retiring as of May 1, 2017.
- Board Chair, Sheri Tonn, met with the new Assistant Secretary of Washington State Ferries (WSF) Amy Scarton, who is also the Board's statutory Chair. Sheri received an appointment letter to continue as the Chair of the Board of Pilotage Commissioners.
- BPC staff have requested additional office space from WSF and a proposal is forthcoming.
- Mandatory procurement training instructions are being sent to individual Board members. The target date for completion is May 15, 2017.
- Shawna Erickson gave an overview of March statistical data and trends as provided by PSP, which were reviewed and transferred into reports provided to Commissioners. She suggested a report committee be established to determine what information is most useful to the Board.

### **BPC Chair Report.**

- Peggy Larson will retire as of July 1, 2017. Jaimie Bever will be promoted into an Interim Executive Director position starting June 1, 2017. A temporary position will be established to fill the Program Facilitator position during the transition.
- AAG Albert Wang was introduced and gave a brief description of his legal background.
- The 2017 Train-the-Trainer sessions were very successful. Captain Bill Anderson, Jr. was described as a very effective trainer. Commissioners Adams, Kiley, Thompson, Kirtley, Marmol, Mayer and Tonn, as well as BPC staff Shawna Erickson and Jaimie Bever, were present at one or more of the sessions. Chair Tonn thanked all those who were able to attend.
- Chair Tonn and BPC staff are working with Alliant Insurance and Department of Enterprise Services (DES) on a liability insurance policy covering the Board and pilot trainers. Coverage will start May 1, 2017. The policy will be distributed to the Board once received.
- Discussion of PSP's audited financial statement will be on the agenda for the May meeting, as well as a presentation from PSP's auditors.

**Activity Reports.** Lou Paulsen representing The Northwest Seaport Alliance, Eric vonBrandenfels representing Puget Sound Pilots, Gary Nelson representing the Port of Grays Harbor, and Mike Moore representing Pacific Merchant Shipping Association offered current and projected statistical data as well as updates on current maritime activities. Krysta Zangle representing United States Coast Guard was present to offer information relevant to the MSO/Incident reports.

Amy Scarton, the new Assistant Secretary of Washington State Ferries and statutory chair of the Board, was introduced and joined the meeting to update the Board on recent and future WSF initiatives, including diversity in the maritime industry.

Puget Sound Pilots invited the Board to validate, via a third party consultant, the fatigue management program of PSP, which was developed using the information from sleep studies of other pilot associations. This topic will likely appear on either the July or August 2017 meeting agendas.

Gary Nelson from the Port of Grays Harbor requested the Board consider capping the pension payment paid to Puget Sound Pilots from the Grays Harbor tariff, as they are projecting that the 2017 collections will exceed the distribution requirements. This will be addressed at the May 2017 meeting.

## **NEW BUSINESS**

**Approval of Pilot License Upgrade Program.** Captain Scott Coleman is nearing completion of his third license year. Motion: Mayer/Thompson - approve the license upgrade program for Captain Scott Coleman as drafted by the TEC – Carried.

**Proposed Rule-Making: WAC 363-116-360 Exempt Vessels.** Substitute Senate Bill 5262 has passed the House and Senate, and is on the Governor's desk for signature. The Bill will take effect 90 days sine die on July 23<sup>rd</sup>. The target date for the BPC WAC Hearing is June 15, 2017. This legislation increases the tonnage limitation for yachts from 750 to 1,300 gross tons (international) and for small passenger vessels from 500 to 1,300 gross tons (international) and requires that small passenger vessels be manned by US-licensed deck and engine officers appropriate to the size of the vessel with merchant mariner credentials issued by the United States Coast Guard or Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel. An increase in the fee schedule will be considered by the Board. Puget Sound Pilots President, Eric vonBrandenfels, requested that the Board consider a requirement that all yachts 1,000 gross tons (international) and over, which are new to the area and/or with a master who is new to the area, take a pilot on their initial entry transit. The Board has that requirement as an option in the current rule.

- Motion: Adams/Stewart – add a new category to the fee schedule to capture up to and including 200 feet LOA and 750 gt – 1,300 gt with the fee of \$1,500 – Carried.
- Motion: Marmol/Adams – accept the proposed range of fees as amended for consideration at the public hearing – Carried.

**Legislative Update.** The Board reviewed the status of several bills with potential impacts to the BPC. No movement was reported on SB 5462/HB 1611 *Concerning oil transportation safety*. An update was given on ESSB 5819 *Concerning the Board of Pilotage Commissioners*. Provisions of a striking amendment on the bill were reviewed. There is no apparent movement in the House on this bill. The Board reviewed a handout of potential cost sharing options likely to appear in the House Budget Bill.

## **Consideration of Request for Vessel Exemption:**

**Motor Yacht WILDFLOUR** – 156', 496 gt, Marshall Is. registry, Captain David L. Marks  
Motion: Mayer/Marmol – grant a three-month exemption – Carried.

**Motor Yacht ST. EVAL** – 114', 215 gt, Grand Cayman registry, Captain Orlando Milla  
Motion: Mayer/Marmol – grant an annual exemption renewal – Carried.

**Motor Yacht INVADER** – 164', 608 gt, Cayman Islands registry, Captain Patrick Batchelder  
Motion: Mayer/Marmol – grant an annual exemption renewal – Carried.

## **Pilot's Report of Marine Safety Occurrence: CAP BLANCHE, 04-01-17**

Seattle, inbound to P-18 berth 3 in the East WW	Engine failure was due to failed sensor on the engine governor. Vessel was anchored and the part replaced. Vessel proceeded to berth without further issues.	Navigational Safety Concern	<u>Motion:</u> Marmol/Adams File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: *MATSON KODIAK*, 04-06-17**

PA, inbound to Tacoma	The engine was stopped to replace an exhaust temperature sensor on the #2 cylinder, which had ejected and was causing smoke in the engine room negating the temperature sensor. The part was replaced and vessel continued transiting without further difficulties.	Navigational Safety Concern	<u>Motion</u> : Marmol/Adams File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Incident: *PS Pilot Mork – MIDNIGHT SUN*, 03-04-17**

Tacoma, TOTE berth	While unberthing, the vessel made contact with the dock resulting in damage to the dock tires and a paint scrape and deflection to the plating on the vessel.	<u>Motion</u> : Marmol/Stewart File as Incident with damage and with pilot error – Carried.
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**Consideration of *Statements of Policy*.** The Board reviewed the final *Statement of Policy Regarding the Length of the Training Program*, as adopted at the 4/7/17 Special Meeting. The *Statement of Policy Regarding Stipends to Pilot Trainees Who Complete Fewer than 18 Training Program Trips in a Calendar Month* was revisited and referred back to Assistant Attorney General Albert Wang and the TEC for language review and recommendation. The Board also reviewed the draft *Statement of Policy Regarding the Definition of Intervention*.

- Motion: Marmol/Stewart – adopt the draft Statement of Policy that defines “Intervention” – Carried.

**Consideration of Arbitration Clause Language in Training Program Agreement.** The Board reviewed Dispute Resolution and Arbitration language provided by AAG Albert Wang. Mr. Wang provided an overview of the proposed language.

- Motion: Mayer/Marmol – arbitration language should include a location provision specifying that arbitration take place in King County or a mutually agreed upon location – Carried.

**Committee Reports.**

**Trainee Evaluation Committee:**

- The TEC met on April 18<sup>th</sup>.
- Training Program progress was reviewed for all current trainees: Captains Henderson, Rounds, Hunter, Myers, Vestal and Kridler. Captains Kridler and Vestal will attend the May TEC meeting to discuss their progress in the program.
- Pilot retirement dates were reviewed. Training Program invitation letters were sent to Captains Grieser and Pullin. Captain Grieser will be starting training July 1, 2017. Captain Pullin will exercise the two month postponement to the program with a targeted start date of Sept. 1, 2017.
- The 2017 Train-the-Trainer courses yielded about 40% attendance. Another session will be held in September to capture the remaining pilots.
- The TEC will initiate a study of the current license upgrade schedule due to changes in vessel traffic and size. Necessary data will be requested from PSP.
- A trainee handbook is being compiled for the 2016 Exam class. TEC pilot member, Captain John Scragg, was complimented on his efforts concerning the Training Program Evaluation Project. The handbook's Table of Contents will be shared with the Board at a future meeting.
- There is a pilot retiring in May. PSP will provide the expected date of license relinquishment.

**Legislative/WAC Committee:**

- No updates since the last meeting.

**Diversity Committee:**

- The third meeting of the committee will be scheduled for a date in the near future.

**Review of Pilot/Trainee Physical Examination Reports.** Motion: Marmol/Stewart - accept the physicians' reports for Captains E.C. Lichty, D.A. Sanders, D.S. Anacker, S.D. Semler, N.T. Kelleher, D.W. Grobschmit and V.O. Engstrom for annual pilot license renewal; and Captain S.P. Bendixen for initial trainee licensing – Carried.

**Confirmation of Next Regular Meeting Dates.** The next regular meeting dates are set for May 18, 2017 and June 15, 2017. Chair Tonn will not be present at the June meeting. Vice Chair Ned Kiley will chair that meeting. The issue of the setting the number of pilots will be on the May agenda.

There being no further business to come before the Board, Chair Tonn adjourned the regular session Board meeting at 1:20 p.m.

Respectfully submitted,

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Peggy Larson, Executive Director

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Sheri J. Tonn, Chair

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**Absent**

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Edmund I. Kiley, Vice Chair

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Commissioner Charles F. Adams

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Commissioner Philip Morrell

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Commissioner J. Grant Stewart

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Commissioner Donald W. Mayer

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Commissioner Edmund Marmol

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**Absent**

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Commissioner Eleanor Kirtley

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Commissioner Sara Thompson