

MEETING MINUTES

STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

December 14, 2006

Present:

Chairman: Harry Dudley

Commissioners: Chuck Davis, Ole Mackey, Jay Niederhauser, Pat Hannigan, Vince Addington,
Craig Lee, Andy Palmer and Norm Davis

Administration: Peggy Larson and Judy Bell

Richard McCurdy, Bill Snyder, Walt Tabler: Puget Sound Pilots

Ken Alger: USCG Sector Seattle

Scott Craig: Crowley Marine

Ed Marmol, Bruce Nelson, Katharine Sweeney: pilot applicants

Christy Nelson: Public

PUBLIC HEARING

A public hearing of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley at 2901 Third Avenue, Seattle, Washington.

WAC 363-116-300: Pilotage Rates for the Puget Sound Pilotage District. The purpose of the proposed rule change is to amend the 2006-2007 Puget Sound Pilotage District tariff with regard to the Training Surcharge. The proposed rule reflects the deletion of the initial training surcharge of \$10.00 per vessel assignment that was used to establish a fund for payment of pilot trainee stipends. The proposed rule also reflects a decrease from \$10.00 to \$5.00 in the amount of the additional training surcharge added to each vessel assignment. The current training surcharge amounts were based on a traffic level of 600 vessel assignments per month. Due to the actual vessel traffic being higher than projected, the fund balance has exceeded the amount necessary to pay trainee stipends. The expected outcome of these surcharge adjustments is to lessen the revenue coming into the trainee stipend fund. There was no testimony presented. The hearing was recorded on audiotape. The public hearing was closed by Chairman Dudley at 9:40 a.m.

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened immediately following the public hearing.

Consideration of Preceding Hearing: WAC 363-116-300. Following the Board's review and consideration of the proposed rule, it was moved by Commissioner Addington and seconded by Commissioner Lee that the Puget Sound Pilotage District tariff be amended as filed, to eliminate the initial training surcharge of \$10.00 and reduce the additional training surcharge from \$10.00 to \$5.00 with an effective date 31 days after filing with the Code Reviser. The motion carried.

Minutes. It was noted that under the "Grays Harbor Pilots Activity Report" it should read 27 arrivals year-to-date through October, not 27 arrivals in October. It was moved by Commissioner Addington and seconded by Commissioner Mackey that the November 9, 2006 Minutes be approved as amended. The motion carried.

OLD BUSINESS

Review of Interpretation of RCW 88.16.190 ~ regarding the MISS CLAUDIA. Due to Susan Cruise's absence, this discussion was deferred. Commissioner Palmer, in the interest of enacting a Statement of Policy concerning the use of tug escorts with laden oil tankers, presented a motion to the Board. It was moved by Commissioner Palmer and seconded by Commissioner Norm Davis that, it is the policy of the Washington State Board of Pilotage Commissioners to recommend to owners or charters of oil tankers under 40,000 DWT as defined in RCW 88.16.190 the use of tug escorts when moving cargo into, out of, or between ports in the Puget Sound Pilotage District beyond a point east of a line extending from Discovery Island Light south to New Dungeness Light. Following discussion, it

was moved by Commissioner Lee and seconded by Commissioner Addington to table the motion in order to have Susan review it for content and appropriateness. The motion to table Commissioner Palmer's motion carried.

NEW BUSINESS

Pilot's Report of Marine Safety Occurrence: *HORIZON PACIFIC*, 11-13-06. Commissioner Niederhauser briefed the Board on the circumstances of the event, referencing his interview with the Puget Sound Pilot John Arnold, the pilot's written report, and an audio/video synopsis recorded and prepared by the PS Vessel Traffic Service. After departing the Sitcum Waterway, Tacoma the *HORIZON PACIFIC* was lingering in the harbor in order to disembark a technician to a launch before proceeding to Port Angeles. The *WOLLOCHET*, towing a spoils barge, was outbound from the Blair Waterway to the dump site off Browns Point. While executing a round turn in Commencement Bay, the *HORIZON PACIFIC* encountered the *WOLLOCHET* in a near-miss situation. Discussion followed with regard to Rules-of-the-Road, wind velocity, VTS communications, and lessons learned. It was moved by Commissioner Hannigan and seconded by Commissioner Mackey that this report be filed as a Marine Safety Occurrence and that the TEC be charged with meeting with Captain Arnold to develop a lessons learned document to be presented to and accepted by the full Board. Chairman Dudley offered an amendment to the motion that it not be filed as an MSO and that Captain Arnold be invited to re-write his report. The amendment was accepted by Commissioners Hannigan and Mackey. The amended motion carried with a vote of seven in favor and Commissioner C. Davis opposed. It was made clear that this action will not preclude the Board from considering pilot sanction if the Board determines that an investigation is favored.

Pilot's Report of Marine Safety Occurrence: *EVER GENTLE*, 11-26-06. While transiting southbound 1.5 miles south of SC Traffic Buoy the ship's rudder failed and stuck on starboard 15 degrees. The engine was ordered stopped and after 20 minutes, steering was re-established and the vessel was back on course. After repairs were made the ship proceeded to PCT-A without incident. VTS was notified as well as pilot dispatch to put the next assigned pilot on notice. It was moved by Commissioner C. Davis and seconded by Commissioner Addington that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

Pilot's Report of Marine Safety Occurrence: *ALASKAN NAVIGATOR*, 11-28-06. After departing the Cherry Point BP dock in ballast, both generators on line tripped which resulted in the loss of both main engines. An emergency generator came online and the assist tugs were called back. The Coast Guard was notified. The engines were recovered within 30 minutes; however the vessel took a tug escort from Cherry Point to Port Angeles anchorage. It was moved by Commissioner C. Davis and seconded by Commissioner Mackey that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

Pilot's Report of Marine Safety Occurrence: *KATE MAERSK*, 12-11-06. While preparing to undock the vessel from the Maersk Terminal on the Sitcum Waterway, Tacoma, the pilot and master had a disagreement concerning the number and use of tugs. The wind was gusting to 40 knots and the ship was setting to port. The pilot successfully used the disputed second tug to keep the ship from setting onto Pier 7 across the waterway. It was moved by Commissioner C. Davis and seconded by Commissioner Mackey that this report of a near allision be filed as a Marine Safety Occurrence and that the Chairman write a letter to the operator of the *KATE MAERSK* strongly encouraging cooperation between the pilot and the master, and that the Board believes there was a possibility that the actions of the master could have created a situation that endangered the safety of the Port's property and the environment. The motion carried.

Consideration of Petition for Vessel Exemption: Motor Yacht *MARJORIE MORNINGSTAR*. A petition for vessel exemption was received regarding the foreign flagged 123', 289 gross ton Motor Yacht *MARJORIE MORNINGSTAR*. Pursuant to RCW 88.16.070 and WAC 363-116-360, this vessel qualifies for an exemption from pilotage requirements and was issued an interim exemption by Chairman Dudley on November 30, 2006 subject to final Board approval at today's meeting. It was moved by Commissioner Mackey and seconded by Commissioner Palmer that the Board concur with

his action and issue the exemption for the *MARJORIE MORNINGSTAR* for one year so long as it remains in the charge of Captain Shaun Preacher. The motion carried.

Issuance of Pilot Training Licenses for Captain Bruce Nelson and Captain Edmund Marmol. Captains Nelson and Marmol have accepted their Board-approved training programs. It was moved by Commissioner Hannigan and seconded by Commissioner Mackey that the Board issue training licenses, numbered 9 and 10 respectively, allowing them to begin pilot training on January 1, 2007. The motion carried.

Approval of Pilot License Upgrade Program for Captain Victor Engstrom. It was moved by Commissioner Niederhauser and seconded by Commissioner Lee that the license upgrade letter for Captain Vic Engstrom be approved as drafted by the TEC. The motion carried.

Committee Reports: Trainee Evaluation Committee

- The next TEC meeting is set for January 2, 2007 which will also be the orientation session for the next two trainees ~ Captains Bruce Nelson and Ed Marmol.
- The TEC reported favorably on the status of trainees Grobschmit and Kalvoy and noted the completion of their initial evaluation programs. It was moved by Commissioner Niederhauser and seconded by Commissioner Hannigan that the TEC recommends to the Board that Captains Grobschmit and Kalvoy be approved to advance in the training program pursuant to WAC 363-116-078(5)(c). The motion carried.
- There has been no forward movement on the coordination with the USCG regarding recency requirements for license renewals being sought for pilot trainees who need sea service credit but are in a state training program.

Pilots' Activity Reports. Captain Richard McCurdy, President, Puget Sound Pilots, reported that there were 568 jobs this November compared to 657 a year ago for an average of 636 for the past 3 Novembers; this significant decline was due in part to fewer car and grain ships; 2005's total jobs was 8260 and 2006's projected number is 8380; 24 comp days were accrued and 52 comp days taken in November; three pilots are on major medical leave; two pilots attended manned model training in Port Ashe, Australia in November; several other pilots have attended various other classes locally at PMI last month; Captain Robichaux retired as of November 30, 2006; and the *SWAN* will be delivering the last Tacoma Narrows Bridge sections this week.

Gary Nelson, Executive Director, Port of Grays Harbor, submitted a written report stating there were 4 vessel calls in November ~ 3 at the Port of Grays Harbor and 1 at Weyerhaeuser Bay City; year-to-date total vessel calls is 31 ~ 17 at the Port of Grays Harbor and 14 at Weyerhaeuser Bay City; and Captain Cooke is on duty in December.

Miscellaneous Correspondence Review. A letter of resignation has been submitted to the Governor by Commissioner Jay Niederhauser. The Puget Sound Pilots, by ballot, have submitted Captain Bill Snyder's name to the Governor for consideration as a replacement. There is also a pilot in the Grays Harbor Pilotage District who is eligible for appointment to finish out Commissioner Niederhauser's term.

Legal Update. This will be taken up in Executive Session at the close of the meeting to discuss the five appellants' cases regarding the 2005 pilot exam.

Administrator's Report. Peggy Larson announced that she will be implementing a plan to produce pilot ID cards. Details will be sent to all pilots and trainees. It was moved by Commissioner C. Davis and seconded by Commissioner Lee that all pilots and trainees must obtain a badge by the end of January, unless by special permission. The motion carried. With the departure of Commissioner Niederhauser from the Board, clarification was sought concerning his position on the TEC. He stated he would be resigning from that committee as well. Consideration of his replacement will be made after his position is filled.

Commissioner Comments. Andy Palmer stated that his term expires on December 26, 2006 and if replaced by the Governor before the next meeting, this could be his last meeting. He has served nine years as a Board member representing the marine environment.

Commissioner Mackey acknowledged both the Grays Harbor Pilots and Puget Sound Pilots for a job well done during the recent inclement weather.

Chairman Dudley expressed his appreciation to both Commissioners Niederhauser and Palmer for their active participation and cooperative spirit while serving on the Board.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for January 11, 2007, at 9:30 a.m. The meeting will be held in the Fourth Floor Rainier Conference Room, 2901 Third Avenue, Seattle.

Review of Pilot Physical Examination Reports. After reviewing the physicians' reports it was moved by Commissioner C. Davis and seconded by Commissioner Niederhauser that the physical examination reports for Captains A.L. Fosse, P.A. Giese, J.B. Harris, M.I. Johnson, D.G. Mackenzie, L.M. Mathisen and N.A. Werner be accepted for annual license renewal and Captains B. Nelson and E. Marmol for training licensure. The motion carried. Captains W.K. Anderson and W.A. Bock remain in temporary inactive status due to medical conditions, since May and June, 2006 respectively.

Based on information received on November 30, 2006 from Captain A.L. Fosse's physician he was reported unable to pilot due to a current medical condition. He has been temporarily relieved of pilotage duties, his license declared inactive, and in order to return to active duty the Board must receive a satisfactory physician's report indicating his/her findings/recommendations as to his ability to safely perform pilotage duties.

An EXECUTIVE SESSION was called from 12:20 p.m. to 1:45 p.m. for purposes of discussing the pilot exam appeals. In attendance were Chairman Dudley, Commissioners C. Davis, Mackey, Niederhauser, Hannigan, Addington, Lee, Palmer and N. Davis; Judy Bell and Peggy Larson. Regular session was reconvened by the chairperson immediately following executive session.

The Chairman adjourned the regular session Board meeting at 1:45 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Charles M. Davis, Vice Chairman

Commissioner Oliver E. Mackey

Commissioner John S. Niederhauser

Commissioner Patrick M. Hannigan

Commissioner Vincent Addington

Commissioner Craig W. Lee

Commissioner Andrew C. Palmer

Commissioner Norman W. Davis