

# MEETING MINUTES

## STATE OF WASHINGTON BOARD OF PILOTAGE COMMISSIONERS

January 13, 2005

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### Present:

Chairman Dudley, Commissioners Davis, Mackey, Niederhauser, Hannigan, Addington and Lee  
Assistant Attorney General, Susan Cruise

Administrator, Peggy Larson and Administrative Assistant, Judy Bell

Captain Bill Bock, Captain Andy Coe and Mr. Walt Tabler: Puget Sound Pilots

Mary Nelson: Port of Grays Harbor

Luis Kohls: Pacific Merchant Shipping Association

Driss Bennani: Transmarine Navigation

Norm Davis: Department of Ecology

Jostein Kalvoy and Gordon Wildes: pilot aspirants

Ron Kinsey: US Coast Guard

Captain John Scoggins: Puget Sound Pilotage District trainee

### **PUBLIC HEARING**

A public hearing of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley at 2911 Second Avenue, Seattle, Washington.

**WAC 363-116-082: Limitations on New Pilots.** The proposed rule modifies license limitations and familiarization/training trip requirements for a new pilot in the Grays Harbor Pilotage District. These modifications are necessary due to changes in vessel traffic calling in Grays Harbor.

An emergency rule adopted by the Board on November 4, 2004, became effective November 12, 2004, which adjusts the vessel tonnage limitation in a pilot's first year (Subsection (5)(a)(ii)) and also enables a pilot with license limitations to provide pilotage services in certain cases on vessels not permitted by his/her restricted license (Subsection (5)(f)). This emergency adoption was necessary in order to alleviate safety concerns that could result if no pilot without license restrictions was available to perform pilotage services. The proposed permanent rule includes the above-described emergency modifications in addition to further modifications to license limitations and familiarization/training trip requirements in years two, three, four and five so that a new pilot can perform pilotage services on vessels having a higher gross tonnage.

Also, if the particular size vessels described in the familiarization/training trip requirements which are necessary to complete in order to remove license limitations in a pilot's third, fourth and fifth years aren't available, an unlimited license will not be withheld after the expiration of that pilot's fifth license year.

Commissioner Mackey stated his support for the proposed rule changes. There was no other oral testimony presented. The public hearing was closed by Chairman Dudley at 9:40 a.m.. This hearing was recorded on audiotape.

### **REGULAR MEETING**

The regular meeting of the Board of Pilotage Commissioners was convened immediately following the public hearing. The Board welcomed newly appointed Commissioner, Captain Pat Hannigan, who replaces Captain Rob Kromann as a pilot representative from the Puget Sound District. Chairman Dudley read into the record a letter he wrote on behalf of the Board declaring their appreciation for Commissioner Kromann's nine years of outstanding dedicated service.

**Consideration of Preceding Hearing: WAC 363-116-082.** Following the Board's review and consideration of all written and oral comments, it was moved by Commissioner Mackey and

seconded by Commissioner Addington that the Board adopt all WAC provisions as proposed. The motion carried. The new permanent rule will go into effect 31 days after filing, which will occur before the emergency rule expires. (9:45 a.m.)

**Minutes.** It was moved by Commissioner Addington and seconded by Commissioner Davis that the December 9, 2004 Minutes be approved with the additions of noting that Chairman Dudley publicly thanked Commissioner Kromann at the December meeting for his dedicated service to the Board; and clarifying that the group established to develop WAC language to compliment anticipated statutory changes regarding pilot qualifications and licensing procedures is just a "core" committee which will be expanded to include a more comprehensive representation of interested parties. The motion carried.

### **OLD BUSINESS**

**2005 Legislative Activity Report.** Chairman Dudley reported that our Agency Request Bill has sponsorship from Senators Mary Margaret Haugen and Dan Swecker. It is hopeful that Senator Ken Jacobsen will sign on as a third sponsor. There will not be a House sponsored companion bill. He also reported that the bill would be run with an emergency provision in order to expedite its implementation. In anticipation of the request legislation passing, a CR-101 Preproposal Statement of Inquiry was drafted for Board review and action. This notice lets the public know that the Board is announcing its intentions to commence with the development of new or revised WACs that will compliment the anticipated new laws governing pilot licensing qualifications and procedures. It was moved by Commissioner Davis and seconded by Commissioner Niederhauser that a CR-101 be filed with the Code Reviser announcing the intent to conduct WAC development committee meetings and workshops. The motion carried. Anyone interested in participating is urged to contact the Board's staff.

### **NEW BUSINESS**

**Five-Month Review and Consideration of Licensure of PSPD Trainee.** Commissioners Niederhauser and Hannigan indicated a favorable review of the *Pilot Trainee Reports* concerning Captain John T. Scoggins. It was noted that no trips to Everett anchorage or Pier 91 were piloted; however due to limited availability of these trips the requirement was waived. Captain Scoggins offered a constructive critique to the structure of the training program. It was determined that Captain Scoggins has successfully met the statutory and regulatory requirements for completion of his training program and is now eligible for initial licensing. It was moved by Commissioner Davis and seconded by Commissioner Niederhauser that Captain John T. Scoggins be authorized for issuance of state license #161 for the Puget Sound Pilotage District. The motion carried.

**Pilot's Report of Marine Safety Occurrence: 12-29-04.** A report was filed describing the following occurrence in the Puget Sound Pilotage District: Upon arriving on the bridge of the *SANKO ROYAL*, the pilot was informed by the captain that the vessel was drifting and he could not start the engine. VTS was informed and a tug was dispatched to assist. The vessel's chief engineer had the problem fixed in roughly forty minutes and tests were conducted to confirm the repair. The vessel proceeded to Ferndale Intalco with an escort tug ordered by the COTP. It was moved by Commissioner Lee and seconded by Commissioner Addington that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

**Consideration of Petition for Vessel Exemption: *ORIANA*.** A petition for vessel exemption was received regarding the foreign flagged 95', 153 gross ton Motor Yacht *ORIANA*. 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 January 7, 2005, subject to final Board approval at today's meeting. It was moved by Commissioner Niederhauser and seconded by Commissioner Mackey that the Board concur with the Chair's action to grant a three-month exemption, to the *ORIANA* so long as it remains in the charge of Captain James Whitehead. The motion carried. This vessel entered Puget Sound in early December without the services of a state pilot and was subsequently informed of the infraction and has made restitution.

**Letter of Concern: Alleged Damages to BP Refinery Wharf, North Berth, Cherry Point.** In a letter dated December 29, 2004, Captain Marin Johnson, Puget Sound Pilot, reported the circumstances concerning the docking of the *USNS RICHARD G. MATTHIESEN*. Commissioner Craig Lee reported that very little damage occurred and couldn't confirm if it was related or not to this particular event. He also furnished a written statement from the Master of the vessel. Commissioner Niederhauser stated that he recently spoke with the pilot in addition to taking an assignment on the *MATTHIESEN* to speak with the master. He also spoke with the tug masters in order to gain more input. The common concern appeared to be with the tug usage while spotting the vessel. It was moved by Commissioner Lee and seconded by Commissioner Addington that this matter be tabled and Commissioner Niederhauser proceed with his suggestion to talk further with Captain Johnson to gather more information. The motion carried.

**Pilot's Report of Marine Safety Occurrence: 1-6-05.** A report was filed describing the following occurrence in the Puget Sound Pilotage District: While approaching "SF" Buoy the *ZEUS II* lost the ship service generator and then the main engine. The vessel lost all navigation and propulsion equipment. A tug was dispatched to assist. Almost two hours later all systems were reported normal. After the US Coast Guard Marine Safety Office was informed and after sea trials the vessel was given approval to proceed to its next port. It was moved by Commissioner Davis and seconded by Commissioner Addington that this report of a navigational safety concern be filed as a Marine Safety Occurrence. The motion carried.

**Committee Report: Policy Statement Development Regarding "In Ballast" Definition.** Commissioner Lee and Legal Counsel Susan Cruise each gave the Board a progress report on the findings of their research to date. The committee has determined they have an "in ballast" definition for oil and refined petroleum product tankers but not for LNG and LPG vessels. Susan's research did not clearly produce the legislative intent for including gas carriers in the statutory language. However, because the statute currently includes gas carriers, the committee will work to define how much of the onboard gas is considered cargo, if any, when it is necessary for the operation of the LNG and LPG vessels. The committee will continue its work to produce a recommended policy statement for Board consideration with regard to all of the above-mentioned vessels and the threshold that determines whether its product is cargo or not.

**Committee Report: WAC Development Regarding Pilot Licensing Qualifications and Procedures.** It was moved by Commissioner Lee and seconded by Commissioner Addington that the same membership make-up be designated for this WAC development committee as the previous committee that developed the proposed RCW amendments: 2 Public representatives only 1 from the Board, 2 Pilot representatives only 1 from the Board, 2 Industry only 1 from the Board, 1 Department of Ecology may be from the Board, and 3 pilot aspirants – 1 each from ferries, towing, and deep draft vessels. The motion carried. (If possible it is the intent to find one pilot aspirant who has not yet obtained his/her federal pilotage endorsement.) The former members interested in serving again are: Public – Commissioner Davis, Pilots - Commissioner Niederhauser, Industry – Commissioner Lee (in lieu of Commissioner Addington) and DOE – Norm Davis. It was moved by Commissioner Lee and seconded by Commissioner Niederhauser that Commissioner Davis be named the Acting Chairman and that the remaining members be selected at the first committee meeting by the committee chairman after consideration of requests from interested volunteers. The motion carried. It was moved by Commissioner Mackey and seconded by Commissioner Addington that all committee members be eligible for travel expense reimbursement. The motion carried.

**Legal Update.** Susan Cruise reported that she recently had a conversation with Beth Redfield who is on staff with Representative Ed Murray, Chairman of the House Transportation Committee, regarding our agency request bill. Beth will be preparing a bill report for her HTC members in preparation for their public hearing on our legislation. (20 minute break)

**Pilots' Activity Reports.** Captain Bill Bock, President, Puget Sound Pilots, made a slide presentation showing several portrayals of ship movements in various Tacoma waterways. He also reported that as of last month assignments were up about 3% over tariff projections; two pilots are scheduled for radar school in February; and Captain Endrody remains on medical leave.

Mary Nelson, Director of Finance and Administration of the Port of Grays Harbor, reported that the Port finished the year with a total of 47 vessels – 29 of which were at the Port facility (compared to 8 last year) – with an overall assignment count of 118 for 2004; 4-5 vessels are anticipated next month; Steve Cooke has acknowledged receipt of the Port's offer of employment but is currently on assignment out of town so has not responded; and the Port is aggressively marketing their Terminals 3 and 4 with the hope of attracting new diversified business. In response to questions from the Board, Mary stated that Captain Cooke has been offered a full-time pilot position with full benefits but with a reduced wage reflective of his license status. This is based on the unique circumstances of the Port in that they are an employer and the pilots are not business partners.

**Confirmation of Next Regular Meeting Date.** The next regular meeting will be held on February 10, 2005, in the B Level Conference Room at 2911 Second Avenue, Seattle.

**An EXECUTIVE SESSION was called from 11:45 a.m. to 11:55 a.m. for purposes of reviewing pilot physical examination reports.** In attendance were Chairman Dudley, Commissioners Davis, Mackey, Niederhauser, Hannigan, Addington and Lee; Susan Cruise, Judy Bell and Peggy Larson. Regular session was reconvened by the chairperson immediately following executive session.

**Review of Pilot Physical Examination Reports.** After reviewing the physicians' reports it was moved by Commissioner Lee and seconded by Commissioner Mackey that the annual physical examination reports for Captains J.E. Arnold, L.P. Emerson, C.J. Engstrom, J.B. Harris, D.G. Mackenzie, J.S. Niederhauser and E.M. vonBrandenfels be accepted for license renewal. The motion carried. Written follow-up information regarding Captain Semler has not yet been received from the physician. Captain Miklos Endrody remains on inactive status as of August 2004, due to a medical condition.

The Chairman adjourned the regular session Board meeting at 12:00 p.m.

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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Commissioner Oliver E. Mackey

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Commissioner John S. Niederhauser

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Commissioner Patrick M. Hannigan

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Commissioner Vincent Addington

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Commissioner Craig W. Lee

**Absent**

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Commissioner Stanley J. Norman

**Absent**

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Commissioner Andrew C. Palmer