

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

January 13, 2011

Present:

Chairman: Harry Dudley

Commissioners: Chuck Adams, Pat Hannigan, Dick McCurdy, Doug Coburn, Norm Davis, Elsie Hulsizer

Administration: Shawna Erickson, Peggy Larson

Captains Eric vonBrandenfels, Del Mackenzie, Jim Shaffer, Alec Newman, Don Mayer, Mr. Walt Tabler:
Puget Sound Pilots

Mary Nelson: Port of Grays Harbor

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

Blair Bouma: PSPD Pilot Candidate

Ron Kinsey: USCG Sector Puget Sound

Diane Butorac: WA State Department of Ecology

Andrew Gauthier: Crowley Marine Services

Rob Kromann, Del Kelly: Retired Puget Sound Pilots

Loren Lee: Public

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. Noting one editorial change, the November 9, 2010 Minutes stand approved as written.

OLD BUSINESS

Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as Provided in WAC 363-116-065. Staff provided the Board with statistical information related to current pilot activities and workload distribution of all PSPD pilots licensed in 2010. Further detail was requested of PSP for more complete comp day data and an explanation for those pilots who performed less than 5 assignments in a month. It was also noted that the number of *Vessel Certification Forms* submitted by pilots falls short of the number of vessel assignments reported by PSP. Further analysis of all this information will be on-going in an effort to provide useful information when setting the number of pilots. It was the consensus of the Board to leave the set number of pilots at 52. Motion: Hannigan/Hulsizer – remove this item from future agendas until there appears to be a need for resolution – Carried.

Re-consideration of Licensure of PSPD Trainee: Captain Blair Bouma. A letter dated 1-3-11 was submitted by Captain Bouma requesting consideration of his licensure at the soonest conceivable time. His disappointment in the Board's decision to delay his licensure is cause for him to continue this pursuit while continuing to take post-training trips and part-time work. This item will remain on each agenda in order to re-evaluate Captain Bouma's status relative to his imminent licensure.

NEW BUSINESS

Approval of Pilot License Upgrade Program: Captain Steve Semler is nearing completion of his third license year and Captains Grobschmit and Kalvoy their fourth. Motion: Hannigan/Davis - approve the license upgrade programs for these three captains as discussed and modified - Carried.

Consideration of Request for Vessel Exemption:

Motor Yacht *PEPPER XIII* – 112', 208 gross tons, Cayman Islands registry, Captains Janice Sheer and Michael Catania. Motion: McCurdy/Coburn – concur with Chair's granting of interim three-month exemption – Carried.

Motor Yacht *AFTER EIGHT* – 151', 498 gross tons, British registry, Captain Grant Lindsay. Motion: McCurdy/Coburn – concur with Chair's granting of 3-month exemption – Carried.

Pilot's Report of Marine Safety Occurrence: CYPRESS PASS, 10-28-10.

Buoy SG off West Point	Altered course to avoid gill nets obstructing the southbound traffic lane off Bainbridge Island.	Near-Miss	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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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.	Deferred
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Pilot's Report of Marine Safety Occurrence: TAIHUA STAR, 11-10-10.

Smith Cove Seattle	Main engine malfunction. Vessel anchored for repairs. Permitted to proceed, VTS called back to anchor.	Navigational Safety Concern	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: CLARA, 11-15-10.

Elliott Bay Seattle	Vessel dragging anchor required repositioning. Motor heaving the anchor failed. Vessel maneuvered into deeper water with tugs and re-anchored.	Navigational Safety Concern	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: PEARL RAY, 11-26-10.

Blair Waterway Tacoma	Engine malfunction in turning basin. Stern bells not answered – no problem with ahead bells.	Navigational Safety Concern	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: OMEGAS, 12-9-10.

South bound PA to Seattle	Navigation equipment discrepancies with gyro, AIS and COG vector.	Navigational Safety Concern	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: OAKLAND EXPRESS, 12-10-10.

South bound PA to Seattle	Failure of electronic device caused a power failure within the control panel of #2 generator and stopped main engine.	Navigational Safety Concern	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: CSCC ASIA, 12-20-10.

Blair Waterway Tacoma	Bow thruster failure. Two tugs assisted.	Navigational Safety Concern	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: BELUGA FAVOURIZATION, 12-21-10.

Terminal 18 Seattle	Bow thruster failure. Two tugs assisted.	Navigational Safety Concern	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Marine Safety Occurrence: COSCO ANTWERP, 12-29-10.

Pier 46 Seattle	Bow thruster failure. Two tugs assisted.	Navigational Safety Concern	Motion: McCurdy/Davis File as a Marine Safety Occurrence	Carried
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Pilot's Report of Incident: APL VIETNAM, 1-2-11.

Pier 5 Seattle	Dockside line handler appeared injured so pilot reported it to the line supervisor then proceeded to secure the vessel at the dock.	Line handler injured at the dock.	Motion: Hannigan/Adams File as an Incident with Injury and No Pilot Error	Carried
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Committee Reports.

Trainee Evaluation Committee:

- The TEC met on December 16th and January 12th.
- Training program performance was reviewed for trainees Anacker, Kearns and Anthony – all are making good progress.
- Motion: Hannigan/McCurdy - pass Captain Anacker out of the initial evaluation phase - Carried.
- By authority of the Board the TEC presented its proposed post-training program for Captain Bouma. This is optional if he wishes to continue in a program with provisions to ride ships, earn a stipend and take on part-time work. Motion: Hannigan/Davis – approve Captain Bouma's post-training program as drafted – Carried. It will be presented to him for consideration.
- Three trainees have submitted written notification of their intent to temporarily return to work. Motion: Hannigan/Davis: authorize trainees Anacker, Kearns and Anthony to move in and out of stipend status as they each previously requested – Carried.
- In the interest of calculating stipends for trainees who work and train simultaneously, a formula was devised that will provide fair and consistent payments. Motion: Hannigan/McCurdy – adopt the proposed Statement of Policy as drafted by the TEC regarding the "*Proration of Stipends to Pilot Trainees Who Change Stipend Status at Times Other than the Beginning or End of a Month*" – Carried.
- Clarification and formatting modifications to the "*Pilot Trainee Training Evaluation Report*" form were proposed. Motion: Hannigan/Coburn – approve modified training form as drafted – Carried.
- *Train the Trainer* instruction continues to be pursued. Puget Sound pilots Captains Niederhauser and Scragg will be working with the TEC to structure the course.
- The \$5 increase to the training surcharge was implemented January 1, 2011; PSP was notified.

Legislative/WAC Committee: Committee Chairman Adams reported that work is ongoing.

Tariff Policy Committee: Committee Chairman Dudley reported that work is ongoing.

Activity Reports. Mary Nelson, representing Port of Grays Harbor, reported the PGH had 67 ship arrivals in 2010 for a total of 170 jobs; projections for January and February traffic are 5-6 vessels each month; expansion continues on AGP grain silos as well as the laying of 35,000 feet of rail for the marine rail project; and the Ports of Grays Harbor and Seattle are both celebrating their centennials in 2011.

Captain Eric vonBrandenfels, representing Puget Sound Pilots, reported there were 535 assignments in December for an annual total of 7,338 compared to a 2009 total of 7669, the difference is a decline of 4.32%; there were no pilots in training in December; 5 comp days were accrued and 15 used in December; for the year 124 comp days were accrued and 286 used (168 of which were used by the 5 pilots retiring during the year); and improvements are being sought on aids to navigation in the Hylebos and Blair Waterways.

Captain Mike Moore, representing Pacific Merchant Shipping Association, reported that container arrivals are down, tankers including ATBs are down and bulker traffic is up which equates to a decline in deep draft vessel arrivals of 116 year-to-date – the lowest in 20 years; and the forecast for 2011 is a mixed bag but there is cautious optimism that arrivals may increase slightly.

Miscellaneous Correspondence Review. PSP submitted a Public Records Request to the Board concerning the Tariff Policy Committee. The Harbor Safety Committee copied the Board on a letter to Representative Christine Rolfes regarding vessel wake concerns.

In light of the recent exchange of communications regarding a Puget Sound Pilots' amendment to their *General Guidelines for Vessels Transiting Restricted Waterways or Ports*, Commissioner Doug Coburn presented a statement compiled by getting information from representatives of the tug, agency and affected container operators describing the sequence of events from the time of the amendment, November 09, 2010 through December 14, 2010. He expressed his displeasure with the lack of communication between PSP leadership and the shipping community. Commissioner Coburn has concerns about the guideline "process"; he believes it is flawed and needs Board oversight or review.

Chairman Dudley stated he has spoken with both PSP and PMSA and has agreed to chair a group of their representatives who are committed to improving communications. Captain vonBrandenfels offered to make a presentation to the Board at the next meeting regarding the reason for this Guideline amendment.

Legal Update. Chairman Dudley reported on behalf Guy Bowman that the Board's "Motion to Dismiss Captain Nelson's Petition for Review as Untimely" was denied. The Board will now appoint a Reviewing Officer to review Captain Nelson's "Petition for Review".

Administrator's Report. Elsie Hulsizer's first term expired on December 26, 2010 and she is seeking reappointment. The 2011 Legislative Session began on January 10th. Agency request legislation being considered by our Board for the 2012 Session should begin to take shape by this Spring for public outreach during the Summer and submittal in the Fall. Rule making calendars will be posted on our web site every January and July; however Governor Gregoire has directed all state agencies to suspend non-critical development and adoption of rules through 12-31-11. The Board will be mindful of the guidelines set by the Executive Order when developing our rule making calendars.

Commissioner Comments. Commissioner Hannigan requested a Closed Session to discuss the status of ongoing legal matters.

Public Comments. Loren Lee noted four OSHA violations he observed during the discussion of the Pilot's Report of Incident involving the *APL VIETNAM* at Pier 5, Seattle.

Confirmation of Next Regular Meeting Date. The next regular meeting is scheduled for Thursday, February 10, 2011 at 9:30 a.m. in the Agate Conference Room, 2901 Third Avenue, Seattle.

Review of Pilot/Trainee Physical Examination Reports. Motion: Hannigan/Coburn - accept the physicians' reports for Captains J.A. Hannuksela, S.E. Moreno, J.E. Arnold, E.M. vonBrandenfels, J.B. Harris, L.P. Emerson, A.J. Newman, T.A. Jacobs, J.S. Niederhauser, C.J. Engstrom, M.G. Mendenhall, J.T. Scoggins, E.C. Klapperich and D.E. Brusco for annual pilot license renewal - Carried.

A CLOSED SESSION was called from 1:40 p.m. to 1:50 p.m. for purposes of discussing the status of ongoing legal matters. In attendance were Chairman Dudley, Commissioners Adams, Hannigan, McCurdy, Coburn, Davis and Hulsizer; Shawna Erickson and Peggy Larson. Regular session was reconvened by the chairman immediately following closed session.

There being no further business to come before the Board, Chairman Dudley adjourned the regular session Board meeting at 1:50 p.m.

Respectfully submitted,

Peggy Larson, Administrator

Harry H. Dudley, Chairman

Commissioner Charles F. Adams

Absent

Commissioner Edmund I. Kiley

Commissioner Patrick M. Hannigan

Commissioner Richard F. McCurdy

Absent

Commissioner Craig W. Lee

Commissioner Douglas S. Coburn

Norman W. Davis, Acting Vice Chairman

Commissioner Elsie J. Hulsizer