

**MEETING MINUTES**  
**STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS**  
**September 28, 2021**

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**Regular Meeting – Call to Order**

The regular meeting was called to order at 12:00 p.m. by Chair Sheri Tonn via Microsoft Teams.

**Present via Microsoft Teams:**

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Jason R. Hamilton (Public), Sandy Bendixen (Pilot), Mike Anthony (Pilot), Nhi Irwin (Ecology), Timothy J. Farrell (Public), Michael Ross (Foreign Shipping), Andrew Drennen (U. S. Shipping)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson: Puget Sound Pilots

John Harris: Retired Puget Sound Pilot

Mike Folkers: Port of Grays Harbor

Mike Moore and Jordan Royer: Pacific Merchant Shipping Association

Laird Hail and Nate Menafee: USCG

Vince Addington: General Steamship

Ann LaRue: Public

Monique Webber: Pacific Yacht Management

Michael Haglund: Public

Ryan & Megan Gartner – Puget Sound Pilot Licensure Candidate and Family

Tom Ehrlichman – Swinomish Indian Tribal Community

Before moving into the meeting agenda, Chair Tonn welcomed Captain Sandy Bendixen to the Board as a pilot representative for the Puget Sound Pilotage District. She thanked Captain Bendixen's predecessor, Captain John Scragg, for his many years of service to the Board and the State.

**BPC Staff Report.**

- Executive Director Jaimie Bever worked with DES and OFM to submit the BPC's 2022 Supplemental Budget.
- Program Analyst Bettina Maki, who maintains the state's Enterprise Risk Management (ERM) risk register database for the BPC, has submitted updates required by September 1, 2021. The updates were the results of brainstorming and collaboration from the BPC's committees. Going forward, the committees will discuss ERM on a quarterly basis.
- Bettina will provide the Board with 3<sup>rd</sup> quarter data at the next meeting.

**BPC Chair Report.**

- Women Offshore' annual conference will be held remotely on November 5 and November 12. The BPC is a sponsor of this year's conference. Board members are encouraged to attend.
- Chair Tonn and Jaimie Bever met with Tom Griffiths, Executive Director of the Oregon Board of Maritime Pilots, on September 14. They had an excellent meeting on cross-border and other piloting issues.

**COVID-19 Updates.** Jaimie Bever has received the vaccine status for all BPC staff and Board members and has relayed that information accordingly to various state agencies, as required. Jaimie also had a meeting with the Deputy Director of the Pacific Pilotage Authority to learn about how Canada has been handling exposures. A short Q&A with Board members followed. In response to continued COVID-19 concerns, the BPC issued two letters with the input of Dr. Ann Jarris, of Discovery Health MD. One letter was to all shippers, and the other was specific to cruise ships. Chair Tonn thanked PSP President Ivan Carlson and PMSA Vice President Mike Moore for their help in distributing the notices, and Dr. Jarris for her assistance in preparing the notices.

Due to ongoing COVID-19 concerns, Crowley has restricted pilot trainees from accessing all vessels from Crowley Petroleum Assets. The BPC and TEC are engaged in ongoing discussions with Crowley to help minimize the impact of this restriction.

**Activity Reports.** Mike Folkers representing the Port of Grays Harbor (PGH), Laird Hail representing the United States Coast Guard (USCG), Captain Ivan Carlson representing Puget Sound Pilots (PSP), and

Mike Moore representing Pacific Merchant Shipping Association (PMSA) offered current and projected statistical data as well as updates on current maritime issues and activities.

PSP President Ivan Carlson announced that Charlie Costanzo, AWO, has been hired as PSP's new Executive Director. October 16 is his first day. Chair Tonn welcomed Charlie.

## **NEW BUSINESS**

### **Meeting Minutes.**

Motion: Farrell/Kirtley – approve the August 17, 2021 Meeting Minutes with a correction brought forward from Commissioner Bendixen regarding the update given on first-class pilot federal requirement issues. Rather than saying the work group has resumed, she reported that she is hopeful that the work group will be reestablished. – Carried.

### **Committee Actions.**

#### **Trainee Evaluation Committee (TEC)**

- **Consideration of Licensure of PSPD Pilot Candidate: Ryan Gartner.** On behalf of the Trainee Evaluation Committee (TEC), Commissioner Bendixen stated that Captain Ryan Gartner has successfully completed all sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion of his federal licensing requirements. Commissioner Bendixen added that Captain Gartner has proven to be consistent, safe, and able to pilot independently. The Board has received his TPTR Summary and all training comments.  
Motion: Bendixen/Anthony – issue Captain Ryan Gartner state pilot license number 215 for the Puget Sound Pilotage District – Carried
- Due to the retirement of Captain John Scragg from the Board and as Chair of the TEC, Commissioner Farrell nominated Commissioner Bendixen as Chair of the TEC and Commissioner Anthony as Vice-Chair.  
Motion: Farrell/Hamilton – approve Commissioner Bendixen as Chair and Commissioner Anthony as Vice-Chair of the TEC – Carried
- **Approval of Pilot License Upgrade Program: Captains Grieser, Bozina & Knutsen.** Captain Grieser is nearing completion of his third license year, Captain Bozina his second license year and Captain Knutsen his first license year. All three upgrade program letters have been updated to reflect the new license levels.  
Motion: Bendixen/Anthony – approve the pilot license upgrade program for Captains Grieser, Bozina and Knutsen as proposed – Carried.
- **Consideration of Emergency Rule WAC 363-116-078 due to COVID-19.** The TEC agreed to recommend continuing the Emergency Rule, which allows for a gradual return to the pre-pandemic normalcy with 12 trips required each month for stipend.  
Motion: Bendixen/Anthony – approve the Emergency Rule WAC 363-116-078 as drafted – Carried.
- Captain Nick Moore is ready for PPU training, as he intends to complete his program and be ready for consideration of licensure in the next month or two.  
Motion: Bendixen/Anthony – Approve the PPU training for Captain Moore and provide additional one-time stipend for the training up to \$2,400 – Carried.
- The TEC met yesterday and reviewed all the training programs and comments. With the licensure of Captain Gartner, there are currently 9 trainees in Puget Sound, and none in Grays Harbor. One trainee is close to licensure. Three are in evaluation, five in training and one in the observation phase.
- Regarding the Grays Harbor candidate invitations, an invitation was issued earlier this month and the TEC received a request to extend the decision date until November 1 due to the work schedule of the candidate, who is currently at sea. He is planning a trip to Grays Harbor once off the vessel. The TEC approved his request.

Upon arrival at Pilot Station heading to PA Anchorage	Engine issue, used tug to take vessel to anchor. VTS allowed vessel to anchor in PA anchorage and discuss further action.	<u>Motion:</u> Farrell/Drennen File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: MANOA, 08/20/2021**

Tacoma, Approaching Sitcum Waterway	Radio communication lost with Brynn Foss (tug). Finally able to get second tug to communicate with Brynn via cellphone and was able to land ship safely.	<u>Motion:</u> Farrell/Bendixen File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: AAL GENOA, 09/02/2021**

Outbound in TSS between 'SE' and PA Port Dock	Gyro compass issue, was able to arrive at destination using magnetic compass, PPU, and visual piloting.	<u>Motion:</u> Bendixen/Ross File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: IRENES ROSE, 09/07/2021**

Underway in Elliott Bay	Fuel leak in the fuel piping from number 5 fuel pump to the main engine. Tug escort ordered and VTS approved anchorage assignment in Smith Cove West.	<u>Motion:</u> Ross/Bendixen File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: MOL EMISSARY, 09/12/2021**

Underway in South Elliott Bay/East Waterway	Fishing nets impeding traffic in waterway resulted in repeated calls to Muckleshoot Tribal Fishing Coordinator and excessive maneuvering around nets	<u>Motion:</u> Anthony/Drennen File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: M.V. TONSBURG, 09/12/2021**

Underway in the Blair Waterway	Leaking cylinder issue. Engine stopped for repair and completed with approval from VTS. Continued outbound transit to sea without further issue.	<u>Motion:</u> Farrell/Anthony File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: CONTI CORDOBA, 09/12/2021**

Underway in the East Waterway	Fishing nets impeding traffic in waterway.	<u>Motion:</u> Anthony/Farrell File as a Marine Safety Occurrence – Carried.
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**Vessel Exemptions:**

**Motor Yacht EVVIVA**– 164', 492gt, Cayman Islands registry, Captain Gies.

Motion: Farrell/Drennen – concur with Chair Tonn's granting of an interim exemption with the following conditions imposed: No Deception Pass or Locks – Carried.

**Sailing Yacht LEONARA** – 90', 68gt, Marshall Islands registry, Captain Spencer.

Motion: Farrell/Kirtley – concur with Chair Tonn's granting of an interim exemption with the following conditions imposed: No Deception Pass or Locks – Carried.

**Motor Yacht CARTE BLANCHE** – 161', 499gt, Cayman Islands registry, Captain Crosby.

Motion: Bendixen/Ross – concur with Chair Tonn's granting of an interim exemption with the following conditions imposed: Must have pilot orientation cruise – Carried.

**Sailing Yacht CATALINA** – 145', 275gt, British Virgin Islands registry, Captain Whitney.

Motion: Kirtley/Anthony – concur with Chair Tonn's granting of an interim exemption with the following conditions imposed: No Deception Pass or Locks and must have pilot orientation cruise – Carried.

**Motor Yacht ICE BEAR** – 175', 672gt, Cayman Islands registry, Captains Hayes & Berndt.

Motion: Anthony/Bendixen – concur with Chair Tonn's granting of an interim exemption with no conditions imposed – Carried.

**Motor Yacht ZENITH** – 133', 470gt, Cayman Islands registry, Captain Steenbhom.

Motion: Anthony/Bendixen – grant an annual exemption with no conditions imposed – Carried.

**Pilot/Trainee Physical Examination Reports.**

Motion: Farrell/Bendixen – approve the physicians reports for Captains I. J. Carlson, K. C. Kridler, D. B. Soriano, E. M. vonBrandenfels, B. E. Lowe, J. L. Carstensen, and J. R. Semler for their annual pilot license renewals – Carried.

Motion: Farrell/Anthony – approve the physician report for Captain R. M. Gartner for his pre-licensing physical – Carried.

**Committee Membership.** The Board reviewed several changes and proposed updates to the BPC Committee Roster:

- BPC/PSP Joint Diversity Committee (JDC) – the committee is working on a charter and membership positions for future Board consideration.
- Commission Investigative Committee (CIC) – Commissioner Anthony nominated Commissioner Drennen for the BPC industry representative for this committee. Commissioner Drennen accepted.

Motion: Anthony/Farrell – appoint Andrew Drennen to the CIC and affirm current membership – Carried.

- Oil Transportation Safety Committee (OTSC) – the committee will be looking for a new tug industry representative now that Charlie Costanzo, AWO, is moving to Puget Sound Pilots. They are also seeking additional Tribal representatives to join the Swinomish Indian Tribal Community already on the OTSC.

- Pilot Safety Committee (PSC) – the committee is seeking a Co-Chair. Commissioner Drennen offered to take this position. Commissioner Ross also expressed interest in this committee.

Motion: Farrell/Kirtley – appoint Andrew Drennen as Co-Chair, Scott Anacker as PSP Alternate and Mike Ross as industry alternate – Carried.

- Vessel Exemption Committee (VEC) – Commissioner Bendixen recommended Commissioners Ross and Hamilton for the BPC positions on the committee and Commissioner Anthony for the Chair position. Commissioner Farrell volunteered as well for either a member or Chair. Commissioner Ross volunteered as a member. Commissioner Irwin is already listed as a representative.

- The Board discussed adding another position to the VEC to represent operational experience.

Motion: Anthony/Drennen – amend the VEC charter to add a position for a large yacht (130-200FT) captain with experience in local waters – Carried.

Motion: Bendixen/Drennen – approve proposed roster for committee membership – Carried.

**Rulemaking: WAC 363-116-301 New Revenue Collection.** The 21-23 Transportation Budget Bill (SB 5165), signed by Governor Inslee, enacted specific provisions under which the BPC must obtain revenue from Puget Sound Pilots and the shipping industry to make payments toward self-insurance liability premium expenditures. Jaimie Bever reported the need to amend WAC 363-116-301 New Revenue Collection to update the rule with SB 5165 conditions and directives. The Board will consider a CR102 for filing and setting a hearing date at the November Board meeting.

#### **ESHB 1578.**

- **Synopsis of Changing Vessel Traffic Trends – August 2021 Data.** The Board reviewed the August data, which represent the final month of data collection. Commissioners Kirtley requested that the report include the totals and also a presentation on proportions, so as not to see just the absolute number of transits but also percentages along with visual representations such as charts. Commissioner Farrell concurred. Chair Tonn confirmed that was the intended approach. However, she added there was concern about percentage representations potentially misleading the data.
- **Presentation for the Board – Overview of ESHB 1578.** Jaimie Bever presented an overview of ESHB 1578 to help inform and remind Board members of the BPC deliverables and the upcoming timeline. These slides are available on the BPC website under the meeting materials. Jaimie will send calendar invites to Board members to provide reminders regarding upcoming deadlines.

#### **Committee Updates.**

##### **BPC/PSP Joint Diversity Committee (JDC)**

- The JDC will plan for a meeting before the end of the year and work on the charter for Board consideration.

##### **Oil Transportation Safety Committee (OTSC)**

- The OTSC will meet on October 18 from 10-12.
- The Board received the OTSC approved minutes from the June 3 meeting.

**Pilot Safety Committee (PSC)**

- The PSC will meet again on October 25 from 1-3.
- The Board received the PSC approved minutes from the July 28 meeting

**Vessel Exemption Committee (VEC)**

- The VEC will set up the first meeting.

**Confirmation of Next Regular Meeting Dates.** Chair Tonn reviewed the calendar and asked the Board to think about the 2022 calendar for upcoming Board meetings.

Chair Tonn asked for public comment and received none. There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 3:05 p.m.

Respectfully submitted,

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Jaimie C. Bever, Executive Director

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Sheri J. Tonn, Chair

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Eleanor Kirtley, Vice Chair

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Commissioner Timothy J. Farrell

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Commissioner Andrew Drennen

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Commissioner Mike Ross

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Commissioner Sandy Bendixen

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Commissioner Michael Anthony

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Commissioner Jason R. Hamilton

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Commissioner Nhi Irwin