

**MEETING MINUTES**  
**STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS**  
**October 18, 2018**

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**PUBLIC HEARING - Call to Order**

A public hearing of the Board of Pilotage Commissioners was convened at 10:00 a.m. by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

**Present:**

Chair: Sheri Tonn

Commissioners: Michael Anthony, Sara Thompson, Eleanor Kirtley, Grant Stewart, Chuck Adams, and John Scragg

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

Eric vonBrandenfels, Linda Styrk, Ivan Carlson: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Lou Paulsen, Zack Thomas: The Northwest Seaport Alliance

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Monique Webber: Pacific Yacht Management

Matt Hannuksela, Peter Mann: 2018 Exam Applicants

Peter Giese: Puget Sound Pilots, retired

Laird Hail: USCG

**WAC 363-116-185: PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT.** RCW 88.16.035(1)(e) requires the Board of Pilotage Commissioners to annually fix the pilotage tariffs. Financial data used in this tariff hearing included GHPD 5-year Capital Spending Plan, the unaudited 2017 Financial Statement, and financial data as of July 31, 2018. The filed rule as proposed by the Port of Grays Harbor reflects the decrease to the Pension Charge from \$500 to \$450. No other tariff adjustments were requested. The filing was based on a request dated August 16, 2018 submitted by Mike Folkers, Director of Finance and Administration for the Port of Grays Harbor, which details their request for the rule amendment. A formal written tariff proposal was submitted on September 18, 2018. There were no public comments. The public hearing was closed by Chair Tonn at 10:05 a.m.

**REGULAR MEETING – Call to Order**

The regular meeting of the Board of Pilotage Commissioners was convened immediately following the hearing by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

**Present:**

Chair: Sheri Tonn

Commissioners: Michael Anthony, Sara Thompson, Eleanor Kirtley, Grant Stewart, Chuck Adams, and John Scragg

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

Eric vonBrandenfels, Linda Styrk, Ivan Carlson: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

Lou Paulsen, Zack Thomas: The Northwest Seaport Alliance

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Monique Webber: Pacific Yacht Management

Matt Hannuksela, Peter Mann, John McMillen: 2018 Exam Applicants

Peter Giese: Puget Sound Pilots, retired

Laird Hail: USCG

Chris Reilly: Nicoll Black & Feig

John McMillen: 2018 Exam aspirant

**Consideration of Preceding Hearing: WAC 363-116-185.** All written and oral testimony was reviewed and considered by the Board.

**Motion:** Thompson/Adams – Adopt the tariff proposal as filed, which decreases the Pension Charge from \$500 to \$450 – Carried.

**Minutes.** Motion: Adams/Kirtley – approve the September 20, 2018 Minutes as written – Carried.

**BPC Staff Report.**

- Handouts regarding the Great Washington Shakeout were provided to the Board and the public.
- The fall edition of the BPC Quarterly was provided to the Board and the public. Reminder: staff is always looking for story ideas or photos for upcoming editions.
- Regarding the Nelson case, oral arguments are tentatively scheduled to be heard on November 6<sup>th</sup> to determine next steps. The Board’s appellate attorneys, Catherine Hendricks and Allyson Zipp, have moved into other roles. Catherine has retired and Allyson was promoted to a managerial position. She will remain in an advisory role for this particular case. The Board’s new appellate attorney is Sara Cassidy.
- On October 3<sup>rd</sup> and 4<sup>th</sup> both Jaimie Bever and Chair Tonn attended the Salish Sea Shared Water Forum, where Jaimie was a panelist on “Regulatory Authorities.” Mike Moore was also a panelist on a panel entitled “Collaborations in Progress.” Chair Tonn stated that John Veentjer did a great job explaining all the stakeholder groups. The small group discussions were lively and stimulating. Several hundred people participated, including Captain Kalvoy representing Puget Sound Pilots.

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*From 10:20 until 10:40 a.m. all meeting attendees participated in an earthquake evacuation drill*  
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- Jaimie Bever attended the latest meeting of the Harbor Safety Committee on October 10<sup>th</sup> where a representative of BNSF gave a presentation on a bridge replacement proposal for the Salmon Bay rail bridge. They have been meeting with the maritime community to gather any potential concerns and see what they can do to minimize the impacts. The issue is that the current bridge has an unlimited vertical opening but the proposed bridge is limited to 155’. The maritime industry is being asked to look 100 years into the future at what vessel heights might be. Monique Webber from Pacific Yacht Management expressed concern about the height limitations of the bridge and how it will affect her industry. October 31<sup>st</sup> is the final day for comments to BNSF. Chair Tonn asked the Commissioners to think about if they want to make a consolidated statement, what specifics they would wish to ask for, and if it fits into our mission and we will come back to it later in the agenda.
- Shawna Erickson presented a visual look at quarterly trends in pilotage. Staff will soon begin the process of overhauling the reports generated from information provided by Puget Sound Pilots and the Port of Grays Harbor, especially as focus shifts away from tariff. Staff will poll the Board regarding what data they would like to focus on seeing and reviewing on a regular basis. Stakeholder input will be requested as well.

**BPC Chair Report.**

- Chair Tonn reported that the UTC will be having a workshop tomorrow with all of the stakeholders regarding the draft rules that have been circulated. The meeting is at 1:30pm at the UTC office in Olympia.
- Chair Tonn will be attending the Women on the Water national conference at the Maine Maritime Academy November 1-3, and will be participating in an all-female panel discussion on piloting which will also feature Puget Sound pilot Captain Sandy Bendixen.
- The Board was saddened at the news of the passing of Port of Grays Harbor Commissioner Jack Thompson, who was injured in a fall while attending the American Port Authorities convention in Valparaiso, Chile.

**Activity Reports.** Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), Mike Folkers representing the Port of Grays Harbor (PGH), Mike Moore representing Pacific Merchant Shipping Association (PMSA), Lou Paulsen and Zack Thomas representing The Northwest Seaport Alliance (NWSA), and Laird Hail representing the US Coast Guard (USCG) offered current and projected statistical data as well as updates on current maritime issues and activities.

Chair Tonn gave Grays Harbor pilot Captain Ryan White two waivers since the last meeting to take vessels above his license limitations. Captain White is due to upgrade but is unable to, as he is the only active pilot in Grays Harbor currently.

Commissioner Thompson mentioned that she recently attended the Marine Exchange's Maritime Industry Planning and Preparedness Committee meeting. She suggested the Board have a presence at future meetings to represent pilotage. She will forward the agenda for the next meeting to Board staff.

### **OLD BUSINESS**

Puget Sound Pilots (PSP) and the US Coast Guard (USCG) reported on their joint meeting to address the directive from Chair Tonn stemming from the MSO aboard *EVERGREEN STATE* on July 26, 2018. Written detail was provided outlining the steps taken and the ways to improve communications between the two agencies.

### **NEW BUSINESS**

**Consideration of Emergency Pilotage Service for the Grays Harbor Pilotage District.** The Port of Grays Harbor issued a request for emergency pilotage services due to only having one active pilot at this time. The other pilot is currently not fit for duty while recovering from surgery. The Board reviewed the request from the Port of Grays Harbor, a response letter from Chair Tonn directing the Trainee Evaluation Committee (TEC) to design a suitable training program in order to license Puget Sound Pilots in the Grays Harbor Pilotage District on both an emergency basis and to look to the future at the training program for use with a trainee after the upcoming exam, and a response from TEC with their proposed plan of action. A Memorandum of Understanding will be developed once the Port of Grays Harbor, Puget Sound Pilots, and the Board work through the details of the program.

**Review of the 2019-2021 Biennial Budget and Strategic Plan.** Staff presented and fielded questions regarding the Board's 2019-2021 biennial budget. Jaimie Bever also noted that she has made revisions to the 2018-2023 Strategic Plan utilizing the comments made at the last meeting. She will be sending those out to the Board for comment, with the plan to adopt it at the November 7<sup>th</sup> meeting.

**Salish Sea Vessel Traffic Safety Report Update:** The Governor has sent a letter to the Department of Ecology directing them to submit the draft report November 1, 2018 and the final report in January 2019. Stakeholder meetings are being scheduled for November.

**Rule Making: WAC 363-116-078 Training Program & WAC 363-116-080 Licensing of Pilots.** The Board reviewed the proposed revisions to both WACs. The revisions include incorporating existing Board Policy Statements, modernizing the training program rules to better align with current practices and recent changes, improving the alignment between WAC 363-116-078 and WAC 363-116-080, and clarifying language. The proposed revisions have been vetted by the Trainee Evaluation Committee (TEC), the WAC/Legislative Committee and Board's AAG. The language could be adopted in time for the new training class from the 2018 Exam.

Motion: Scragg/Stewart – approve the filing of the CR102 to update the language as proposed – Carried.

**Consideration of Statement of Policy Regarding Fatigue Mitigation.** Pilot Commissioners Scragg and Anthony presented a letter to the Board with a request to adopt a Statement of Policy in conjunction with the Board's Agency Request Legislation regarding rest rules. The policy will require 10 hours of rest between assignments over 7 hours in duration for both pilotage districts. The Board's AAG believes the policy is well within the Board's authority for ensuring safe pilotage. Puget Sound Pilots has hired fatigue countermeasures experts from NASA in response to Chair Tonn's request for the data necessary to efficiently monitor and analyze the impact of this change on pilotage.

Motion: Anthony/Scragg – adopt the policy as presented – Carried.

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

**Motor Yacht *Big Fish*** – 148', 496 gt, Marshall Islands registry, Captain Remo Mayer.

Motion: Adams/Thompson – concur with Chair's granting of an 3 month interim exemption with the conditions that they must take a pilot on first transit to Seattle and through the Ballard Locks, and on any transit through Deception Pass – Carried.

**Motor Yacht *Elisa***– 150', 456 gt, Marshall Islands registry, Captain Jeffrey Hill.

Motion: Kirtley/Adams – concur with Chair's granting an annual exemption renewal – Carried.

**Pilot’s Report of Marine Safety Occurrence: MANOA, 09-28-18**

East Waterway, Seattle	While backing into final position, the engine failed. The engine was restarted long enough to complete berthing.	<u>Motion:</u> Scragg/Stewart File as a Marine Safety Occurrence – Carried.
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**Pilot’s Report of Marine Safety Occurrence: BSL LIMMASSOL, 10-02-18**

Seattle, Anchor Elliott Bay East	Anchor fouled with swede wire. They were able to clear and proceed to berth.	<u>Motion:</u> Scragg/Adams File as a Marine Safety Occurrence – Carried.
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**Committee Reports.**

**Trainee Evaluation Committee (TEC):**

- The TEC met October 16<sup>th</sup>. Training progress was reviewed for all current trainees: Kridler, Grieser, McGrath, Ninburg, Seamans, Miller, Melin, and Bozina. There was nothing significant to report. One trainee will possibly be ready for licensing in December and one in January.
- The Committee discussed the emergency pilotage service in Grays Harbor Training at length, and a proposed action plan was outlined for the Board.
- The Committee presented a revised Statement of Policy for resumption of pilotage duties for a pilot or the President who has not been in regular rotation.  
Motion: Anthony/Thompson – adopt new policy language as presented and require Puget Sound Pilots to report back to the Board on how it has been integrated into their dispatch system – Carried.
- Commissioner Anthony presented research prepared by Puget Sound Pilots for changes to current license tonnage levels due to the changes in vessel sizes and availability in the Puget Sound Pilotage District. The TEC will be looking at the current license levels for the Grays Harbor Pilotage District as well, to determine if any adjustments are needed. Chair expressed a need to harmonize the Board’s license levels with the pilot’s license, which could be achieved through the codification process. The TEC will be bringing this topic back to the Board for consideration of revisions to WAC 363-116-082 *Limitations on new pilots* in a future meeting. In the interim, Jaimie Bever will file a Preproposal Statement of Inquiry. The TEC is working on how the new tonnage limits will be worked into the upgrade programs for pilots in the process of upgrading when the changes become codified.
- Captains Siddell and Velarde will begin training on November 1, 2018. Their orientation is scheduled for October 29<sup>th</sup>. Captain Bendixen will attend as a mentor pilot for the orientation.

**Legislative/WAC Committee:**

- The Committee is awaiting proposed WAC changes to review.

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

- The JDC is working on scheduling the next meeting.

**Exam Committee:**

- The written exam will take place on November 5, 2018. Simulator Orientation begins November 8, 2018 with the Simulator Evaluations beginning on November 12, 2018. Commissioners are welcome to watch the Simulator Evaluations.
- The Committee has received an additional 12 applications since the last meeting, for a total of 31 applications. Three applicants were not qualified and 1 is pending Board approval. The Board reviewed provided documentation regarding the applications.  
Motion: Scragg/Anthony – Accept the 9 applicants identified on the document to sit for the upcoming exam – Carried.
- The applicant pending Board approval has provided additional documentation regarding sea service qualifications. The applicant and his attorney were present and answered questions from the Board.  
Motion: Stewart/Adams – Approve the applicant to sit for the upcoming exam categorizing his sea time under cargo – Carried with Captains Anthony and Scragg opposed.

**Fatigue Management Committee (FMC):**

- The next meeting is scheduled for October 25, 2018 from 1-3pm to prioritize remaining recommendations from Dr. Czeisler.

**Commission Investigative Committee (CIC):**

- The Committee presented draft language for Incident Investigation Procedures.
- Jaimie Bever is working with the state's Risk Management office regarding establishing a pool of investigators and what that process will look like in terms of the procurement process.
- The Committee has received one resume from an industry expert who would like to be on the investigator list.
- Commissioner Anthony questioned the processes of trainee drug testing if there is an incident. Jaimie Bever will research any existing state master contracts that the Board can utilize.
- It was agreed that investigation steps should be outlined in the procedures document. Staff will revise the document to include those steps. It was also agreed that including steps regarding MSOs and minor Incidents would be worthwhile exercise. The document will come back before the Board at a future meeting.

**Review of Pilot/Trainee Physical Examination Reports.**

Motion: Scragg/Anthony – approve the physicians' reports for Captains P.V. Hunter, J.A. Shaffer, J.L. Carstensen, T.D. Coryell, D.B. Soriano, B.R. Jensen and J.T. Galvin for annual pilot license renewal – Carried.

Motion: Anthony/Thompson – approve the physician report for Captain P.L. Velarde for new trainee physical – Carried.

Motion: Scragg/Stewart – approve the physician report for Captain J.E. Siddell for new trainee physical – Carried.

**Confirmation of Next Regular Meeting Dates.** The next regular meeting dates are set for:

- Wednesday November 7 – Meeting will start at 12:00pm, TEC will meet at 8:00am
- December 13 – need for this meeting will be determined based on agenda items

Jaimie Bever announced that a special meeting via phone is needed for setting the cut scores of the Simulator Evaluation. Staff will send a doodle poll for the best times between Friday November 16<sup>th</sup> and Monday November 19<sup>th</sup>.

**CLOSED SESSION**

*A Closed Session of the Board of Pilotage Commissioners was convened from 2:00pm to 3:00pm in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to personnel issues. In attendance were Commissioners Tonn, Adams, Thompson, Kirtley, Scragg, Anthony and Stewart, Assistant Attorney General Albert Wang; and BPC staff Shawna Erickson, Jolene Hamel, and Jaimie Bever.*

**REGULAR MEETING RECONVENED**

The regular meeting of the Board of Pilotage Commissioners was reconvened immediately following the Closed Session by Chair Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

**Consideration of the *MIDNIGHT SUN* Investigation.** Chair Tonn reported that the investigation has been completed and thoroughly discussed.

Motion: Adams/Scragg – the Board finds that the assigned pilot fell asleep while on assignment on July 7, 2018 and on the bridge of the *MIDNIGHT SUN*. The Board will issue a letter of reprimand with the requirement for a specific training exercise. This letter is intended to be finalized by the November 7, 2018 meeting – Carried.

There being no further business to come before the Board, Chair Tonn adjourned the Board 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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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 John Scragg

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Commissioner Michael Anthony

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Commissioner Eleanor Kirtley

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Commissioner Sara Thompson