

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
January 16, 2020

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 9:00am to 10:05am in the Rainier Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to personnel and legal issues. In attendance were Commissioners Tonn, Kirtley, Anthony, Farrell, Krombeen, Scragg and Thompson; Assistant Attorney General Albert Wang; BPC staff Jaimie Bever, Jolene Hamel and Bettina Maki; and Commission Investigation Committee member Ned Kiley. Regular session was convened by Chair Tonn immediately following the Closed Session.

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn in the Rainier Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn

Commissioners: Sara Thompson, Jason R. Hamilton, Eleanor Kirtley, Timothy J. Farrell, John Scragg, Mike Anthony and Rik Krombeen

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Linda Styrk, Ivan Carlson, Stephen Semler: Puget Sound Pilots

Amy Scarton: Washington State Ferries

JD Ross Leahy: Department of Ecology

Blair Englebrecht: Puget Soundkeeper Alliance

Verner Wilson: Friends of the Earth U.S.

Mike Moore and Jordan Royer: Pacific Merchant Shipping Association

Laird Hail: United States Coast Guard

Lou Paulsen: Northwest Seaport Alliance

Edmund Kiley: Former Commissioner

Jason Mihok: Clipper Navigation

Dave Wiley: Williams Kastner

Trevor Bozina and Family: Puget Sound Pilots Candidate for Licensure

Lt. James Carter: United States Coast Guard

Donald K. McLean: BMJ

Verne Justice: Retired Puget Sound pilot

Ian Mantha: Transmarine

Fred Felleman: Wave Consulting/Friends of the Earth

Bob Poole: Western States Petroleum Association

Chris Reilly: Nicoll Black & Feig

Chair Tonn informed the Board that two of the Commissioners needed to leave early, which would dissolve a quorum of the Board. As a result, the agenda was going to be revised, prioritizing items that required Board action.

Meeting Minutes.

Motion: Farrell/Scragg – approve the December 16, 2019 Meeting Minutes as written – Carried.

New Commissioner Introduction. Chair Tonn introduced new BPC public representative Jason R. Hamilton, who previously spent 26 years in the USCG as lead council for the region and in ship operations. He is now retired and working for Seattle City Light. He is excited to be back in maritime working on safety and environmental protection while facilitating commerce.

WSF Update on Diversity Initiatives. Assistant Secretary of Transportation Amy Scarton shared her appreciation for membership on behalf of Washington State Ferries on the BPC/PSP Joint Diversity Committee. She stressed the importance of diversity and inclusion not just for the Board of Pilotage Commissioners and Washington State Ferries, but also for the State of Washington. Diversity and inclusion is one of the three top goals for the Washington State Department of Transportation. Washington is a diverse state and the goal is represent the people they serve. She pointed to efforts in

the maritime industry to diversity the pool of mariners including recruitment at both maritime colleges and universities, as well as grade, middle and high schools. She commended the efforts of the JDC and pilots to travel and conduct outreach around the country. She also offered that the JDC's Diversity Action Plan would be available soon for Board review and input. She concluded by thanking Board members for their service. She offered her continued support and said that she proudly brings up pilotage when she is out in the fleet, recognizing that ferries are one of the major pipelines to pilotage. A brief Q&A with Board members followed.

NEW BUSINESS

Consideration of Licensure of PSPD Pilot Candidate: Captain Trevor Bozina. On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Trevor Bozina has successfully completed all the sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion of his federal licensing requirements. However, he is still awaiting his federal endorsement sticker for his license. The Board has received his matrix and all training comment.

Motion: Scragg/Anthony – issue Captain Trevor Bozina state pilot license #208 for the Puget Sound Pilotage District upon BPC receipt of his federal pilotage endorsement sticker – Carried.

Pilot's Report of Incident: *LEVANT*, 12-15-2019

Ferndale Intalco dock	Vessel had allision with south dolphin	<u>Motion:</u> Pending Completion of Investigation
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The Board had its first opportunity to consider the background information regarding this incident in Closed Session earlier this morning. The Board will have some interim recommendations and will return to this incident at the March 19, 2020 regular meeting, which will allow for the completion of the Board's investigative report.

Captain Anthony gave a brief overview of the December 15, 2019 incident at the Intalco dock in Ferndale, WA. The U.S. Coast Guard and NTSB investigations are still underway, and could take 9-14 months to conclude. Due to the ongoing investigations, Captain Anthony was unable to offer details. He did inform the Board that the pilot of incident, who is currently off dispatch, would like to return as soon as possible. He and Captain Ned Kiley, the incident investigators for the Board, provided recommendations for Board action.

Motion: Anthony/Scragg – recommend Captain Henshaw take a Bridge Resource Management (BRM) class for pilots as soon as possible, take a Portable Piloting Unit (PPU) class as soon as possible, write a white paper regarding effective BRM practices and information about sleep inertia, and do two ride-along trips with a TEC member concurrent to being dispatched prior to the March 19, 2020 regular meeting – Carried.

The Board recognized that Puget Sound Pilots has made changes to dispatching pilots for jobs at the Intalco dock. One pilot will take the vessel to anchorage. Another pilot will bring it back to dock, as opposed to one pilot doing both maneuvers. Chair Tonn acknowledged Captain Henshaw's exemplary record as the reason for allowing him to return to work while the investigation continues.

Rulemaking: WAC 363-116-082 Limitations on New Pilots. The Board reviewed proposed revisions to this WAC, which due to limited training opportunities in the Puget Sound Pilotage District, limit the license for first-year pilots in the Duwamish Waterway. The license restriction will prohibit first-year pilots from piloting vessels greater than 3,000 gross tons. The restriction will be lifted through the license upgrade program developed by the Trainee Evaluation Committee (TEC) for second year pilots. This WAC change was adopted by the Board under emergency provisions at the December 16, 2019 regular meeting. The public hearing will be on March 19, 2020.

Motion: Scragg/Thompson - file the CR102 to update the WAC language as proposed – Carried.

Approval of Training Programs: Captains Nicholas Moore, Robert Ekelmann & Andrew Stewart. Captains Moore, Ekelmann and Stewart will start the pilot training program in the Puget Sound Pilotage District on March 1, 2020. The training programs are the standard forms, with minor changes to the hard-to-get section to better reflect the current practice of rotating trainees and updates to the Duwamish trips per the new restrictions. However, names have not been included in the documents, as the TEC is

waiting for the experience summaries from the candidates in order to finalize the documents with their assigned initial ports. Orientation for these new trainees is scheduled for February 24, 2020. Board members are always welcome to attend orientation.

Motion: Scragg/Anthony – approve the pilot training programs for Captains Moore, Ekelmann and Stewart and authorize initial ports – Carried.

Approval of Pilot License Upgrade Programs: Captains Ryan White & Adam Seamans. Captain White is nearing completion of his fifth license year and Captain Seamans is nearing completion of his first license year.

Motion: Scragg/Anthony – approve license upgrade programs for Captains White and Seamans as drafted by the TEC – Carried.

Review and Consideration of BPC Committee Membership. The Board reviewed and considered current and proposed committee membership.

- Trainee Evaluation Committee (TEC) – current TEC members have already been approved by the Board. The Committee will make recommendations at a later date for future vacancies.
- Joint Diversity Committee (JDC) – 2020 membership was determined at the November 2019 JDC meeting by the JDC.

Motion: Kirtley/Hamilton – adopt JDC membership as proposed – Carried.

- Exam Committee – The TEC and the JDC will meet to discuss diversification of the Exam Committee. Membership adoption will happen at a later meeting.
- Commission Investigation Committee (CIC) – Commissioner Hamilton offered to fill the public seat vacancy on this committee.

Motion: Anthony/Farrell – nominate Jason Hamilton to join the CIC at a public representative – Carried.

- Oil Transportation Safety Committee (OTSC) – The Board reviewed the nominations for each position as outlined in the previously approved OTSC Charter. The Chair position was vacant.

Motion: Scragg/Kirtley – nominate BPC Executive Director Jaimie Bever as Chair of the OTSC – Carried.

There was one remaining BPC Member position vacancy. Commissioner Hamilton expressed his interest in joining the Committee.

Motion: Farrell/Kirtley – nominate Jason Hamilton as a BPC representative on the OTSC – Carried.

Other identified committee members included:

- Sara Thompson, BPC Member – Ecology Representative
- Eleanor Kirtley, BPC Member – Marine Environment Representative
- Blair Bouma – Puget Sound Pilots Representative
- Bob Poole, WSPA – Oil Industry Representative
- Charlie Costanzo, AWO – Tug Industry Representative
- Fred Felleman, Friends of the Earth – Environmental Community Representative with Blair Englebrecht, Puget Soundkeeper Alliance as an alternate

Motion: Farrell/Anthony – approve OTSC membership as identified – Carried.

The Tribal Representative position on the Committee remains vacant. The Board will continue to try to fill the seat. Chair Tonn will attend the OTSC meetings as an ex-officio representative of the Board.

- Fatigue Management Committee (FMC) – the role of this committee will be expanded to include issues regarding pilot safety as well as fatigue management. The Committee will have a new name and new membership. BPC staff will draft a charter for membership consideration at the next meeting.

Election of BPC Vice-Chair. With the departure of Captain Ned Kiley from the Board, the Vice-Chair position is vacant.

Motion: Anthony/Thompson – nominate Commissioner Kirtley as BPC Vice-Chair - Carried

Motion: Anthony/Scragg – close nominations - Carried

Update Regarding ESHB 1578: Interagency Agreement (IAA) with Department of Ecology. The Board reviewed a revised draft of the agreement, which outlines the BPC’s relationship with Ecology for assistance with the directives of ESHB 1578. The Board also reviewed a December 9, 2019 Listening Sessions summary.

Motion: Thompson/Hamilton – adopt the Interagency Agreement with the Department of Ecology – Carried.

Pilot’s Report of Marine Safety Occurrence: *DIMIJOHN A, 12-4-2019*

Grays Harbor Main Channel	Engine loss of power due to an interruption of fuel supply to #2 cylinder. VTS was notified.	<u>Motion:</u> Anthony/Scragg File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: *AFRICAN AVOCET, 12-15-2019*

Underway at Browns Point	Engine malfunction lasting with no further issues and no danger to vessel at anytime. VTS was notified.	<u>Motion:</u> Anthony/Scragg File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: *CAPE HUDSON, 1-08-2020*

Underway at Sitcum Waterway, Tacoma	One ships length from berth and engine did not respond, however docking completed using 2 tugs.	<u>Motion:</u> Farrell/Kirtley File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Passenger Vessel *Victoria Clipper V* – 167’, 910 gt, Cypress registry, Multiple Captains.

Motion: Farrell/Thompson – grant an annual exemption renewal – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met on January 15, 2020 and reviewed training progress for all current trainees: Miller, Siddell, Velarde, Hannuksela, McGourty, Knutsen, Gartner and McMullen.
- There was one intervention however the TEC has met with the trainee and feels satisfied with lessons learned.
- The TEC met with Grays Harbor trainee Captain Forest McMullen. Captain McMullen expressed several serious concerns to the TEC about training and safety that are consistent with past history the TEC was aware of in reference to pilot operations in the Port of Grays Harbor including:
 - the announcement of retirement sometime in 2020 by Grays Harbor pilot Captain Ryan White, who is the primary training pilot and who’s departure prior to completion of Captain McMullen’s training program could significantly impact the quality and consistency of training;
 - the current pilot boat not being adequate for pilot transfer operations or pilot overboard recovery. There is no Port-issued standard for boat operational limits. The trainee is also concerned about excessive turnover of pilot boat personnel, qualifications & man overboard training; and
 - the potential for excessive fatigue when having to use the helicopter to board vessels. There is no contract between the Port and the helicopter provider to pick up or drop off pilots in the Grays Harbor area. Pilots must travel to Astoria, 3 hours away, take a 30-minute flight, ride the vessel 4 hours from Astoria to the Grays Harbor entrance, then another 3 hours to pilot the vessel into port.

Captain McMullen has requested that the BPC mandate the Port to video record every pilot transfer. Captain McMullen also expressed general concern for the future of the Port of Grays Harbor with just one pilot and the challenge of attracting other trainees to the district. He was professional and articulate in his comments, and continues to be committed to completing his training program. However, he did ask the TEC to consider allowing him to transfer to the Puget Sound Pilotage District even after beginning his Evaluation Phase. Currently, he currently can transfer prior to the Evaluation Phase.

Motion: Thompson/Farrell – approve Chair Tonn to meet with Port of Grays Harbor Executive Director and to bring to that meeting a letter to the Port of Grays Harbor Commission addressing the safety concerns as well as safety requests, identifying consequences if those requests are not met, and requesting a monthly update in the Activity Report of the progress addressing the safety concerns – Carried.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Scragg – approve the physicians reports for Captains J.T. Kearns, A.J. Newman, L.P. Emerson and E.C. Klapperich for their annual pilot license renewal – Carried.

Motion: Scragg/Anthony – approve the physician’s report for Captain T.M. Bozina for pre-licensing physical – Carried.

BPC Staff Report.

- Jaimie Bever again welcomed new BPC commissioner Jason Hamilton. He attended an orientation with BPC staff and Chair Tonn in early January and is quickly getting up to speed on the activities and responsibilities of the Board.
- The Board members were reminded about the upcoming Holland America operations tour on Thursday, January 23rd.
- The Board’s Supplemental Budget requests were included in the Governor’s Budget and will now go to the Senate and House.
- BPC Program Analyst Bettina Maki finalized the data reports for 2019. New reporting is in the works for 2020 and feedback was encouraged.

BPC Chair Report.

- Chair Tonn and Jaimie Bever met with Senator Hobbs and gave him an annual update on the BPC. It was a good meeting. He was very engaged and interested in our discussion and feedback.
- Chair Tonn reminded Board members about responding to the annual Public Disclosure Request, recently sent out. She informed them that the process was modified from last year.
- In late February, Chair Tonn and Jaimie Bever will be attending the 9th Annual Women in Maritime Leadership Conference at Cal Maritime. While in California, they will be going to the San Francisco Board of Pilot Commissioners Board Meeting and meeting with staff afterward.

Activity Reports. Captain Ivan Carlson representing Puget Sound Pilots (PSP), Mike Moore and Jordan Royer representing Pacific Merchant Shipping Association (PMSA), Lou Paulsen representing The Northwest Seaport Alliance (NWSA), and Laird Hail representing the United States Coast Guard (USCG) offered current and projected statistical data as well as updates on current maritime issues and activities.

Committee Reports Cont’d.

BPC/PSP Joint Diversity Committee (JDC):

- A considerable amount of time at the last meeting was spent on the exam process and how to widen the net ensuring that we are embracing all pathways to licensing without lowering standards. The JDC would like to schedule a meeting with the TEC to discuss exam qualifications. The group also discussed ways to measure success. JDC approved November 15, 2019 meeting notes were provided to the Board.

Fatigue Management Committee (FMC):

- This committee will transition into a pilot safety committee with a focus not only on fatigue but also on matters related to pilot safety such as pilot ladders. Jaimie Bever will draft a committee charter for Board review and membership consideration. Commissioner Thompson requested that a responsibility of the new committee should be to review the pilot’s quarterly dispatch records as directed by statute.

Commission Investigative Committee (CIC):

- Jason Hamilton has now joined the Committee. The revised investigative procedures will be available for review in the next couple of months.

Oil Transportation Safety Committee (OTSC):

- Now that membership has been confirmed The first meeting will be scheduled for February 2020. Commissioner Thompson clarified that the Committee is not tasked with the responsibility of consultation as directed by ESHB 1578.
- The Committee will discuss preferences for public involvement at the first meeting.
- Alternates should attend Committee meetings as well as the appointed members, if they are available.

PSP Inquiry Regarding Manned Model Training. Captain Ivan Carlson inquired about the renewal dates for mandatory simulator training. He expressed concern over renewal dates and limited opportunities for the required training. He asked that the Board or the TEC reconsider a grace period for renewing those certificates. The RCW currently does not allow for a grace period. Chair Tonn thanked Captain Carlson for bringing the issue to the Board's attention.

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

- February 20 – Alki Conference Room
- March 19 - Hearing on WAC 363-116-082 – Rainier Conference Room

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 12:35pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Absent
Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Sara Thompson