

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
August 16, 2018

REGULAR MEETING - Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:00 a.m. by Chair Sheri Tonn in the Westport Maritime Museum Conference Room, 2201 Westhaven Drive, Westport, Washington.

Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

Commissioners: Chuck Adams, Mike Anthony, Eleanor Kirtley, John Scragg, Sara Thompson, Phil Morrell (via phone) and Grant Stewart (via phone)

Assistant Attorney General: Albert Wang

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

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

Gary Nelson, Jack Thompson, Molly Bold, Kayla Dunlap, David Cunningham, Randy Lewis, Mike Folkers, Leonard Barnes, Art Blauvelt, and Captain Ryan White: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association (via phone)

Ermelindo Escobedo: Work Strategies

Kevin Campbell: Brusco Tug, Grays Harbor Safety Committee

Rob Dengel: Department of Ecology

Brandi Bednarik: Grays Harbor Historical Seaport, Sea School Northwest

Craig Lee: Public, Former BPC Commissioner

Lyn Tully: Public

Chair Tonn started the meeting by thanking the Westport Maritime Museum for hosting the Board and the Port of Grays Harbor for arranging the meeting space and planning the after-meeting events.

Minutes. Motion: Thompson/Kiley – approve the July 19, 2018 Minutes as written – Carried.

BPC Staff Report.

- The 2017 BPC Annual Report was submitted to the Legislature on August 10th. Staff appreciates all of the comments on the draft and will use these to continue to improve the reports in the future.
- On Tuesday, August 7th the Board held another Train-the-Trainer class that included both trainees and pilots. 4 of the 6 Puget Sound Pilots who had not previously taken the training were in attendance as well as 6 trainees and 1 candidate who is starting the training program in November.
- The Board reviewed a letter from soon-to- retire Puget Sound Pilot Captain Ed Marmol requesting inactive status on his license for a reduced licensing fee, until he retires on September 28, 2018, in accordance with WAC 363-116-070. His license officially expires on September 13, 2018. Inactive status would allow him to pay a reduced license fee for the two week gap until retirement.

Motion: Anthony/Kiley – acknowledge receipt of Captain's Marmol's request and allow his license to go into inactive status with a reduced license fee – Carried.

BPC Chair Report.

- Chair Tonn and Jaimie Bever had a meeting with Representative Fey last week to discuss upcoming legislation.
- Chair Tonn reported that Maine Maritime will be hosting the Women on the Water Conference November 1st - 3rd. Chair Tonn will sit on a panel regarding pilotage. Maine Maritime is hoping that Puget Sound Pilot trainee, Captain Sandy Bendixen, will participate as well.

Activity Reports. Mike Moore representing Pacific Merchant Shipping Association, Captain Eric von Brandenfels representing Puget Sound Pilots, and Gary Nelson representing the Port of Grays Harbor offered current and projected statistical data as well as updates on current maritime issues and activities.

Gary Nelson introduced all of Grays Harbor staff in attendance. Captain Kevin Campbell, Brusco Tug and Chair of the Grays Harbor Safety Committee, Brandi Bednarik of Sea School Northwest, Molly Bold, Westport Marina District Business Manager, and Kayla Dunlap, Public Affairs Manager for Port of Grays Harbor shared aspects of their roles and duties, as well as information about their organizations. Board members, staff, and the public were invited to tour the marina and harbor aboard the pilot boat *CHEHALIS* after the meeting.

NEW BUSINESS

Salish Sea Vessel Safety Report. Rob Dengel from the Department of Ecology was introduced. He stated that the report goal was to provide information for an informed, sound decision on specific vessel safety measures and focused mainly on tug escorts and an Emergency Response System (ERS) for Haro Strait and Boundary Pass. A thorough literature review was completed and the 250 page draft report is currently out for review with a deadline of September 7th. It is due to the Governor's Office on October 1st and to the Legislature by December 1st for feedback. A final submission is due to the Legislature by July 1st 2019. Chair Tonn thanked Rob for his presentation and directed Commissioners to submit written comments by September 7th. A copy of the presentation will be sent to all Commissioners after the meeting. The presentation was followed by a Q&A. Chair Tonn concluded the presentation by inviting Commissioners to join any of the prescheduled conference calls with the Department of Ecology, if they are interested.

Approval of Pilot License Upgrade Program for Captain Ryan White. Captain White is nearing completion of his fourth license year and is due for a license upgrade program. However, because he is currently the only pilot operating in Grays Harbor, he will remain at his current license level until the other pilot returns. A draft letter detailing the proposed license level freeze was reviewed by the Board. Waivers for exceptions of vessels above Captain White's license level will continue to be reviewed by the TEC and addressed by Chair Tonn.

Motion: Scragg/Anthony – accept letter to freeze Captain White's license level and postpone his upgrade program as drafted by the TEC – Carried with abstentions by Commissioners Morrell and Stewart, who were unable to reference the letter.

2018 Annual Tariff Hearing Preparation. A letter dated August 16, 2018, from the Port of Grays Harbor (PGH) to the Board was presented. It detailed their request for one rule amendment to the GHPD tariff. This request was approved by the Grays Harbor Port Commission on August 14, 2018.

Motion: Adams/Thompson – file a CR102 reflecting a decrease to the *Pension Charge* from \$500 to \$450 – Carried.

Fatigue Management – Recommendations from the Fatigue Management Committee. The most recent committee meeting had a good turnout. The future of the committee was discussed. It was decided that it would continue to meet to review the remaining recommendations from Dr. Czeisler and to continue to monitor and evaluate fatigue management in both pilotage districts. The next meeting will be scheduled for the end of October. Chair Tonn pointed out that one of the successful activities of the committee was to determine what should be considered by the Board as an RCW change versus a WAC change or policy implementation. The work from the last several months of the Fatigue Management Committee was presented as recommendations for RCW changes. The most significant is to RCW 88.16.103 was increasing the mandatory rest period from 7 hours to 10 hours with the opportunity for 8 hours of sleep. PMSA submitted a letter to the Board on August 15, 2018 which detailed their concerns with the proposed RCW changes. A copy was reviewed by the Board. PMSA recommends that policy direction, PSP procedures, or WAC changes should be further utilized before implementing restrictive RCW changes and urged the use of metrics to measure implementation and compliance. Mike Moore, PMSA (via phone) further explained their position regarding the need for flexibility in the RCW. Chair Tonn requested, via letter to Puget Sound Pilots, additional data to help with independent data verification to support the RCW change.

Proposed Agency Request Legislation. The Board reviewed and considered the proposed RCW changes for both Z-0077.1 AN ACT Concerning mandatory rest periods for pilots; amending RCW 88.16.103 and Z-0087.1 AN ACT Relating to joint self-insurance programs for property and liability risks; amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.111, and 48.62.121, and adding a new section to chapter 48.62 RCW, which is identical language to a bill that ran in the 2018 Legislative Session.

Motion: Scragg/Kiley – Support the proposed RCW 88.16.103 revisions as recommended by the Fatigue Management Committee for 2019 Agency Request Legislation – Carried with abstention from Commissioner Stewart, who was unable to reference the draft bill.

Motion: Adams/Anthony – Support the proposed RCW 48.62 revisions for 2019 Agency Request Legislation – Carried with abstention from Commissioner Stewart, who was unable to reference the draft bill.

2018 Annual Tariff Hearing Preparation – Puget Sound Pilotage District. The Board reviewed the Puget Sound Pilotage District Tariff hearing timetable, to roll over the effective dates only.

Motion: Kiley/Adams – Adopt the timetable as proposed – Carried.

MIDNIGHT SUN Investigation – Update. The investigation is nearly complete and a draft will go out to Commissioners prior to the September Board meeting.

Discussion Concerning Setting the Number of Pilots in the Grays Harbor Pilotage District. The Board reviewed the Pilot Continuity Plan dated July 17, 2018 presented by the Port of Grays Harbor (PGH), which detailed a current request for a third pilot and future needs for pilots through year 2026.

Motion: Thompson/Kirtley – Accept the Pilot Continuity Plan as proposed and ask for annual updates from the Port of Grays Harbor – Carried.

Pilot’s Report of Marine Safety Occurrence: *OVERSEAS LOS ANGELES, 07-13-18*

Ferndale, Cherry Point BP	A mechanical issue (#6 cylinder) was reported, however the issue was corrected and did not have to go to anchor.	<u>Motion:</u> Scragg/Adams File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: *EVERGREEN STATE, 7-26-18*

This incident was deferred to the September 20, 2018 meeting to allow for attendance from the Coast Guard.

Consideration of Request for Vessel Exemption:

Motor Yacht *INCEPTION* – 164’, 637 gt, Marshall Islands registry, Captain Robert Graffam.

Motion: Kiley/Adams – concur with Chair’s granting of an interim 3 month exemption – Carried.

Motor Yacht *SARAH LISSA* – 92’, 65 gt, Marshall Islands registry, Captain Cameron Warren.

Motion: Kiley/Thompson – concur with Chair’s granting of an interim 3 month exemption – Carried.

Sailing Yacht *EMERALD SEA*– 45’, 265 gt, Malaysia registry, Captain Stephen Poulson.

Motion: Adams/Kirtley – concur with Chair’s granting of an interim 3 month exemption – Carried.

Motor Yacht *RENT SPENT*– 112’, 208 gt, Marshall Islands registry, Captain Robert Davey.

Motion: Kiley/Adams – concur with Chair’s granting of an interim 3 month exemption – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met on August 14, 2018. Training Program progress was reviewed for all current trainees: Kridler, Bendixen, Grieser, McGrath, Ninburg, Seamans, Miller, Melin, and Bozina. There was nothing significant to report, no interventions. One trainee has nearly completed the State portion of the training program and is now finishing the federal requirement. Another trainee will be done with training by the end of August, has completed the federal requirement, and will need to complete the PPU requirements.
Motion: Scragg/Kiley – Approve Captain Bendixen to start PPU training provided that she satisfactorily completes the remaining State training requirements – Carried.
- Two of the final three candidates from the 2016 exam have accepted the invitation to train in the Puget Sound District, Captains Peter Velarde and Joe Siddell. Captain Matt Stevens declined the invitation to our program to train in San Francisco. Orientation is scheduled for October 29th at 8am. Their training will begin on November 1, 2018.
- The TEC is working on revisions to WAC 363-116-078 *Training Program*.
- A CV for Captain Jeff Slesinger, recent TEC appointee, was provided to the Board.

Legislative/WAC Committee:

- Commissioner Adams is reviewing draft language for several WACs. Upon completion of his review and comment, they will be sent to Assistant Attorney General Albert Wang for review.

BPC/PSP Joint Diversity Committee (JDC):

- JDC on hiatus the summer months.

Exam Committee:

- The Exam Committee has received 7 applications and approved 6 of the 7. The applications are from very diverse geographic locations and industries, and include 1 female.
Motion: Scragg/Kiley – Approve the 6 committee-approved applicants to sit for the exam – Carried.
- The next written exam focus groups will convene on August 17th, 20th and 21st to finalize and publish the written exam.
- The next simulator workshop is on August 21st and 22nd.

Fatigue Management Committee:

- Committee report given in prior agenda item.

Commission Investigative Committee:

- The Committee members are currently working on language and will have a draft to present at the September meeting.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Adams - approve the physicians' reports for Captains D.A. Brouillard, B.W. Bouma, B.F. Henshaw, P.S. Kelly and E. Marmol for annual pilot license renewal – Carried with abstentions from Commissioners Morrell and Stewart, who were unable to reference the materials.

Motion: Kiley/Anthony - approve the physicians' report for Captain K.C. Kridler for annual trainee pilot license renewal – Carried with abstentions from Commissioners Morrell and Stewart, who were unable to reference the materials.

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

- September 20 – Meeting will start at 11:00am to accommodate a TEC meeting beforehand. Commissioners are invited to attend the TEC meeting.
- October 18 – Resume regular time schedule – Grays Harbor Pilotage District Tariff Hearing

There being no further business to come before the Board, Chair Tonn adjourned the regular session Board meeting at 12:30 p.m.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Edmund I. Kiley, Vice Chair

Commissioner Charles F. Adams

Commissioner Philip Morrell

Commissioner J. Grant Stewart

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Eleanor Kirtley

Commissioner Sara Thompson