

**MEETING MINUTES**  
**STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS**  
**September 20, 2018**

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**REGULAR MEETING - Call to Order**

The regular meeting of the Board of Pilotage Commissioners was convened at 11:00 a.m. by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

**Present:**

Chair: Sheri Tonn    Vice Chair: Ned Kiley

Commissioners: Chuck Adams, Eleanor Kirtley, Phil Morrell, John Scragg, Grant Stewart, and Sara Thompson

Assistant Attorney General: Albert Wang

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

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

Gary Nelson: Port of Grays Harbor (by phone)

Lou Paulsen: Northwest Seaport Alliance

Monique Webber: Pacific Yacht Management

Peter Giese: Puget Sound Pilots, retired

Laird Hail, Paul Tramm, Lt Brian Watts: USCG

Tom Waller: Bauer Moynihan & Johnson

Sandra Bendixen: Puget Sound Pilot Licensure Candidate

Mike Mancini, Laura Bendixen, Ralph & Marlene Rand: Family of Captain Bendixen

**Minutes.** Motion: Scragg/Adams – approve the revised August 16, 2018 Minutes as written – Carried.

**BPC Staff Report.**

- Jaimie Bever welcomed our guests and reminded everyone to sign in.
- Agency Request Legislation was submitted to the Office of Financial Management (OFM) on September 12<sup>th</sup>. The two packages included legislation regarding Rest Rules and Insurance. The agency is awaiting approval to move forward from OFM. The agency's 2019-2021 Biennial Budget request was submitted to OFM as well. The budget allotments will be reviewed and discussed at the October Board meeting.
- The final draft of the Salish Sea Vessel Safety Report is due to the Legislature by December 1<sup>st</sup>. The Department of Ecology is still working through comments on the draft that was circulated.
- The Commissioners were asked to consider their calendars for the first two weeks of November. Meetings will need to be scheduled to set the cut scores for both the Written Exam and the Simulator Evaluations. This topic will be revisited towards the end of the meeting.

**BPC Chair Report.**

- 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 a panel discussion. Sheri Tonn and Jaimie Bever will also be attending the Salish Sea Shared Waters Forum on October 3-4. Jaimie Bever will be participating in a panel at the conference.
- The BPC Strategic Plan was presented to the Commissioners. It was submitted as a part of the budget package to meet the target submission date. However, it is a living document. There will be opportunities to update and improve it.

**Activity Reports.** Lou Paulsen representing The Northwest Seaport Alliance, Gary Nelson representing the Port of Grays Harbor, and Captain Eric vonBrandenfels representing Puget Sound Pilots, offered current and projected statistical data as well as updates on current maritime issues and activities.

Puget Sound Pilots (PSP) informed the Board that they are in the process of conducting pilot transfers via helicopter to test the process. According to Linda Styrk, PSP Executive Director, PSP has no plans to pursue this option in the near future. The test was a good opportunity to collect data and a good exercise in facilitation and outreach to the various entities needed to make a test like this happen.

**NEW BUSINESS**

**Consideration of Licensure of PSPD Pilot Candidate Captain Sandy Bendixen.** On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Bendixen has successfully completed all sections of her Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion of her federal licensing requirements. The Board has received her matrix and all training comments.

Motion: Stewart/Thompson – issue Captain Sandra Bendixen state pilot license #201 for the Puget Sound Pilotage District – Carried.

**Approval of Training Program for Captains Peter Velarde and Joseph Siddell.** Captains Peter Velarde and Joseph Siddell are scheduled to begin training on November 1, 2018. The training program agreements along with revisions made at the Trainee Evaluation Committee (TEC) meeting prior the Board meeting, were presented to the Board for consideration. The changes included requiring trainees to follow the rest rules of Puget Sound Pilots, if they are training in the Puget Sound Pilotage District and added language regarding Portable Piloting Unit (PPU) training as opposed to it being an addendum to the agreement.

Motion: Adams/Kiley – accept the pilot Training Programs including the new changes for Captains Velarde and Siddell – Carried.

**2018 Annual Tariff Hearing Preparation - Grays Harbor Pilotage District.** In accordance with the timetable established for tariff document submission, the Grays Harbor 5-year Capital Spending Plan, unaudited 2017 Financial Statement (audited will be forthcoming), best available financial data through 7/31/18, and 2019 projections were reviewed. The formal 2018 Tariff Proposal dated September 18, 2018 was also submitted. Q&A commenced regarding these submittals. The filed CR-102 set a public hearing for October 18, 2018 at 10:00am.

**Consideration of 2018-2023 BPC Strategic Plan.** An expanded Strategic Plan is necessary for future budget requests as an appropriated agency. The document is a living document that can be revised at any time. Commissioner Scragg stated that it was a valuable document and had suggestions on how to make it stronger. Several Commissioners commented on the potential for different/better word choices in places. Captain vonBrandenfels asked when Puget Sound Pilots could receive a copy. Chair Tonn stated that they would formally adopt the Strategic Plan at a future time, once the suggested changes have been made.

**Consideration of Records Retention Schedule.** BPC staff member, Jolene Hamel, walked the Commissioners through the draft of the Records Retention Schedule and the process that led up to it. If adopted by the Board at this meeting, it will be formally adopted by the State of Washington Archives Board in December. Discussion commenced over the contents of the proposed schedule.

Motion: Kiley/Stewart – Adopt the Record Retention Schedule as proposed – Carried.

**Pilot’s Report of Marine Safety Occurrence: *EVERGREEN STATE, 07-26-18***

Near Port Angeles Pilot Station	Temporary black out on the bridge. Cause unknown. Vessel went to anchor outside of Port Angeles Harbor.	<u>Motion:</u> Scragg/Kiley File as an MSO requiring an update from PSP and VTS at the October meeting regarding a refresher letter reminding pilots to notify VTS of all marine casualties, with a copy to the Board – Carried.
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**Pilot’s Report of Marine Safety Occurrence: *MORNING MIDAS, 09-10-18***

Navigating in Grays Harbor main ship channel	Bow thruster non-operational due to generator issue.	<u>Motion:</u> Scragg/Kirtley File as a Marine Safety Occurrence – Carried.
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**Pilot's Report of Marine Safety Occurrence: *LEO GREEN, 09-09-18***

Approaching Intalco Ferndale	Momentary engine failure.	<u>Motion:</u> Scragg/Kiley File as a Marine Safety Occurrence and include in aforementioned refresher letter – Carried.
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**Consideration of Request for Vessel Exemption:**

Puget Sound Pilots provided the checklist used for all yacht and small passenger vessel orientation trips.

**Motor Yacht *Evviva*** – 164', 147 gt, Cayman Islands registry, Captain Joseph Trailer.

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

**Motor Yacht *Legend***– 167', 603 gt, Marshall Islands registry, Captain Egon Viljoen.

Motion: Adams/Stewart – concur with Chair's granting a three-month exemption renewal – Carried.

**Motor Yacht *Ice Bear***– 171', 614 gt, Cayman Islands registry, Captain Zachary Hayes.

Motion: Kiley/Thompson – concur with Chair's granting of an interim annual exemption renewal – Carried.

**Motor Yacht *Ammonite***– 78', 130 gt, Cayman Islands registry, Captain Kaj Liljebladh.

Motion: Adams/Morrell – grant a three-month exemption with the provision that the vessel must take a Pacific Yacht Management captain on board through any transit involving the Ballard (Hiram M Chittenden) Locks – Carried with opposition from Commissioner Scragg.

**Committee Reports.**

**Trainee Evaluation Committee (TEC):**

- The TEC met this morning at 8:00am. 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. One trainee has completed 10 federal charts since the last TEC meeting and has 6 left to complete. Captains Melin, Miller and Bozina attended the TEC meeting as they are moving out of the Observation phase and going into the Training phase. They all report being treated fairly and had good comments regarding the Observation phase. Chair Tonn, who attended the meeting, stated that it was very interesting and informative hearing their comments.
- The rest of the meeting was spent reviewing the proposed language for WACs 363-116-078 and 363-116-080, which will now go to the Board's Assistant Attorney General for his review. The goal is to have the WAC changes in place by February 2019, in time for the first trainees from the 2018 Exam to begin training.

**Legislative/WAC Committee:**

- Commissioner Adams reported that he has been involved with the progress of the WAC update thus far and that changes have now gone to the AAG for review.

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

- The JDC will reconvene sometime this fall.

**Exam Committee:**

- The Committee has received 22 applications as of today with 1 being not qualified and 3 pending review. The Board reviewed provided documentation regarding the applications.  
Motion: Scragg/Kiley – Accept the 12 applicants identified in blue on the document to sit for the upcoming exam – Carried.

**Fatigue Management Committee:**

- The next meeting is scheduled for October 25, 2018 from 1-3pm.

**Commission Investigative Committee:**

- Members are currently working on language and hope to have something to present soon.
- The CIC has received one resume from an industry expert who would like to be on the newly established investigation list.

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

Motion: Scragg/Stewart – approve the physicians’ reports for Captains J.B. Harris, B.E. Lowe, F.E. Engstrom and J.R. Semler for annual pilot license renewal – Carried.

Motion: Kiley/Adams – approve the physician report for Captain S.P. Bendixen for pre-pilot license – Carried.

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

- October 18 – GHPD Tariff Hearing
- November 7 – Meeting will start at 12:00pm
- December 13 – will be determined based on agenda items

The Commissioners considered meeting dates for the November meeting regarding setting the cut scores for the written exam and simulator evaluation. It was decided that the scheduled November 8<sup>th</sup> meeting would be moved to Wednesday, November 7<sup>th</sup> and that a Special Meeting will be called to occur sometime between Friday November 16<sup>th</sup> and Monday November 19<sup>th</sup>.

**MIDNIGHT SUN Investigation Update.** Chair Tonn reported that the investigation had been completed and the Commissioners have all received a copy of the investigation report. It will be discussed in Closed Session with any action being taken in Open Session at either this or the October Board meeting.

There being no further business to come before the Board, Chair Tonn adjourned the Regular Session at 1:40 p.m.

**CLOSED SESSION**

*A Closed Session of the Board of Pilotage Commissioners was convened from 1:40pm to 4:00pm in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to personnel and legal issues. In attendance were Commissioners Tonn, Kiley, Adams, Thompson, Kirtley, Scragg, Morell (for the legal portion) and Stewart, Assistant Attorney General Albert Wang; and BPC staff Shawna Erickson, Jolene Hamel, and Jaimie Bever. Also in attendance for portions of the session were the Board’s appellate team, Allyson Zipp, Catherine Hendricks, and Andrew Biggs, and Pilot X and his attorney. Commissioner Morrell recused himself from the Closed Session discussion of the MIDNIGHT SUN Investigation Report, but was invited back in for a brief statement.*

There being no further business to come before the Board, Chair Tonn adjourned the closed session Board meeting at 4:00 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