

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
November 12, 2020

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 via Conference Call and Microsoft Teams.

Present via Conference Call or Microsoft Teams:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Jason R. Hamilton (Public), John Scragg (Pilot), Mike Anthony (Pilot), Timothy J. Farrell (Public), Rik Krombeen (Foreign Shipping), Dale Jensen (Dept. of Ecology)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Linda Styrk, Eric vonBrandenfels, Sandy Bendixen: Puget Sound Pilots

Gary Nelson & Mike Folkers: Port of Grays Harbor

Mike Moore & Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: The Northwest Seaport Alliance

Fred Felleman: WAVE Consulting/OTSC Member

Brian Kirk: Department of Ecology

Neil McGourty (and family): PSP Licensure Candidate

Laird Hail: USCG

Vince Addington: General Steamship

Robert Fronenbroek: Pilot Aspirant

BPC Staff Report.

- The BPC has been involved in multiple meetings since the Board met last. Most of those meetings are related to the Board's committees and will be addressed further during the committee reports.
- BPC Executive Director Jaimie Bever attended the virtual Grays Harbor Safety Committee meeting on October 20, 2020. She appreciated the opportunity to be present at a meeting that, due to distance, she would not normally be able to attend. Topics included dredging status and the new pilot boat VEGA.
- Governor Inslee has extended the restrictions on the Open Public Meetings Act, which prevents the Board from meeting in person until December 7, 2020. It is expected that another extension into 2021 is forthcoming.
- BPC Program Analyst Bettina Maki provided 3rd quarter updates to the moves by vessel type data for both the Puget Sound and Grays Harbor Pilotage Districts for Board consideration. Commissioner Farrell acknowledged and thanked Bettina and Jaimie for producing and providing the information, adding that it continues to improve. Commissioner Hamilton concurred.
- Commissioner Hamilton inquired about the status of BPC staff teleworking and the 2901 building. Jaimie reported that staff continues to take turns in the office and that WSF continues to transition their workspaces into drop-in spaces with the goal to transition into more full-time telework. BPC staff will continue to telework with periodic office visits until further notice. Long-term plans are unknown at this time. Jaimie did confirm that per WSF, BPC office space and the Agate conference room will be left as they are.

BPC Chair Report.

- There was no Chair Report this month.

2021 Board Meeting Schedule. The Board reviewed a draft meeting schedule for the third Thursday of each month in 2021, per standard practice, which also included dates for the third Tuesday of each month as proposed by Puget Sound Pilots. Chair Tonn acknowledged that the Board will take action on this subject at the December 10, 2020 regular public meeting. However, she did ask Board members to check their calendars and be prepared to discuss keeping the meetings on the third Thursday or moving them to the third Tuesday. Commissioner Jensen responded that the third Tuesday would be difficult, but he could perhaps make it work if the meetings started after 10:30 a.m. Commissioner Scragg mentioned that a Tuesday Board meeting would mean a Monday TEC meeting, which could be problematic for TEC

members. Captain vonBrandenfels, PSP, explained that Thursdays are typically one of the top three call-back days of the week for Puget Sound pilots. He added that the third Tuesday, which is a change day, works well for the pilots. He wondered if perhaps Tuesday could at least be considered during cruise season, adding that taking two pilots out of rotation for Board meetings makes a difference. Commissioner Kirtley wondered if the pilots had considered moving change over day from a Tuesday to a Thursday. Captain vonBrandenfels answered that it would be a monumental task that could take a year or more to implement. He added that they use the current change day for pilot safety initiatives and other meetings, which works well.

ESHB 1578 Update. Jaimie Bever mentioned that the Department of Ecology has hosted several informative webinars since the last Board meeting regarding their Risk Model development. Jaimie will provide links of the recorded webinars to Board members. Commissioner Jensen added that the webinars have been very successful. Ecology presented on the vessel activity synopsis preliminary data results at the October Puget Sound Harbor Safety Committee meeting. They continue to develop methods and crossing line parameters for the synopsis on changing vessel traffic and will be providing an update on that effort to the Board at the January 2021 meeting. He concluded that Ecology is seeing helpful engagement from the Tribes, especially the Swinomish and Makah. He believes Tribal and First Nation engagement will increase in the future.

Committee Updates.

Trainee Evaluation Committee (TEC)

- The TEC met virtually on Tuesday, November 10th and reviewed the status of all trainees. There were no interventions to report. One trainee attended the meeting to discuss their training program.
- Once Captain McGourty is licensed, there will be eight trainees remaining in Puget Sound and one in Grays Harbor. In Puget Sound, there is one in the Evaluation Phase, five in the Training Phase, and two in the Observation Phase. The TEC is hopeful that one more Puget Sound trainee will have completed their state and federal requirements and will be ready for licensure in January 2021. The Grays Harbor trainee is in the Training Phase and is currently medically unfit for duty.

Exam Committee

- The contract for the 2021 Marine Pilot Exam with MITAGS is fully executed.
- BPC Training Program Coordinator Jolene Hamel thanked the exam packet review team Captains Scragg, Anthony, Kiley, the study guide team Captains Kalvoy and Rounds, and Chair Tonn and Jaimie Bever for all their support in helping to get the exam process off to a good start. She also thanked the webinar team including Captains Bendixen and Hannuksela.
- The BPC, along with Puget Sound Pilots and the Port of Grays Harbor, hosted an exam overview webinar on October 21, 2020. The webinar was successful in providing information regarding the exam process, training program, and pilotage in Washington State. Jolene reported that seventy-one people registered for the webinar, approximately fifty watched the webinar live, forty-four have viewed a recording of the webinar, and eleven of the participants were female. The webinar generated over eighty questions. FAQs are available on the BPC website addressing those questions. Post-licensure FAQs are forthcoming. Feedback from aspirants regarding the webinar has been very positive overall. Commissioner Kirtley commented that the information provided in the webinar was a good balance between being attractive and recruiting applicants while also emphasizing the rigor involved in the process. Commissioner Hamilton concurred. He added that an aspirant would find very valuable information in hearing from individuals who just went through the process.
- Commissioner Scragg and Captain Grieser have created a schedule for the development of the simulator evaluation. He invited Board members to attend any of the sessions. Board members were also encouraged to attend the simulation evaluations the week of April 12, 2021. BPC staff will provide all the dates to Board members for further coordination.

NEW BUSINESS

Committee Actions.

Trainee Evaluation Committee (TEC)

- **Consideration of Licensure of PSPD Pilot Candidate: Captain Neil McGourty.** On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Neil McGourty has successfully completed all sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion of his federal licensing requirements. However, while completion of the federal program has been confirmed, the sticker has not yet arrived. Commissioner Scragg added that Captain McGourty has proven to be consistent, safe, and able to pilot independently. The Board has received his TPTR Summary and all training comments.
Motion: Scragg/Anthony – issue Captain Neil McGourty the next state pilot license number for the Puget Sound Pilotage District upon receipt of his federal pilotage endorsement – Carried
- **Approval of Post-Training Program: Captain Neil McGourty.** The TEC recommends approving Captain McGourty for the Post-Training Program until his federal pilotage endorsement is received.
Motion: Scragg/Anthony – approve the Post-Training Program for Captain Neil McGourty as recommended by the TEC – Carried.
- **Approval of Pilot License Upgrade Programs: Captains Kelleher, McGrath, Velarde and Miller.** Captains Kelleher, McGrath, Velarde, and Miller are nearing completion of their fifth, second, and first license years, respectively.
Motion: Scragg/Farrell – approve the pilot license upgrade programs for Captains Kelleher, McGrath, Velarde and Miller as proposed by the TEC – Carried.

Exam Committee

- **Consideration of 2021 Marine Pilot Exam Application Package.** The Board reviewed the proposed 2021 exam application package. BPC Training Program Coordinator Jolene Hamel outlined the minor revisions to the forms in the packet. Some of the revisions include the addition of a voluntary section providing information regarding the diversity of the applicants on the application form, simplified instructions regarding the letters of reference, and the study guide materials have been updated. The application packet for the 2021 exam will be available on the BPC website on Monday, November 16, 2020. BPC staff will provide a list of organizations and social media posts where they advertised the exam to the Board at the next meeting.
Motion: Hamilton/Farrell – release the 2021 exam application packet as proposed by the Exam Committee – Carried.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Farrell/Jensen – approve the physician's reports for Captains J. T. Galvin, J. R. Semler, R. A. Myers, R. M. White, and S. P. Bendixen for their annual pilot license renewal – Carried.

Motion: Farrell/Jensen – approve the physician's reports for Captains M.N. Hannuksela and N. K. McGourty for their pre-licensing physicals – Carried.

Motion: Farrell/Jensen – approve the physician's follow-up report for Captain K. C. Kridler – Carried.

Regarding pilots that are medically unfit-for-duty, Captain vonBrandenfels, PSP, reported that PSP expects to again be fully staffed with all licensed pilots in the last two weeks of January 2021.

Meeting Minutes.

Motion: Kirtley/Farrell – approved the October 15, 2020 meeting minutes as drafted – Carried.

Puget Sound Pilot License Status. This agenda item will be carried forward to the December meeting.

Activity Reports. Lou Paulsen representing the Northwest Seaport Alliance (NWSA), 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), 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.

Captain Eric vonBrandenfels, PSP, provided an update on the anticipated traffic surge he reported at the October Board meeting. He reminded the Board that pilot repositions, which are not revenue producing assignments, are included in their metrics when staffing for pilot jobs. Captain vonBrandenfels shared his screen allowing the Board members to view the dispatch screen for the day of the anticipated surge. He reported that as the day wore on, their dispatchers were able to work with vessel agents to adjust their

schedules resulting in only four delays that day. He also reported that there are currently 49 active pilots in the Puget Sound Pilotage District.

Laird Hail, USCG, reported that a Marine Safety Information Bulletin has been issued regarding pilot ladder transfer systems in response to recent pilot deaths around the country. The point of the bulletin is to remind industry of the IMO standards regarding pilot ladders. The BPC will reissue the bulletin as a BPC Safety Information Bulletin.

Committee Reports.

Oil Transportation Safety Committee (OTSC):

- Chair Tonn pointed the Board to a letter from Fred Felleman, OTSC Environment Representative, questioning the data available to the BPC and to Ecology. Chair Tonn and OTSC Chair Jaimie Bever have continued to talk with Ecology about available data. The original legislation included an examination of changes in vessel traffic patterns but did not include a compliance component. The Board will have to decide whether they are able to evaluate compliance versus what is required in the legislation.

Fred Felleman then addressed the Board directly stating that he believed the Interagency Agreement between the BPC and Ecology included a compliance mechanism. He then turned the Board's attention to the purpose of his letter and for speaking at the meeting today, which was the importance of obtaining information regarding the laden status of tank vessels moving in the region. Even with the BPC's voluntary Tank Vessel Movement Report, he believes the obligation to fill the gap is still there for the data, which is critical for the directives of ESHB 1578.

Fred suggested that he sees four approaches to filling the data gap: 1) the current approach, where operators voluntarily fill out and submit the BPC's Tank Vessel Movement Report, which does not provide consistent data, 2) the BPC could conduct rulemaking to make the form mandatory, 3) the BPC could collect USCG data, however it has been determined that this approach would require federal direction, or 4) collect existing data from Ecology's Advanced Notice of Transfer (ANT) process and the Marine Exchange for a complete picture. He expressed concerns that Ecology has stated that they don't have the authority to use the ANT data for the purposes proposed for ESHB 1578 and that there is question as to whether it was Ecology's responsibility to do so. Fred believes providing this information would be considered "technical assistance" from Ecology, as outlined in the Interagency Agreement. Chair Tonn thanked Fred for his comments and assured him that the BPC has been working on this issue, including a conversation with the Marine Exchange. Unfortunately, they will not be able to include laden/unladen status in the data they are currently gathering from industry.

Commissioner Jensen reiterated that Ecology and BPC have been working together to address the issue. The challenges Ecology faces include a hiring freeze with lower staffing levels which reduces their ability to conduct data gathering and analysis. In looking at the available data, there were several assumptions that would have to be made to come to conclusions, resulting in 70-80% level of certainty in laden versus unladen. He suggested that the OTSC could evaluate challenges and possible assumptions further. Regarding the transfers, he noted that the data is estimated in advance. It has been used to inform good policy conversations. However, there would need to be additional requirements for the regulated community. In the meantime, they will look at what they can provide and what other avenues are available.

- OTSC Chair Jaimie Bever reminded the Board that at the last meeting, after he addressed the Board with industry concerns over the Tank Vessel Movement Report, Charlie Costanzo, AWO, planned to discuss Marine Exchange data collecting options with John Veentjer. Jaimie and Chair Tonn were present for that conversation. The conclusion was that Marine Exchange was not set up to collect the additional data needed to determine laden/unladen. BPC continues to explore options with Ecology, although Chair Tonn acknowledged that there are gaps in ANT data as well. Chair Tonn added that the goal is a comprehensive, not piecemeal, solution. Commissioner Jensen commented that while data is good to obtain, it must be complete and accurate to use for regulation and enforcement. The topic concluded with Chair Tonn reminding the Board that the BPC has authority to make the Tank Vessel Movement Report mandatory for Rosario Strait and connected waterways east.

- The OTSC met on October 20, 2020 to check in and address any questions or concerns surrounding tug escort implementation. Senator Joseph Williams, OTSC Tribal Representative, kicked off the meeting with Tribal perspectives and five recommendations for a path forward regarding Tribal treaty fishing rights: 1) include treaty Tribe fishing vessels in vessel traffic studies; 2) study anchorage trends; 3) state and federal government environmental review of proposals and impacts; 4) uniform VTS regulations transboundary; and 5) Washington state embark on the same path as British Columbia to implement the United Nations Declaration on the Rights of Indigenous Peoples.
- The OTSC worked on FAQs for the September 1, 2020 tug escort implementation and the Tank Vessel Movement Report. Those are posted on the BPC website.
- Regarding the BPC-adopted definition of “oil” referencing 40 CFR, the OTSC expressed that a more appropriate CFR to reference would be 46, which is the USCG CFR regarding shipping. The Board received and reviewed a table comparing the two CFRs and the cargo products included or not included. The OTSC is asking if the Board would like the OTSC to review recommending a shift in the CFR reference in the BPC’s definition. The Board will take action on this topic at the December 10, 2020 meeting. It was noted that referencing 46 CFR would result in expanding the products required to take a tug escort. Commissioner Scragg commented that referencing 46 CFR made a lot of sense, especially from the perspective of a pilot implementing the statute. Several commissioners acknowledged the importance of verifying BPC authority if expanding the tug escort requirement.
- Commissioner Jensen expressed gratitude for the constructive relationship between the Ecology team and Chair Tonn and Jaimie Bever. He added that during a time of great challenge, good work was coming out of the collaboration. He also acknowledged active engagement and collaboration between Tribes, First Nations, and the USCG. Chair Tonn added that Ecology’s team has been great to work with. Chair Tonn and Jaimie Bever will be attending the virtual Pacific States/British Columbia Oil Task Force annual meeting next week.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk referenced Jolene Hamel’s report about the exam webinar. Puget Sound Pilots and the Port of Grays Harbor will be working on the last round of FAQs, as Jolene mentioned.

Commission Investigative Committee (CIC):

- A meeting of the CIC will be scheduled to discuss the Request for Qualifications.

Pilot Safety Committee (PSC):

- The next PSC meeting will be held on November 16, 2020. Committee-approved minutes of PSC meetings will be provided to the Board as available.
- Co-Chair John Scragg commented that they have made some progress on definitions since the last meeting. The goal is for the Board to review the definitions at the December 10, 2020 meeting.

Confirmation of Next Regular Meeting Dates.

- December 10 – Teams/Phone
- January 21(tentative) –Teams/Phone

There being no further public business to come before the Board, Chair Tonn thanked everyone and adjourned the meeting at 1:00 p.m.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Dale Jensen