

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
February 21, 2019

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 Vice Chair: Ned Kiley

Commissioners: Michael Anthony, Sara Thompson, Eleanor Kirtley, Timothy J. Farrell, Phil Morrell, John Scragg and Rik Krombeen

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

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

Gary Nelson, Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Peter Giese: Puget Sound Pilots, retired

Monique Webber: Pacific Yacht Management

Laird Hail, Adam Paz: United States Coast Guard

Ken Grieser & Family: Puget Sound Pilot Licensure Candidate and Family

WAC 363-116-082: LIMITATIONS ON NEW PILOTS. Due to increased vessel sizes and changes to availability, the tonnage categories for each license level in the Puget Sound Pilotage District needs to be adjusted to reflect maritime vessel traffic. The anticipated effects of the proposed changes include better transitions between training and piloting, better distribution in the tonnage of tankers between the license levels, and better access to various vessel types for all license levels. Captain Eric vonBrandenfels, President of Puget Sound Pilots, gave testimony thanking the Board and the Trainee Evaluation Committee for their work in developing the proposed changes, which will be helpful in moving forward and is well received by the pilots. Puget Sound Pilots supports the revisions. Gary Nelson, Executive Director of Port of Grays Harbor, also gave testimony that this was a great step forward, as previously pilots would be trained on larger vessels and then have to take a step back once licensed. No other public comments either verbal or written were received. 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 Public Hearing by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

Commissioners: Michael Anthony, Sara Thompson, Eleanor Kirtley, Timothy J. Farrell, Phil Morrell, John Scragg and Rik Krombeen

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

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

Gary Nelson, Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Peter Giese: Puget Sound Pilots, retired

Monique Webber: Pacific Yacht Management

Laird Hail, Adam Paz: United States Coast Guard

Ken Grieser & Family: Puget Sound Pilot Licensure Candidate and Family

Zak Thomas: Northwest Sea Port Alliance

Dave Wiley, Blair Fassburg: Williams, Kastner, Gibbs, PLLC

Consideration of Preceding Hearing: WAC's 363-116-082. All written and oral testimony was reviewed and considered by the Board.

Motion: Anthony/Thompson – Adopt the CR 102 as filed to increase the vessel tonnage categories in WAC 363-116-082 – Carried.

Minutes. Motion: Farrell/Kirtley – approve the January 17, 2019 Meeting Minutes as written with one change on page two, to acknowledge that 2 ethnic minorities applied for the exam and 1 was successful – Carried.

BPC Staff Report.

- PDC disclosures are due from the Commissioners in April. Email reminders will be circulating in March.
- It has been a busy legislative session so far. Details will be provided further along in the agenda.
- Jaimie Bever reminded the Board that she will be attending the 2019 Women in Maritime Leadership Conference hosted by CalMaritime March 15-16. The Board has had a presence at the conference for the past three years. She will be providing a report at next month's board meeting.
- The next two Board meetings will be held in different conference rooms in the building due to the Washington State Ferries training schedule. Future meeting notices will have the details.

BPC Chair Report.

- Chair Tonn gave thanks to Jaimie Bever for her many trips to Olympia and to Scott Hazlegrove, lobbyist for PMSA, as well as Majken Ryherd and Teresita Torres, lobbyists for PSP. They have been instrumental in providing guidance while navigating the legislative processes.
- Chair Tonn and Jaimie Bever will be meeting with USCG Captain of the Port Linda Sturgis in early March.
- Chair Tonn thanked PSP for the dispatch tour at their office, which was very informative.
- Commissioners Anthony, Farrell, Kirtley, Krombeen and Scragg attended a confirmation hearing in front of the Senate Transportation Committee on February 13, 2019. The hearing is available for watching on TVW.
- Chair Tonn welcomed Captain Rik Krombeen to his first official board meeting. He gave a brief introduction. Additional information about the new commissioners is available in the winter 2019 edition of the Board's newsletter, BPC Pilotage Quarterly, which can be found at www.pilotage.wa.gov.

Activity Reports. Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), Gary Nelson 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.

NEW BUSINESS

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

Motion: Scragg/Kiley – issue Captain Ken Grieser state pilot license #202 for the Puget Sound Pilotage District – Carried.

Approval of Pilot License Upgrade Programs: Captains Dave Henderson, Chris Rounds and Ryan White: Captains Henderson and Rounds are nearing completion of their second license years. Their letters have been updated to reflect the new license levels that were approved earlier today.

Motion: Scragg/Kiley– approve license upgrade programs for Captains Henderson and Rounds as drafted by the TEC – Carried.

Captain White's upgrade program has been suspended since August 2018 while awaiting the resumption of 2 pilot services in Grays Harbor, which has now resumed.

Motion: Scragg/Anthony– approve license upgrade program for Captain White as drafted by the TEC – Carried.

Approval of Training Program: Captains Matthew Hannuksela, Neil McGourty and Severin Knutsen: Captain Hannuksela will be starting the training program in March 15, 2019 and Captains McGourty and Knutsen will start April 1, 2019. The training program agreements are the standard forms that have been presented in the past. The orientation for these new trainees will be held on March 12th at 10am. Commissioners are always welcome to attend the orientations.

Motion: Scragg/Anthony – accept the pilot Training Programs for Captains Hannuksela, McGourty and Knutsen – Carried.

2019 Legislative Session. The Board reviewed three bills that are currently working their way through the legislative session. The SB 5584/HB 1431 *Addressing joint self-insurance programs for property and liability risks* both made it out of their respective committees and are currently in the Rules Committee in each chamber. There is no known opposition. When Chair Tonn testified in both the House and the Senate there were no comments or questions. SB 5563 *Revising the fatigue management rules for marine pilots* was voted out of the Senate Transportation Committee and currently the House version, HB 1647, is with the Labor/Work Force Committee. There is no known opposition. SB 5578/HB *Reducing threats to south resident killer whales by improving oil transportation safety*, in its current version, directs the Board to do rule making for additional requirements concerning tug escorts. Staff will provide bill revisions to the Board as they are available. This is Governor Request legislation. Bills can be tracked and video of the testimonies are available at www.leg.wa.gov.

Consideration of Request for Vessel Exemption:

Motor Yacht Arctic Pride – 123’, 297 gt, Jamaica registry, Captain Jon Seethoff.

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

Motor Yacht Triton – 163’, 527 gt, Marshall Islands registry, Captain Paul Johns.

Motion: Thompson/Kiley – Grant an annual exemption renewal – Carried.

Pacific Yacht Management representative, Monique Webber, informed the Board that she has been contacted by a substantial number of yacht operators regarding the upcoming yachting season. They are expecting a large number of new arrivals to the area.

Pilot’s Report of Marine Safety Occurrence: HAKUTA, 1-21-19

TTS Lane A/B Shilshole Bay	Cylinder fuel pump #1 failed. The USCG was notified and decided to proceed to anchor. Tug arrived and escorted to anchor.	<u>Motion:</u> Anthony/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: HAKUTA, 1-21-19

Approaching Bush Point NB in TSS	Fuel valve failure in cylinder #2. After notifying VTS, the vessel made it safely to anchor in Seattle with the use of an assist tug.	<u>Motion:</u> Anthony/Kiley File as a Marine Safety Occurrence – Carried.
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Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as Provided in WAC 363-116-065 with review and consideration of submittal timetable. Last month the Board received a request from Puget Sound Pilots to review the number of pilots in the Puget Sound Pilotage District. A memo from Chair Tonn to the Board outlining process and timing was distributed at the January meeting and included a determination of data needs and examination of available data at the February meeting, reviewing all data for decision making at the March meeting, and taking action to set authorized number of pilots at the April meeting.

The Board reviewed a proposed timetable for submittals, reviews, and a hearing, which included submissions by March 13th and a hearing on May 16th. Chair Tonn reminded the Board that while there is not a mandate to hold a hearing to set the number of pilots, it has been the Board’s past practice. A written record would be available to the UTC for their tariff setting process. Mike Moore, PMSA, pointed out that the Board hasn’t landed on all the available metrics, which is a challenge for the proposed timeline. Approving the proposed timeline isn’t going to change the rate of trainees coming out of the queue. Board staff will work on developing metrics as well.

Dave Wiley and Blair Fossburg, attorneys representing Puget Sound Pilots, introduced themselves and informed the Board that they were there to speak solely to the process of setting the number of pilots. They provided a proposal to staff’s proposed timeline. They don’t want to confuse substance and process at this stage. They are concerned about procedural fairness and that all interested parties adhere to the approved deadlines. The metrics would be the substance of the presentations to be reviewed by the Board.

Chair Tonn reiterated that the goals for the meeting was to determine any additional metrics for consideration and to recognize that the hearing is a public meeting process. The public will need to be allowed to speak regarding this topic. Chair Tonn pointed out that the schedule put together by staff and the schedule proposed by Puget Sound Pilots are not dramatically different. The Board's assistant attorney general, Albert Wang, added that he had spoken with the PSP's attorneys, had reached conceptual agreement regarding the process, and will support the timeline approved by the Board.

Commissioner Kirtley inquired regarding where the actual number of pilots would be recorded or codified. It was explained by Commissioner Kiley that the number is not codified but informed via the meeting through a Board motion and vote. There was general consensus that the number of pilots agreed upon would not necessarily be implemented immediately. It could be years before the training program could provide the number authorized. The Trainee Evaluation Committee (TEC) will continue to evaluate the pilot retirements. Regarding the Target Assignment Level (TAL), Chair Tonn explained that it was something that the Board utilized as a metric in the past but is not actually defined anywhere. The current TAL is 145 and has been for several years. Commissioner Kirtley pointed out that other metrics for consideration should include the TAL and pilot comp days. Chair Tonn also talked about the idea of using percent utilization. It could be another metric the Board could use further down the road. Jaimie Bever inquired whether or not, considering the metrics discussed, submittals could be ready by the proposed date of March 13th. Commissioner Anthony was comfortable with the timeline, and further explained that it showed the process and gave adequate time for the consideration of the material. Commissioner Kiley pointed out that the Board is still trying to figure out the data necessary to make the decision. The Board needs to do the best they can with the information provided. One issue is providing good criteria for the decision.

PSP president, Eric vonBrandenfels, pointed to the Board's requests for information and acknowledged their role in providing the information and the Board's responsibility to make the decision based on that information. He pointed out that pilots are working a lot on their time off and that's not necessarily something they signed up for. In attracting candidates to come to the area, consideration regarding the number of pilots sooner is better. Mike Moore, PMSA, pointed out the lack of defined metrics to inform the process and decision. Commissioner Anthony offered that a significant amount of data had already been requested and provided. Chair Tonn mentioned that the process will help inform the data. Commissioner Thompson questioned if there was flexibility to adjust the timeline, if need be, which Albert Wang confirmed. The rules allow for flexibility in the structure of the process. Chair Tonn expressed a desire for an organized process that allows for equal representation for all interested parties and documentation that would reflect the consideration of the data by the Board that informed the setting of the number. Commissioner Krombeen questioned the need for information regarding traffic levels. Commissioner Kiley confirmed that in the past traffic levels were the primary criteria for the setting of the number of pilots. Commissioner Kirtley questioned the role of the Fatigue Management Committee (FMC) in making a recommendation regarding the number of pilots. The Board reviewed the core criteria from WAC 363-116-065 in addition to fatigue. At the FMC meeting, which was scheduled for the day after the Board meeting, the committee will talk more about their role.

Commissioner Kiley, regarding the motion to accept the proposed timetable from Board staff, offered that he felt the timeline was too aggressive and would like to push it out one month further to allow for more time to further establish criteria. Commissioner Anthony countered this argument stating that plenty of data had been requested and that time was dragging on. Commissioner Thompson added that the Board hasn't seen any of the data, to which Commissioner Anthony suggested that the submittals will contain all the data needed to make the determination. Commissioner Scragg added that the submittals will include traffic and fatigue management considerations. There was Board discussion regarding the number of active licenses and the number of comp days pilots take toward the end of their careers.

Motion: Anthony/Scragg – accept the timeline as proposed by Board staff – Carried with two opposed.

The discussion turned toward data for the submittals. The memo provided at the last meeting, which contained specifics from WAC 363-116-065 as well as additional criteria, was reviewed. Chair Tonn acknowledged that there was a lot of data to look at and recognized the Board's Program Specialist, Shawna Erickson, for her ongoing work to synthesize the information received. Upon Chair Tonn's question to the group for any other data that should be considered, Mike Moore inquired about clarity

surrounding the creation of comp days and the imbalance of pilots who take call-backs vs. those who don't. He also requested clarity regarding delays in terms of potential efficiency improvements to dispatch and suggested that the more data Board staff could put together for consideration, the better. Commissioner Thompson requested written information regarding call-backs. Commissioner Morrell questioned validation of the data. Chair Tonn pointed out that most the information comes from the pilots and their dispatch system. There is no concrete validation process available. However, Ivan Carlson of Puget Sound Pilots informed the group that their consultant, NASA, would provide the 3rd party validation. Commissioner Thompson expressed concern about the type of data the Board will receive, background information vs. numbers.

It was concluded that the criteria to be reviewed needs to reflect the Board's mission of safe, competent and efficient compulsory pilotage, and that the data needs to tie directly to those components.

Consideration of Committee Memberships. The Board discussed committee memberships. Chair Tonn invited the commissioners to join the various committees. Commissioner Anthony nominated Commissioner Krombeen to join the Commission Investigative Committee (CIC), to which he agreed. Commissioner Farrell expressed interest in the Joint Diversity Committee (JDC). The Board was reminded that they are free to attend any committee meetings, as long as their presence does not establish a quorum.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and reviewed training progress for all current trainees: Kridler, Grieser, McGrath, Ninburg, Seamans, Miller, Melin, Bozina, Siddell and Velarde. There was nothing significant to report and no interventions. There are currently 9 trainees in the program: 3 in the evaluation phase, 4 in the training phase, and 2 in the observation phase. It is anticipated that one trainee will be ready for licensing in April and another in July. Two trainees attended the meeting to discuss goals, issues, and the transition to the next phase of the program.
- One trainee has started in the Grays Harbor Pilotage District. He had his orientation on February 8th and received his training license on February 13th. Captain D'Angelo completed the Train-the-Trainer program, which means that the trainee will have both pilots to train with. He will also do some trainings in the Puget Sound Pilotage District.
- The TEC would like approval to send Captain Travis McGrath through PPU training, as he intends to be completed with his program and approved for licensure in April.
Motion: Scragg/Kiley – Approve the PPU training for Captain Travis McGrath and provide additional stipend for the training – Carried.
- The TEC wishes to have a brief closed session to discuss the progress of one of the trainees.

BPC/PSP Joint Diversity Committee (JDC):

- The committee has been on hiatus and is working on scheduling the next meeting and restructuring membership for 2019.

Fatigue Management Committee (FMC):

- The next meeting is scheduled for February 22, 2019 at 0900. PSP's fatigue consultant, NASA, will be in attendance.
- A Grays Harbor pilot or representative is requested to join the committee. Mike Folkers was invited. He will join the meeting by phone.

Commission Investigative Committee (CIC):

- Commissioners Anthony and Krombeen will meet to discuss the future of the committee.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Kiley/Scragg– approve the physicians' reports for Captains E.C. Lichty, E.C. Klapperich, W.W. Lowery, and R.L. D'Angelo for annual pilot license renewal – Carried.

Motion: Anthony/Kiley– approve the physician report for Captain K.J. Grieser for pre-pilot licensing – Carried.

Motion: Anthony/Morrell– approve the physicians' reports for Captains M.N. Hannuksela, K.H. Wodehouse, and M.K. McGourty for new trainee physicals renewal – Carried.

Motion: Kiley/Anthony – approve the physician report for Captain T.S. McGrath for annual trainee license renewal – Carried.

Motion: Kiley/Scragg – approve the physician report for Captain R.L. D’Angelo as fit for duty – Carried.

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

- March 21 – Alki Conference Room, Fifth Floor
- April 18 – Rainier Conference Room, Fourth Floor

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 1:14pm to 2:00pm in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to both personnel and training issues. In attendance were Commissioners Tonn, Kiley, Farrell, Thompson, Kirtley, Scragg, Krombeen, Morrell and Anthony. Assistant Attorney General Albert Wang, and BPC staff Shawna Erickson, Jolene Hamel, and Jaimie Bever.

EXECUTIVE SESSION

An Executive Session of the Board of Pilotage Commissioners was convened from 2:00pm to 2:30pm in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to both personnel and training issues. In attendance were Commissioners Tonn, Kiley, Farrell, Thompson, Kirtley, Scragg, Krombeen, Morrell and Anthony. Assistant Attorney General Albert Wang, and BPC staff Jaimie Bever for a portion of the meeting.

REGULAR MEETING

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

Staff Salary Increase.

Motion: Anthony/Morrell – approve salary increase for Board Executive Director, Jaimie Bever – Carried.

There being no further public business to come before the Board, Chair Tonn asked for a motion to adjourn the Board meeting at 2:30 p.m.

Motion: Kirtley/Morrell – adjourn the Board meeting – Carried.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Edmund I. Kiley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Eleanor Kirtley

Commissioner Sara Thompson