

**MEETING MINUTES**  
**STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS**  
**December 16, 2019**

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**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 Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

**Present:**

Chair: Sheri Tonn Vice Chair: Ned Kiley

Commissioners: Sara Thompson, 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: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor

JD Ross Leahy: Department of Ecology

Sol Kohlhaas: Marathon Petroleum

Sven Titland: Harley Marine

Jack Harmon: Arrow Launch

Rein Attemann: WA Environmental Council

Chair Tonn informed the Board that one 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.

**Minutes.** Motion: Kiley/Thompson – approve the November 21, 2019 Meeting Minutes as written with one correction on page 4 to the TEC report regarding the Duwamish Waterway, the four should be a six as in “requiring a minimum of six training trips” – Carried.

**NEW BUSINESS**

**WAC 363-116-082 Limitations on New Pilots: Consideration of Emergency Rule for Duwamish Waterway.** Due to limited training opportunities in the Puget Sound Pilotage District, the Board will limit the license for first year pilots in the Duwamish Waterway. The license restriction will prohibit first year pilots from piloting vessels greater than 3,000GT in the Duwamish Waterway. The restriction will be lifted through the license upgrade program developed by the Board’s Trainee Evaluation Committee (TEC) for second year pilots. This emergency rule is necessary due to the advanced level of piloting skill required to navigate the Duwamish Waterway and lack of opportunities to obtain the required number of observation, training, and evaluation trips. Inadequate training opportunities in challenging waterways could put in jeopardy the Board’s mission of safety. Once the emergency rule is adopted, the Board will proceed with the standard rulemaking and public notice process to codify the WAC change.

Motion: Scragg/ Farrell – adopt the emergency rule as presented – Carried

**Consideration of Oil Transportation Safety Committee Charter and Membership.** The Board reviewed a proposed charter for the new Oil Transportation Safety Committee (OTSC). The purpose of the advisory committee is to conduct analysis and provide recommendations to the Board concerning the responsibilities outlined in the 2019 legislation *The Reducing Threats to Southern Resident Killer Whales by Improving the Transportation of Oil Act*. The Board reviewed the charter and membership categories only. A list of possible members was not available for Board consideration. Interested parties were encouraged to contact BPC staff if they are interested in being on the committee. Chair Tonn suggested the proposed timeline would include membership adoption at the January 16, 2020 Board meeting, with the first meeting of the committee likely scheduled for early February 2020, and recommendations to the Board in May 2020 for action in June 2020. Commissioners discussed the proposed language and recommended several revisions for clarity. The adopted charter will be available on the Board’s website.

Motion: Kirtley/Thompson – adopt committee charter as modified – Carried

**Pilot’s Report of Marine Safety Occurrence: *MAHI MAHI, 11-23-2019***

West Waterway, Seattle	Engine slowdown/problem, which resolved within an hour. VTS was notified.	<u>Motion:</u> Kiley/Anthony File as a Marine Safety Occurrence – Carried.
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**Pilot’s Report of Marine Safety Occurrence: *BALLENITA, 11-30-2019***

On approach to Sitcum Waterway, Tacoma	Engine malfunction lasting less than 2 minutes with no further issues while maneuvering to the dock.	<u>Motion:</u> Thompson/Anthony File as a Marine Safety Occurrence – Carried.
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**Pilot’s Report of Incident: *WELLINGTON STAR, 11-18-2019***

Post Point, Bellingham Bay	Fishing boat between buoy and Post Point had unmarked gill nets out. Low net visibility. No warnings from either VTS or the vessel. Attempted to clear the nets, however contact occurred. Contacted tribal leadership, who had received no reports of damage.	<u>Motion:</u> Anthony/Krombeen File as an Incident without Pilot Error or Report of Vessel Damage – Carried.
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On the morning of Sunday December 15, 2019, the BPC received notification that at 0400 an incident occurred at the Intalco dock involving the LPG vessel *LEVANT*. Chair Tonn read into the record a statement from Puget Sound Pilots: “Early Sunday morning on its approach to the Petrogras Ferndale Terminal dock, the bow of the LPG vessel *LEVANT* struck a mooring dolphin puncturing a ballast compartment. No injuries or oil spills were reported. The USCG promptly boarded the vessel and is investigating the incident”. The Board’s investigative process commenced upon notification of the incident. Due to the scope of the incident, the NTSB will be conducting an investigation as well. The Pilot’s Report of Incident is pending. This incident will be reviewed at the January 16, 2020 meeting.

The pilot is not currently taking assignments, and will be on extended respite until January 21, 2020. The Board considered recommendations that the pilot not take any call-backs during the respite period.

Motion: Kiley/Thompson – send a letter to the pilot recommending that they not accept call-backs during their extended respite period, or until a ruling at the January 16, 2020 Board meeting – Carried.

**Committee Reports.**

**Trainee Evaluation Committee (TEC):**

- Captain Trevor Bozina has completed the state portion of his training program and most likely will have his Federal license between the December 2019 and January 2020 meetings. The Board will convene an emergency phone meeting to consider the licensure of Captain Bozina between Board meetings, if he receives his Federal endorsements before the January 16, 2020 Board meeting.

Motion: Kiley/Anthony – recognize completion of the state portion of the pilot training program – Carried.

- The TEC met on December 11, 2019 and reviewed training progress for all current trainees: Miller, Bozina, Siddell, Velarde, Hannuksela, McGourty, Knutsen, Gartner and McMullen. There were no interventions to report.

- The TEC would like to invite the next three candidates on the list into the training program for a March 1, 2020 start date.

Motion: Scragg/Kiley – issue invitations to Captains Moore, Ekermann and Stewart for a March 1, 2020 start date in the Puget Sound Pilotage District – Carried

- As of January 1, 2020, there will be a new appointment to the Board in the public position currently held by Commissioner Kiley. The Board recognized Commissioner Kiley for his long and outstanding service to the BPC. He offered that serving on the Board had been a real privilege and was most pleased about the evolution of the training program over the past several years. Commissioner Kiley has agreed to stay on the TEC as a public member.

Motion: Scragg/Anthony – appoint Captain Ned Kiley as a non-commissioner public member of the TEC – Carried

The new commissioner is retired USCG Officer and attorney, Captain Jason Hamilton.

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

Motion: Farrell/Kiley – approve the physician report for Captain W.M. Carley for his annual pilot license renewal – Carried.

### **Update Regarding ESHB 1578.**

**C. Interagency Agreement (IAA) with Department of Ecology.** The Board reviewed a draft of the Interagency Agreement, which outlines the BPC's relationship with the Department of the Ecology for assistance with the directives of ESHB 1578. Commissioners suggested expanded definitions for certain terms in the agreement. Commissioner Thompson offered that she could check with the Ecology contracts team on options for a definitions section. Commissioner Thompson also walked the Board through each section of the agreement. Commissioner Farrell requested that Ecology provide regular updates and provide the Board members with opportunities for input on the development of the risk model. The OTSC will make regular updates to the Board as well.

Commissioner Krombeen invited the Board to tour the fleet operations for Holland America in January. BPC staff will schedule the tours. Commissioner Krombeen then exited the meeting, removing a quorum of the Board.

### **BPC Staff Report.**

- Jaimie Bever reported that the December 9, 2019 Listening Sessions were very successful and well attended, and thanked the Ecology team for all of their help.
- Jaimie Bever and Chair Tonn met with Senator Hobbs last Thursday. He continues to be pleased with the progress of the BPC.
- BPC Program Analyst Bettina Maki updated the monthly data reports. The reports will be finalized for 2019 in the old format to have a complete year. New reporting is in the works for 2020.
- The Board will be displaced from the Agate conference room for the first four months of 2020. Please note in which rooms the meetings will occur on meeting notices.

### **BPC Chair Report.**

- A bollard pull Standard of Care is anticipated to be adopted by the Harbor Safety Committee in February 2020. The Board will also need to review and adopt the Standard of Care.
- The UTC has made a few changes to the BPC advisory role. Sheri Tonn and Jaimie Bever will be on one side of the "firewall" with the remaining BPC staff and commissioners on the other side. Sheri and Jaimie will be discussing the arrangement with the UTC for further guidance.

**Activity Reports.** Jordan Royer representing Pacific Merchant Shipping Association (PMSA), Mike Folkers representing the Port of Grays Harbor (PGH), and Captain Ivan Carlson representing Puget Sound Pilots (PSP) offered current and projected statistical data as well as updates on current maritime issues and activities.

### **Update Regarding ESHB 1578.**

**A. December 9<sup>th</sup> 2019 Listening Sessions at the Port of Everett.** See recap in Staff Report. A summary of the Listening Sessions will be available on the BPC website in the near future. Thanks to Chair Tonn and Commissioners Farrell, Anthony, Kirtley, and Thompson for representing the Board at the sessions. and thanks to Jaimie Bever, Brian Kirk, and Captain Blair Bouma for their presentations.

**B. Definition/Interpretations of Terms.** The Board previously received terms that were identified as needing clarification. This work will now be done at the committee level with recommendations to the Board for final adoption.

Sheri Tonn and Jaimie Bever will be meeting with Ecology on January 8, 2020. Work continues on a BPC Focus Sheet regarding ESHB 1578, and next steps for the September 1, 2020 deadlines.

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

- The JDC will meet again on January 8, 2020.

### **Fatigue Management Committee (FMC):**

- No current activity.

**Commission Investigative Committee (CIC):**

- The Committee is still working on revised investigative procedures, and is currently working through the AAG comments. The goal is for those to be available at the January 16, 2020 meeting.

**Oil Transportation Safety Committee (OTSC):**

- The Board will consider membership at the January 16, 2020 meeting.
- First meeting will be scheduled for early February 2020.

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

- January 16 – Rainier Conference Room
- February 20 – Alki Conference Room

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 12:10pm.

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 Timothy J. Farrell

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Absent  
Commissioner Philip Morrell

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Commissioner Rik Krombeen

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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