

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,
Complainant,

v.

PUGET SOUND PILOTS,
Respondent.

Docket TP-190976

RESPONSE IN OPPOSITION TO PETITION
TO INTERVENE BY PACIFIC YACHT
MANAGEMENT

I. Summary

1. The Commission should deny the late-filed Petition to Intervene filed January 13, 2020, by Pacific Yacht Management (“PYM”) because it was submitted without good cause for delay, because PYM lacks a substantial interest in the proceeding, and because its interests are merely cumulative and it also seeks to broaden the scope of the docket by requesting new tariff charges unique to recreational vessels.¹

II. Discussion

2. Petitions to Intervene are governed by WAC 480-07-355 and RCW 34.05.443(1). Pursuant to WAC 480-07-355(1)(a), petitions to intervene should be filed at least three days before the initial hearing date or prehearing conference date, whichever occurs first. Late-filed petitions to intervene may only be granted after the initial prehearing conference upon a showing of good cause, including a satisfactory explanation of why the person did not file a timely petition to intervene.² RCW 34.05.443(1) provides “The presiding officer may grant a petition for intervention at any time, upon determining that the petitioner qualifies as an intervenor under any provision of law and that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.”

¹ At most, PYM should be authorized to submit public comments on the proceeding.

² WAC 480-07-355(b).

3. PYM does not assert that it had good cause to file its Petition to Intervene after the initial prehearing conference on December 12, 2019. Instead, it merely asserts that it learned of the proceeding for the first time “at the Port of Seattle Christmas party” without providing so much as the date of the party at which PYM alleges it first became aware of the proceeding. PYM failed to disclose to the Commission, however, that the party at which it claims to have received notice took place prior to the initial prehearing conference.³
4. This bald assertion, absent more explanation as to why PYM failed to file a petition to intervene before the initial prehearing conference fails to meet its burden of proof to establish good cause. Further, because the first notice to PYM still provided an opportunity to petition for intervention before the initial prehearing conference, or even to appear personally and petition for intervention at the same, the Petition should be denied.
5. Nonetheless, there are a number of other facts and deficiencies that demonstrate why PYM’s late Petition should be denied, regardless of its timing or PYM’s failure to establish good cause.
6. First, PYM had opportunity for even earlier notice of this proceeding. The minutes of the November 21, 2019 regular meeting of the Board of Pilotage Commissioners (“BPC”) demonstrate that the initiation of this proceeding was announced in a public forum that PYM regularly attends. Those minutes, which are attached as Exhibit B, reflect that the filing of this proceeding on November 20, 2019 was discussed at the meeting. A petition for exemption of a recreational vessel, the sailing yacht *Zazie* was considered and granted at the same meeting. Although the meeting minutes do not reflect whether PYM actually attended the BPC meeting, its representative, Ms. Webber, regularly attends BPC meetings and should have received notice via this discussion.

³ See Declaration of L. Styrk, Exhibit A.

7. PYM's late-filed petition should also be denied because PYM failed to demonstrate that it seeks to intervene on behalf of persons with a substantial interest in the outcome of the proceeding. PYM is neither a vessel operator utilizing and paying for pilotage services, nor has it demonstrated that it is a representative that is authorized to speak on behalf of those foreign-flagged recreational vessels that do utilize and pay for pilotage service.
8. The Legislature specifically identified those persons with a substantial interest in RCW 81.116.010(3), defining "person with a substantial interest" as:

(a) A pilot or group of pilots licensed under chapter 88.16 RCW; (b) a vessel operator or other person utilizing the services of a licensed pilot and paying pilotage fees and charges for such services or an organization representing such vessel operators or persons; and (c) any other person or business that can show that the requested tariff changes would be likely to have a substantial economic impact on its operations.

9. PYM asserts that it seeks to intervene on behalf of "recreational service providers, provision providers, fuel distributors, and other non-maritime support business in the Puget Sound region."⁴ (These companies will hereinafter be referred to as "Yacht Services Companies"). These Yacht Services Companies do not qualify PYM as a person with substantial interest under (3)(a) or (b) because neither PYM nor the Yacht Services Companies qualify as pilots or vessel operators utilizing pilots and paying for pilotage fees. Additionally, PYM failed to demonstrate that pilotage rates have a substantial economic impact on *its* yacht management business, relying instead on the alleged economic impacts on other third-party businesses (the Yacht Services Companies). Thus, PYM does not itself qualify under RCW 88.116.010(3)(c).
10. Moreover, whether in its own capacity, or assuming that PYM serves as an agent for the Yacht Services Companies (a fact that it did not allege), even had the Legislature conferred intervenor status to agents of businesses that are substantially economically impacted by rates, PYM

⁴ PYM's Petition to Intervene, ¶ 4.

failed to demonstrate that the economic impact of pilotage rates any such businesses is any different from other businesses in the Puget Sound region. Any business whose customers' expendable income is affected by the health of the maritime economy could argue that their business is economically impacted by pilotage rates. But the Legislature plainly limited standing to certain businesses on whom the economic impact would be *substantial*.⁵ PYM failed to distinguish the impacts on Yacht Services Companies from the general public in this respect.⁶ Consequently, it failed to make even a minimal showing of its standing under RCW 88.116.010(3)(c).

11. While PYM claims its substantial interest is also established by the fact that it also serves as a port agent for foreign-flagged recreational vessels that are subject to compulsory pilotage in the Puget Sound, that mere assertion does not demonstrate its substantial interest under the statute. Distinguished from a trade association that publicly represents its constituent members in many respects, port agents primarily serve vessels by husbanding the numerous services they may require during port calls. The authority to coordinate services on behalf of superyachts hardly demonstrates that PYM is an organization "representing" these foreign-flagged vessel operators requiring pilotage service as required by the statute.
12. Giving the term "representing" its plain meaning, for PYM to be conferred standing, PYM must show that on behalf of a vessel operator that employs pilotage service it is "entitled or appointed to act or speak for (someone), especially in an official capacity."⁷ Because PYM failed to demonstrate that, as a port agent, it was authorized to speak for foreign-flagged yacht owners who must employ Puget Sound Pilots, its Petition cannot be granted.

⁵ Evidence of a substantial economic impact should require more than a direct impact on the business. It should require a showing that the direct impact is substantial in magnitude. Here, PYM has shown neither.

⁶ See *BNSF Railway Co. v. City of Mount Vernon*, Dkt. TR-070696, Order 01, July 20, 2007 (denying petition in intervention by business that failed to show potential economic impacts on its business were different from any other investor or business in the region).

⁷ REPRESENT, *The Oxford College Dictionary* (2007).

13. Finally, PYM failed to demonstrate that were its Petition granted, it would not impair the orderly and prompt conduct of the proceedings, as is required under the Administrative Procedures Act, RCW 34.05.443(1).^{8,9} To the contrary, PYM is proposing to oppose an increase in pilotage rates and to create new and special rates that afford its customers disparate and preferential treatment from other vessels of similar sizes. The latter interest clearly expands upon the review of PSP’s proposed tariff to be undertaken in this proceeding, while its purported interest in generally suppressing compensation for pilotage service is one apparently already shared and represented by an existing intervenor, the Pacific Merchant Shipping Association (“PMSA”).

III. Conclusion

14. PYM failed to file a timely petition to intervene and failed to show good cause for its late filing. Because it is merely a yacht services company with the potential for attenuated, but not direct economic impacts, and it failed to demonstrate that its role as a port agent suffices to permit it to speak on behalf of non-exempt foreign-flagged vessel owners, PYM failed to demonstrate a substantial interest under the statute. Finally, PYM’s interests are at best merely cumulative of those asserted by PMSA, and it otherwise seeks to broaden the scope of the proceeding. Consequently, its Petition to Intervene should be denied. PYM’s interest in suppressing pilotage rates has been made for the record, and should further elaboration be necessary, PYM should be permitted to make public comment on the proceeding.

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⁸ See also, *WUTC v. Puget Sound Energy*, Dkt. UE-161123, Order 05, January 3, 2017 (applying RCW 35.05.443 to a timely filed petition in intervention and refusing to expand the scope of the proceeding to include the petitioner’s requests).

⁹ PYM’s late-filed Petition was served more than a month after the prehearing conference in this matter with discovery now well underway.

Respectfully submitted this 22nd day of January, 2020.

WILLIAMS KASTNER & GIBBS PLLC

s/ 

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RESPONSE IN OPPOSITION TO PETITION TO INTERVENE BY
PACIFIC YACHT MANAGEMENT - 6

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Docket TG-190976

CERTIFICATE OF SERVICE

I further certify that on January 22, 2020, I provided to the Washington Utilities and Transportation Commission's Secretary an official electronic file containing the foregoing documents via the **WUTC web portal**; and served a copy **via email** to the following parties:

Monique Webber Pacific Yacht Management 2284 W. Commodore Way Suite 120 Seattle, Washington 98199 (206) 849-7676 monique@pacificyachtmanagement.com <i>Counsel for Petitioner-Intervenor PYM</i>	Harry Fukano Assistant Attorney General WUTC PO Box 47250 Olympia, WA 98504 (360) 664-1225 harry.fukano@utc.wa.gov
Michelle DeLappe 1111 Third Avenue STE 3000 Seattle, WA 98101 michelle.delappe@foster.com (206) 816-1403 <i>Counsel for Intervenor PMSA</i>	Sally Brown Assistant Attorney General WUTC PO Box 47250 Olympia, WA 98504 (360) 664-1193 sally.brown@utc.wa.gov

Signed at Seattle, Washington this 22nd day of January, 2020.

s/ Maggi Gruber
Maggi Gruber
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RESPONSE IN OPPOSITION TO PETITION TO INTERVENE BY
PACIFIC YACHT MANAGEMENT - 7

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EXHIBIT A

DECLARATION LINDA STYRK

I, Linda Styrk, declare as follows:

1. I am the Executive Director of Puget Sound Pilots. This declaration is based upon my personal knowledge.

2. On December 10, 2019, I attended a Christmas party hosted by the Port of Seattle. At this party I encountered Monique Webber, a representative of Pacific Yacht Management. At that time, I mentioned to her that Puget Sound Pilots had filed its rate proceeding with the Utilities and Transportation Commission.

THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY UNDER THE LAWS OF WASHINGTON.

SIGNED this 21st day of January, 2020, at Seattle, Washington.



Linda Styrk

Williams, Kastner & Gibbs PLLC
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EXHIBIT B
MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
November 21, 2019

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:02 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, 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

Lou Paulsen: The Northwest Seaport Alliance

Linda Sturgis, Laird Hail, Zachary Spence, James Carter: United States Coast Guard

Andrew Drennen: Polar Tankers

JD Ross Leahy, Rachel Assink: Department of Ecology

Minutes. Motion: Kiley/Scragg – approve the September 19, 2019 Meeting Minutes as written – Carried.

BPC Staff Report.

- Jaimie Bever introduced and welcomed Bettina Maki, BPC's new Program Analyst, who started with the agency November 1, 2019. Over the next few months, Ms. Maki will work on revisions to data reporting and with the Board on future report options.
- Jaimie Bever and/or Chair Tonn attended several meetings since September including Puget Sound Harbor Safety Committee, Department of Ecology, Pacific States/BC Oil Spill Task Force Annual Meeting, and Salish Sea Shared Waters Forum. More information will be provided further in the agenda.
- The Fall 2019 edition of the *BPC Pilotage Quarterly* newsletter was distributed in early October. The Winter 2019 edition will be available in January, which will cover the fourth quarter of 2019.

BPC Chair Report.

- The Pacific States/BC Oil Spill Task Force Annual Meeting and Salish Sea Shared Waters Forum were held November 13 & 14. Both meetings had good participation. From the BPC, Commissioner Thompson as well as Jaimie Bever and Chair Tonn were in attendance. Jaimie Bever presented at the Salish Sea Shared Waters Forum on a panel titled "Marine Emergency Response Systems".

Activity Reports. Captain Ivan Carlson representing Puget Sound Pilots (PSP), Mike Folkers representing the Port of Grays Harbor (PGH), Mike Moore representing Pacific Merchant Shipping Association (PMSA), Lou Paulsen representing The Northwest Seaport Alliance (NWSA), and Captain Linda Sturgis representing the United States Coast Guard (USCG) offered current and projected statistical data as well as updates on current maritime issues and activities.

Captain Linda Sturgis, Sector Commander Puget Sound and Captain of the Port, reported on several recent issues with the USCG building resulting in multiple evacuations. No injuries were reported. She offered appreciation and thanks to Puget Sound Pilots for reaching out after the evacuations, offering a secondary location for operations.

Captain Sturgis also wanted to thank the pilots for the constant dialog regarding tsunami evacuation. She reported that the pilots have been very generous working with the USCG on their evacuation plan and feels there is great cooperation out on Ediz Hook in Port Angeles.

She mentioned a previous effort by prior Sector Commander Captain Joe Raymond to codify historically used anchorages that were not federally designated in Puget Sound, such as Vendovi. That federal register went out in January 2016. However, it did not move forward due to the no-new-regulations hold that was put in the place by the new incoming administration in 2017 and the numerous comments the proposal received, including tribal concerns and requests for zero vessels anchoring in their treaty fishing areas. As a result, the USCG and the pilots have developed better communication with the tribes,

specifically Lummi, Swinomish and Tulalip. When the pilots are going to move a vessel, VTS will work with USCG command center to notify tribal enforcement to identify locations of fishing nets and crab pots. Captain Sturgis reports that it has been a very effective communication tool and thanked the pilots for that effort as well.

Regarding ESHB 1578, Captain Sturgis asked the BPC to ask themselves about potential risks from decisions made regarding adding additional vessels to the traffic system. She also urged the Commissioners to tour the VTS, if they have not, to see how vessel traffic is managed in Puget Sound. She offered an invitation to all Commissioners and their families. BPC staff offered to help coordinate those tours. She also encouraged the Commissioners to think about the safety measures already in place for pilots in the U.S. and Canada. She pointed out the 1997 implementation of the International Tug of Opportunity System. Lastly, regarding the Southern Resident Killer Whale, she acknowledged that everyone is concerned about the SRKW, but to look closely at the impacts of increased vessels, noise, and pollution additional vessels may add.

Captain Laird Hail added that during the evacuation of their building, Canada was able to successfully step in and pick-up the command of the area. It was a good test of the evacuation system and partnership with Canada. They identified lessons learned for future improvements.

Captain Sturgis closed her comments by stating that the USCG was there to help, including providing data for their operations. She acknowledged the region's delicate ecosystem and that it could not withstand a major oil spill. She reiterated that pilots are the USCG's eyes and ears for security on the water. Chair Tonn thanked her for her comments.

NEW BUSINESS

Pilot Order Time Changes in the Puget Sound Pilotage District. Executive Director Linda Styrk spoke on behalf of the Puget Sound Pilots and offered an apology for the confusion regarding the pilot order time changes from 24 hours to 48 hours in the 2019 tidebooks and on their website. She offered that it was an aspirational goal to mitigate ship delays due to pilot shortages as opposed to an actual time change. She acknowledged that better communication was needed. The 2020 tidebook language will be the same as the 2018 tidebook language regarding the ordering of a pilot and the website will be corrected as well. She did stress that the pilots appreciate as much advanced notice as possible, especially when they are calling pilots back during their respite. Chair Tonn pointed out that in 2018, the BPC notified various parties of shipping delays due to pilot shortages and that communications regarding changes in order time or other pilotage service related impacts should be handled in the same fashion.

Determination of 2020 Board Meeting Schedule. The Board reviewed the proposed meeting schedule for 2020, which reflected the third Thursday of every month, with the exception of November and December on the second Thursdays. The August meeting again, will likely occur in Grays Harbor.

Motion: Farrell/Scragg – adopt the 2020 meeting schedule as presented – Carried

Approval of Pilot License Upgrade Programs: Captains Neil Kelleher & Travis McGrath: Captain Kelleher is completing his fourth year and Captain McGrath is nearing completion of his first license year. The letters has been updated to reflect the new license levels.

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

Consideration of Pilot Request for Medical Disability Retirement & License Fee Credit. Captain D.A. Sanders, Puget Sound Pilots, has notified the Board of his intent to retire under the provisions of WAC 363-116-110(2) and the terms of the Puget Sound Pilots' Medical Disability Retirement Plan. Under these provisions Captain Sanders has a five-year window in which to return to active piloting provided he can meet all the requirements of the then Board physical standards and pursuant to WAC 363-116-110(2). Captain Sanders also requested that the Board reduce his 2019 license fee to \$1,000 under the provisions of WAC 363-116-070, as he was unable to pilot in 2019.

Motion: Scragg/Farrell – Consider Captain Sanders as retired under Puget Sound Pilots' Disability Retirement Plan and thereby having the possibility of returning within five years of his official retirement date under the provisions of WAC 363-116-110(2) – Carried.

Motion: Kiley/Scragg – Reduce Captain Sanders' 2019 license fees to \$1,000 pursuant to WAC 363-116-070 and refund the balance to Puget Sound Pilots – Carried.

Discussion regarding Grays Harbor Pilotage.

The Board reviewed a letter from Chair Tonn to Captain R.M. White reminding him that pursuant to WAC 363-116-200(6) any pilot who shall absent themselves from pilotage duties for a period of 60 days or more without permission from the Board shall be liable to suspension or to the forfeiture of their license. Captain White provided an explanation for his recent absence from pilotage and requested for a waiver for the short timeframe he was outside the provisions of WAC 363-116-200(6).

Motion: Kiley/Thompson – acknowledge Captain White's absence from pilotage in the Grays Harbor Pilotage District beginning July 29, 2019 and because of the circumstances outlined by Captain White, grant him a waiver from when 60 days expired on September 28, 2019 to November 2019 when he resumed pilotage duties – Carried.

UTC Ex-Parte Reminders. The Utilities and Transportation Commission (UTC) came to the April 2019 Board meeting and provided a 'UTC-101' to help the Board become familiar with their processes and rules for rate setting. The Board received the handouts from that presentation again as reminders of the ex-parte rules once the tariff filing by the Puget Sound Pilots has occurred. Once the filing is official, Board members will only be able to communicate to BPC staff and the Chair regarding current and active programs, not the filing. Once the filing is complete and issued a docket number, Board members will be notified. Captain Ivan Carlson, Puget Sound Pilots, offered that the filing was submitted by Puget Sound Pilots yesterday, November 20th. The Board should direct their questions and comments to each other, the party who filed the rate change request, or directly to the UTC via a public comment process. The Port of Grays Harbor has already filed their tariff request. However, they have a more simplified process with no ex-parte rules.

Update Regarding ESHB 1578

- A. Pacific States/BC Oil Spill Task Force Annual Meeting and Salish Sea Shared Waters Forum.** Both meetings provided excellent information and were well attended. Jaimie Bever and Mike Moore gave excellent presentations. Presentation materials are available at the Pacific States/BC Oil Spill Task Force website. Links will be provided to the Board.
- B. December 9th 2019 Listening Sessions at the Port of Everett.** This event consists of two sessions, with a no-host lunch in between. From 10am – 12pm Jaimie Bever will lead a discussion regarding the Rosario Strait and connected waterways east tug escort requirements. From 1pm – 3pm Brian Kirk, Department of Ecology, will lead a discussion regarding geographic zone identification, including presentation by Captain Blair Bouma on a pilot's perspective of the geographic area. On November 12th, Captain Bouma provided tug escort training to members of the Board and the Department of Ecology, which was very informative. The BPC is grateful to him for his time and sharing his expertise. Board member were encouraged to attend the listening sessions. Detailed notes of the conversation will be available to the Board and the public. The next step after the listening sessions will be to review the Interagency Agreement with the Department of Ecology and establish an Oil Transportation Safety Committee to conduct analysis and provide recommendations to the Board.
- C. Definition/Interpretations of Terms.** Several terms in ESHB 1578 are in need of further clarification/interpretation. The new committee and the Board will be working on interpretive statements for those terms to help clarify the bill language. The Board received and reviewed a list of terms already identified including "Rosario Strait and connected waterways east", "under the escort of a tug or tugs", "bunkering or refueling services", "unladen", and "in ballast". Additional terms are expected to surface at the December 9th listening sessions.

Commissioner Thompson introduced members of the Ecology team who were in the audience. Rachel Assink is a fellow from the School of Marine Affairs at the University of Washington helping with the vessel activity synopsis. JD Leahy, who is a graduate from the University of Washington School of Marine Affairs, is the first member of Ecology's modeling team. Contacts within the Department of Ecology have changed. Scott Ferguson retired with Brian Kirk replacing him, Rob Dengel has accepted a new position within Ecology, and Commissioner Thompson is the liaison between the Board and Ecology and will be on the new tug escort committee.

Consideration of Request for Vessel Exemption:

Sailing Yacht ZAZIE – 49', 9 gt, New Caledonia registry, Captain Sophie Garioud Rozand.

Motion: Farrell/Kiley – concur with Vice Chair's granting of an annual exemption – Carried.

Pilot's Report of Marine Safety Occurrence: *BELLAVIA*, 10-07-2019

NB traffic lanes approaching Bush Point	Engine slowdown/problems, but no engine failure. VTS was notified and a tug was called. However, bad weather made tug timeframe too long. The pilot proceeded to anchor at PA without issue with lower RPMs and permission from the Captain of the Port.	<u>Motion:</u> Kiley/Farrell File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *CIELO Di DUBLINO*, 10-15-2019

Commencement Bay, Hylebos Waterway	During two-pilot job, second pilot asked for dead slow ahead and vessel was unable to respond. The issue was corrected and VTS authorized the vessel to proceed. The vessel arrived at berth with no further issues.	<u>Motion:</u> Kiley/Kirtley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *BUNUN INFINITY*, 11-08-2019

Underway in Hylebos	Barge came loose and was drifting towards vessel. Pilot attempted but could not reach barge owner, however barge did not make impact with vessel.	<u>Motion:</u> Farrell/Kiley File as a Marine Safety Occurrence – Carried.
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The BPC received notification of a recent incident involving the *WELLINGTON STAR*. The vessel ran through a fishing net, which was believed to belong to a Lummi fisherman. Jaimie Bever notified the Lummi Nation, who had not yet received any reports of damaged nets. The Pilot's Report of Incident is pending. Therefore, this incident will be reviewed at the December 16, 2019 meeting.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met on both October 16 and November 13, 2019 and reviewed training progress for all current trainees: Miller, Bozina, Siddell, Velarde, Hannuksela, McGourty, Knutsen, Gartner and McMullen. There was an intervention on August 31st and the trainee came to the October TEC meeting to discuss the intervention. The TEC was satisfied with the explanation received. There are no other issues to report. There are currently nine trainees in the program: four in the Evaluation phase, three in the Training phase, and two in the Observation phase. Captain Michael deferred entry and will start his program December 1, 2019.
- Captain Trevor Bozina is nearing completion of his training program and most likely will have his Federal License between the December and January meetings. The TEC is asking that the Board consider licensing between Board meetings. Chair Tonn requested that this be considered in December, as the Board will have a better idea of his completion date at that time. The TEC requested Board approval to send him through PPU training.
Motion: Scragg/Kiley – Approve the PPU training for Captain Bozina and provide an additional one-time stipend for the training – Carried
- The TEC continues discussion regarding reduced training opportunities in the Duwamish Waterway due to significant reduction in traffic. The TEC has made the Duwamish a hard-to-get trip, establishing a rotation of trainees, requiring a minimum of six training trips (two in stern first, and two out) and two evaluation trips, and exploring a first-year license restriction in the waterway. The restriction would mean that first year pilots could only be the secondary pilot on the two-pilot job. As a result, the Duwamish Waterway would be included the license upgrade programs for the lifting first-year license restrictions. Otherwise, the limited training opportunities could hold up the licensing of trainees. The TEC has worked on drafting an emergency rule, which the Board's Assistant Attorney General will review before presentation to the Board in December.
- The TEC is concerned with the USCG's Regional Examination Center (REC) potential policy changes concerning federal licensing and feels that it could restrict potential trainees in the future. The TEC would like the Board to write a letter to the REC expressing those concerns and requesting ongoing communication regarding future changes. Chair Tonn stated that she has

been in communication with John D. Dwyer, USCG Officer in Charge, Marine Inspection. She has also been in contact with the manager of the REC. Both have assured her that the pilots and the BPC will be involved in any future changes.

BPC/PSP Joint Diversity Committee (JDC):

- The JDC had a productive meeting on November 15, 2019. They discussed membership and reviewed some of the activities that occurred in 2019. Recruitment needs to start younger than high school given the lack of awareness of maritime careers here in the Puget Sound area. The Committee reviewed the action plan and goals for the upcoming year and are currently working on scheduling the next meeting, with meetings occurring quarterly in 2020.

Fatigue Management Committee (FMC):

- Jaimie Bever and Chair Tonn will be scheduling a meeting with FMC Chair Phil Morrell to work on the resumption committee activities.

Commission Investigative Committee (CIC):

- The Committee has been working on revised investigative procedures, which will be presented for Board consideration at the December or January meeting.

Oil Transportation Safety Committee (OTSC):

- The purpose of this advisory committee is to conduct analysis and provide recommendations to the Board regarding directives from ESHB 1578 concerning the BPC. Committee membership will include a Chair who is affiliated with the BPC, plus both BPC and non-BPC members, including pilot, environmental, industry, tug, and tribal representation. Mark Homeyer, Crowley, has expressed interest in the Committee, as has Puget Sound pilot Captain Blair Bouma. Jaimie Bever is drafting a Committee charter for consideration at the December meeting.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Scragg/Kiley – approve the physicians' reports for Captains P.V. Hunter, J.A. Hannuksela, T.D. Coryell, D.B. Soriano, R.A. Myers, R.M. White, J.T. Galvin, G.P. Thoreson and S.E. Moreno for annual pilot license renewal – Carried.

Motion: Kiley/Farrell – approve the physician report for Captain F. McMullen for new trainee physical – Carried.

Motion: Kiley/Farrell – approve the physician report for Captain P.L. Velarde for annual trainee physical – Carried.

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

- December 16 – Agate Conference Room
- January 16 – Rainier Conference Room

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 12:45pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Edmund I. Kiley, Vice Chair

Absent
Commissioner Philip Morrell

Commissioner John Scragg

Commissioner Eleanor Kirtley

Commissioner Timothy J. Farrell

Commissioner Rik Krombeen

Absent
Commissioner Michael Anthony

Commissioner Sara Thompson