

Exh. JR-20
Docket TP-220513
Witness: Jordan Royer

**BEFORE THE STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

Docket No. TP-220513

**EXHIBIT TO TESTIMONY OF
Jordan Royer
ON BEHALF OF
PACIFIC MERCHANT SHIPPING ASSOCIATION**

BPC 2020 Meeting Minutes

FEBRUARY 10, 2023

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
January 16, 2020

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 9:00am to 10:05am in the Rainier Conference Room, 2901 Third Avenue, Seattle, Washington to discuss matters relative to personnel and legal issues. In attendance were Commissioners Tonn, Kirtley, Anthony, Farrell, Krombeen, Scragg and Thompson; Assistant Attorney General Albert Wang; BPC staff Jaimie Bever, Jolene Hamel and Bettina Maki; and Commission Investigation Committee member Ned Kiley. Regular session was convened by Chair Tonn immediately following the Closed Session.

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 Rainier Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn

Commissioners: Sara Thompson, Jason R. Hamilton, 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, Stephen Semler: Puget Sound Pilots

Amy Scarton: Washington State Ferries

JD Ross Leahy: Department of Ecology

Blair Englebrecht: Puget Soundkeeper Alliance

Verner Wilson: Friends of the Earth U.S.

Mike Moore and Jordan Royer: Pacific Merchant Shipping Association

Laird Hail: United States Coast Guard

Lou Paulsen: Northwest Seaport Alliance

Edmund Kiley: Former Commissioner

Jason Mihok: Clipper Navigation

Dave Wiley: Williams Kastner

Trevor Bozina and Family: Puget Sound Pilots Candidate for Licensure

Lt. James Carter: United States Coast Guard

Donald K. McLean: BMJ

Verne Justice: Retired Puget Sound pilot

Ian Mantha: Transmarine

Fred Felleman: Wave Consulting/Friends of the Earth

Bob Poole: Western States Petroleum Association

Chris Reilly: Nicoll Black & Feig

Chair Tonn informed the Board that two 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.

Meeting Minutes.

Motion: Farrell/Scragg – approve the December 16, 2019 Meeting Minutes as written – Carried.

New Commissioner Introduction. Chair Tonn introduced new BPC public representative Jason R. Hamilton, who previously spent 26 years in the USCG as lead council for the region and in ship operations. He is now retired and working for Seattle City Light. He is excited to be back in maritime working on safety and environmental protection while facilitating commerce.

WSF Update on Diversity Initiatives. Assistant Secretary of Transportation Amy Scarton shared her appreciation for membership on behalf of Washington State Ferries on the BPC/PSP Joint Diversity Committee. She stressed the importance of diversity and inclusion not just for the Board of Pilotage Commissioners and Washington State Ferries, but also for the State of Washington. Diversity and inclusion is one of the three top goals for the Washington State Department of Transportation. Washington is a diverse state and the goal is represent the people they serve. She pointed to efforts in

the maritime industry to diversity the pool of mariners including recruitment at both maritime colleges and universities, as well as grade, middle and high schools. She commended the efforts of the JDC and pilots to travel and conduct outreach around the country. She also offered that the JDC’s Diversity Action Plan would be available soon for Board review and input. She concluded by thanking Board members for their service. She offered her continued support and said that she proudly brings up pilotage when she is out in the fleet, recognizing that ferries are one of the major pipelines to pilotage. A brief Q&A with Board members followed.

NEW BUSINESS

Consideration of Licensure of PSPD Pilot Candidate: Captain Trevor Bozina. On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Trevor Bozina has successfully completed all the sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion of his federal licensing requirements. However, he is still awaiting his federal endorsement sticker for his license. The Board has received his matrix and all training comment.

Motion: Scragg/Anthony – issue Captain Trevor Bozina state pilot license #208 for the Puget Sound Pilotage District upon BPC receipt of his federal pilotage endorsement sticker – Carried.

Pilot’s Report of Incident: *LEVANT*, 12-15-2019

Ferndale Intalco dock	Vessel had allision with south dolphin	<u>Motion:</u> Pending Completion of Investigation
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The Board had its first opportunity to consider the background information regarding this incident in Closed Session earlier this morning. The Board will have some interim recommendations and will return to this incident at the March 19, 2020 regular meeting, which will allow for the completion of the Board’s investigative report.

Captain Anthony gave a brief overview of the December 15, 2019 incident at the Intalco dock in Ferndale, WA. The U.S. Coast Guard and NTSB investigations are still underway, and could take 9-14 months to conclude. Due to the ongoing investigations, Captain Anthony was unable to offer details. He did inform the Board that the pilot of incident, who is currently off dispatch, would like to return as soon as possible. He and Captain Ned Kiley, the incident investigators for the Board, provided recommendations for Board action.

Motion: Anthony/Scragg – recommend Captain Henshaw take a Bridge Resource Management (BRM) class for pilots as soon as possible, take a Portable Piloting Unit (PPU) class as soon as possible, write a white paper regarding effective BRM practices and information about sleep inertia, and do two ride-along trips with a TEC member concurrent to being dispatched prior to the March 19, 2020 regular meeting – Carried.

The Board recognized that Puget Sound Pilots has made changes to dispatching pilots for jobs at the Intalco dock. One pilot will take the vessel to anchorage. Another pilot will bring it back to dock, as opposed to one pilot doing both maneuvers. Chair Tonn acknowledged Captain Henshaw’s exemplary record as the reason for allowing him to return to work while the investigation continues.

Rulemaking: WAC 363-116-082 Limitations on New Pilots. The Board reviewed proposed revisions to this WAC, which due to limited training opportunities in the Puget Sound Pilotage District, limit the license for first-year pilots in the Duwamish Waterway. The license restriction will prohibit first-year pilots from piloting vessels greater than 3,000 gross tons. The restriction will be lifted through the license upgrade program developed by the Trainee Evaluation Committee (TEC) for second year pilots. This WAC change was adopted by the Board under emergency provisions at the December 16, 2019 regular meeting. The public hearing will be on March 19, 2020.

Motion: Scragg/Thompson - file the CR102 to update the WAC language as proposed – Carried.

Approval of Training Programs: Captains Nicholas Moore, Robert Ekelmann & Andrew Stewart. Captains Moore, Ekelmann and Stewart will start the pilot training program in the Puget Sound Pilotage District on March 1, 2020. The training programs are the standard forms, with minor changes to the hard-to-get section to better reflect the current practice of rotating trainees and updates to the Duwamish trips per the new restrictions. However, names have not been included in the documents, as the TEC is

waiting for the experience summaries from the candidates in order to finalize the documents with their assigned initial ports. Orientation for these new trainees is scheduled for February 24, 2020. Board members are always welcome to attend orientation.

Motion: Scragg/Anthony – approve the pilot training programs for Captains Moore, Ekelmann and Stewart and authorize initial ports – Carried.

Approval of Pilot License Upgrade Programs: Captains Ryan White & Adam Seamans. Captain White is nearing completion of his fifth license year and Captain Seamans is nearing completion of his first license year.

Motion: Scragg/Anthony – approve license upgrade programs for Captains White and Seamans as drafted by the TEC – Carried.

Review and Consideration of BPC Committee Membership. The Board reviewed and considered current and proposed committee membership.

- Trainee Evaluation Committee (TEC) – current TEC members have already been approved by the Board. The Committee will make recommendations at a later date for future vacancies.
- Joint Diversity Committee (JDC) – 2020 membership was determined at the November 2019 JDC meeting by the JDC.

Motion: Kirtley/Hamilton – adopt JDC membership as proposed – Carried.

- Exam Committee – The TEC and the JDC will meet to discuss diversification of the Exam Committee. Membership adoption will happen at a later meeting.
- Commission Investigation Committee (CIC) – Commissioner Hamilton offered to fill the public seat vacancy on this committee.

Motion: Anthony/Farrell – nominate Jason Hamilton to join the CIC at a public representative – Carried.

- Oil Transportation Safety Committee (OTSC) – The Board reviewed the nominations for each position as outlined in the previously approved OTSC Charter. The Chair position was vacant.

Motion: Scragg/Kirtley – nominate BPC Executive Director Jaimie Bever as Chair of the OTSC – Carried.

There was one remaining BPC Member position vacancy. Commissioner Hamilton expressed his interest in joining the Committee.

Motion: Farrell/Kirtley – nominate Jason Hamilton as a BPC representative on the OTSC – Carried.

Other identified committee members included:

- Sara Thompson, BPC Member – Ecology Representative
- Eleanor Kirtley, BPC Member – Marine Environment Representative
- Blair Bouma – Puget Sound Pilots Representative
- Bob Poole, WSPA – Oil Industry Representative
- Charlie Costanzo, AWO – Tug Industry Representative
- Fred Felleman, Friends of the Earth – Environmental Community Representative with Blair Englebrecht, Puget Soundkeeper Alliance as an alternate

Motion: Farrell/Anthony – approve OTSC membership as identified – Carried.

The Tribal Representative position on the Committee remains vacant. The Board will continue to try to fill the seat. Chair Tonn will attend the OTSC meetings as an ex-officio representative of the Board.

- Fatigue Management Committee (FMC) – the role of this committee will be expanded to include issues regarding pilot safety as well as fatigue management. The Committee will have a new name and new membership. BPC staff will draft a charter for membership consideration at the next meeting.

Election of BPC Vice-Chair. With the departure of Captain Ned Kiley from the Board, the Vice-Chair position is vacant.

Motion: Anthony/Thompson – nominate Commissioner Kirtley as BPC Vice-Chair - Carried

Motion: Anthony/Scragg – close nominations - Carried

Update Regarding ESHB 1578: Interagency Agreement (IAA) with Department of Ecology. The Board reviewed a revised draft of the agreement, which outlines the BPC's relationship with Ecology for assistance with the directives of ESHB 1578. The Board also reviewed a December 9, 2019 Listening Sessions summary.

Motion: Thompson/Hamilton – adopt the Interagency Agreement with the Department of Ecology – Carried.

Pilot's Report of Marine Safety Occurrence: DIMIJOHN A, 12-4-2019

Grays Harbor Main Channel	Engine loss of power due to an interruption of fuel supply to #2 cylinder. VTS was notified.	<u>Motion:</u> Anthony/Scragg File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: AFRICAN AVOCET, 12-15-2019

Underway at Browns Point	Engine malfunction lasting with no further issues and no danger to vessel at anytime. VTS was notified.	<u>Motion:</u> Anthony/Scragg File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: CAPE HUDSON, 1-08-2020

Underway at Sitcum Waterway, Tacoma	One ships length from berth and engine did not respond, however docking completed using 2 tugs.	<u>Motion:</u> Farrell/Kirtley File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Passenger Vessel *Victoria Clipper V* – 167', 910 gt, Cypress registry, Multiple Captains.

Motion: Farrell/Thompson – grant an annual exemption renewal – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met on January 15, 2020 and reviewed training progress for all current trainees: Miller, Siddell, Velarde, Hannuksela, McGourty, Knutsen, Gartner and McMullen.
- There was one intervention however the TEC has met with the trainee and feels satisfied with lessons learned.
- The TEC met with Grays Harbor trainee Captain Forest McMullen. Captain McMullen expressed several serious concerns to the TEC about training and safety that are consistent with past history the TEC was aware of in reference to pilot operations in the Port of Grays Harbor including:
 - the announcement of retirement sometime in 2020 by Grays Harbor pilot Captain Ryan White, who is the primary training pilot and who's departure prior to completion of Captain McMullen's training program could significantly impact the quality and consistency of training;
 - the current pilot boat not being adequate for pilot transfer operations or pilot overboard recovery. There is no Port-issued standard for boat operational limits. The trainee is also concerned about excessive turnover of pilot boat personnel, qualifications & man overboard training; and
 - the potential for excessive fatigue when having to use the helicopter to board vessels. There is no contract between the Port and the helicopter provider to pick up or drop off pilots in the Grays Harbor area. Pilots must travel to Astoria, 3 hours away, take a 30-minute flight, ride the vessel 4 hours from Astoria to the Grays Harbor entrance, then another 3 hours to pilot the vessel into port.

Captain McMullen has requested that the BPC mandate the Port to video record every pilot transfer. Captain McMullen also expressed general concern for the future of the Port of Grays Harbor with just one pilot and the challenge of attracting other trainees to the district. He was professional and articulate in his comments, and continues to be committed to completing his training program. However, he did ask the TEC to consider allowing him to transfer to the Puget Sound Pilotage District even after beginning his Evaluation Phase. Currently, he currently can transfer prior to the Evaluation Phase.

Motion: Thompson/Farrell – approve Chair Tonn to meet with Port of Grays Harbor Executive Director and to bring to that meeting a letter to the Port of Grays Harbor Commission addressing the safety concerns as well as safety requests, identifying consequences if those requests are not met, and requesting a monthly update in the Activity Report of the progress addressing the safety concerns – Carried.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Scragg – approve the physicians reports for Captains J.T. Kearns, A.J. Newman, L.P. Emerson and E.C. Klapperich for their annual pilot license renewal – Carried.

Motion: Scragg/Anthony – approve the physician’s report for Captain T.M. Bozina for pre-licensing physical – Carried.

BPC Staff Report.

- Jaimie Bever again welcomed new BPC commissioner Jason Hamilton. He attended an orientation with BPC staff and Chair Tonn in early January and is quickly getting up to speed on the activities and responsibilities of the Board.
- The Board members were reminded about the upcoming Holland America operations tour on Thursday, January 23rd.
- The Board’s Supplemental Budget requests were included in the Governor’s Budget and will now go to the Senate and House.
- BPC Program Analyst Bettina Maki finalized the data reports for 2019. New reporting is in the works for 2020 and feedback was encouraged.

BPC Chair Report.

- Chair Tonn and Jaimie Bever met with Senator Hobbs and gave him an annual update on the BPC. It was a good meeting. He was very engaged and interested in our discussion and feedback.
- Chair Tonn reminded Board members about responding to the annual Public Disclosure Request, recently sent out. She informed them that the process was modified from last year.
- In late February, Chair Tonn and Jaimie Bever will be attending the 9th Annual Women in Maritime Leadership Conference at Cal Maritime. While in California, they will be going to the San Francisco Board of Pilot Commissioners Board Meeting and meeting with staff afterward.

Activity Reports. Captain Ivan Carlson representing Puget Sound Pilots (PSP), Mike Moore and Jordan Royer representing Pacific Merchant Shipping Association (PMSA), Lou Paulsen representing The Northwest Seaport Alliance (NWSA), 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.

Committee Reports Cont’d.

BPC/PSP Joint Diversity Committee (JDC):

- A considerable amount of time at the last meeting was spent on the exam process and how to widen the net ensuring that we are embracing all pathways to licensing without lowering standards. The JDC would like to schedule a meeting with the TEC to discuss exam qualifications. The group also discussed ways to measure success. JDC approved November 15, 2019 meeting notes were provided to the Board.

Fatigue Management Committee (FMC):

- This committee will transition into a pilot safety committee with a focus not only on fatigue but also on matters related to pilot safety such as pilot ladders. Jaimie Bever will draft a committee charter for Board review and membership consideration. Commissioner Thompson requested that a responsibility of the new committee should be to review the pilot’s quarterly dispatch records as directed by statute.

Commission Investigative Committee (CIC):

- Jason Hamilton has now joined the Committee. The revised investigative procedures will be available for review in the next couple of months.

Oil Transportation Safety Committee (OTSC):

- Now that membership has been confirmed The first meeting will be scheduled for February 2020. Commissioner Thompson clarified that the Committee is not tasked with the responsibility of consultation as directed by ESHB 1578.
- The Committee will discuss preferences for public involvement at the first meeting.
- Alternates should attend Committee meetings as well as the appointed members, if they are available.

PSP Inquiry Regarding Manned Model Training. Captain Ivan Carlson inquired about the renewal dates for mandatory simulator training. He expressed concern over renewal dates and limited opportunities for the required training. He asked that the Board or the TEC reconsider a grace period for renewing those certificates. The RCW currently does not allow for a grace period. Chair Tonn thanked Captain Carlson for bringing the issue to the Board's attention.

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

- February 20 – Alki Conference Room
- March 19 - Hearing on WAC 363-116-082 – Rainier Conference Room

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 12:35pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Absent
Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Sara Thompson

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
February 20, 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 in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn Vice Chair: Eleanor Kirtley
Commissioners: Sara Thompson, Jason R. Hamilton, John Scragg, Mike Anthony and Phil Morrell
Administration: Jaimie Bever, Bettina Maki, Jolene Hamel
Assistant Attorney General: Albert Wang
Linda Styrk, Eric vonBrandenfels: Puget Sound Pilots
JD Ross Leahy: Department of Ecology
Mike Folkers: Port of Grays Harbor
Mike Moore: Pacific Merchant Shipping Association
Laird Hail, Nate Menefee: United States Coast Guard
Lou Paulsen: Northwest Seaport Alliance
Jason Mihok: Clipper Navigation
Bob Poole: Western States Petroleum Association
Andrew Drennen: Polar Tankers

Meeting Minutes.

Motion: Scragg/Thompson – approve the January 16, 2019 Meeting Minutes as written with two minor spelling errors – Carried.

BPC Staff Report.

- On January 23, 2020, several Board members and BPC staff got the opportunity to tour Holland America's operations center and a behind the scenes look at how the organization operates during a crisis. It was an excellent tour and the Board thanked Commissioner Krombeen for initiating it. Unfortunately, due to the current coronavirus outbreak hitting the cruise industry, Commissioner Krombeen was unable to attend today's meeting. However, thanks to the tour, the Board and BPC staff have a better understanding of how Holland America Group is handling the coronavirus situation. BPC staff could work with Commissioner Krombeen to schedule another tour for those Board members who were unable to attend at a later date.
- Jaimie Bever attended the Harbor Safety Committee (HSC) meeting last week. She mentioned that HSC Chair John Veentjer announced that he will retire by the end of the year. She also mentioned that Washington State Ferries' Environmental Manager Kevin Bartoy gave a presentation regarding the Whale Alert System, which they are now using. He encouraged the use of this application to help mariners on the water to be better informed about the location of whales in Puget Sound.
- Jaimie Bever previously reported that the 2901 building had been closed in late January due to a possible asbestos scare. All tests came back negative.

BPC Chair Report.

- Chair Tonn acknowledged Commissioner Hamilton's Senate Confirmation hearing earlier in February. Senator King made special note of his approval of Commissioner Hamilton's appointment to the Board. A link to the hearing was emailed to the Board.
- Commissioner Thompson will be leaving the Board starting April 1, 2020. Department of Ecology Spills Program Manager, Dale Jensen, has been appointed as her replacement. Mr. Jensen has previously held this position on the Board. Commissioner Thompson will continue to work with the Board through her committee membership. A new Board member will need to be appointed to the TEC, however. Commissioner Thompson has been an invaluable asset to the Board and will be missed.
- Chair Tonn reminded the Board members to do their PDC filing by April 15, 2020.
- Chair Tonn participated in a meeting in Olympia regarding technology utilized in Washington State small agencies. She had an opportunity to relay any technology needs of the Board.

- Next week Jaimie Bever and Chair Tonn will be in San Francisco for the Cal Maritime Women in Maritime Leadership Conference. Prior to the conference, they will have an opportunity to attend the San Francisco Board of Pilot Commissioners (BOPC) monthly Board meeting and will be meeting with their staff afterward.
- Chair Tonn had a good meeting with Port of Grays Harbor's Gary Nelson and Mike Folkers regarding the issues ongoing in Grays Harbor. As a result of the meeting, Mike Folkers has agreed to consider joining the TEC.

Activity Reports. Lou Paulsen representing The Northwest Seaport Alliance (NWSA), Mike Moore representing Pacific Merchant Shipping Association (PMSA), Mike Folkers representing the Port of Grays Harbor (PGH), Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), 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. All reported on their individual organization's updates and reactions to the coronavirus/COVID-19 outbreak. Laird Hail also reported the Sector Puget Sound 2020 retirements of John Dwyer at the end of March, Deputy Sector Commander Captain Balding in April, and Captain of the Port Linda Sturgis in May.

NEW BUSINESS

Legislative Update SSB 6667 – Permitting a private auto ferry to operate between Anacortes and BC. The proposed bill language was provided to Board members via email for their input due to the expedited timeframe of the Senate hearing on the language. The consensus was that the bill language had too much to unpack in the timeframe available by the short session. BPC Executive Director Jaimie Bever testified at the Senate hearing in opposition of the proposed language. Ultimately, the bill did not get out of the Senate.

Jason Mihok from Clipper was in attendance at the meeting to provide some context about what Clipper was asking for, which was to provide a private car ferry for international runs between the U.S. and British Columbia should the State decide to eliminate international ferry operations. He provided an information sheet on the vessel that they have identified for the proposed operation, which is currently operating in Spain. He reminded the Board that they would have the ability to set the parameters for exemption from pilotage, such as the registry flag, a simulator session, keeping pilots on board for an orientation period, etc. Chair Tonn expressed concern and frustration over the lack of communication industry-wide regarding the bill. Mr. Mihok apologized for the lack of communication as well as the short timeline. A Q&A with the Board members followed.

Discussion Regarding Bollard Pull Standards of Care. At their February 12, 2020 meeting, the Puget Sound Harbor Safety Committee adopted Bollard Pull Standards of Care. The document was provided to Board members prior to the meeting for their review. Puget Sound Pilots' president, Captain vonBrandenfels, thanked the pilots who worked on the standards, as they had been four years in the making. He also acknowledged that the pilots were happy with the adoption of the current draft.

Approval of Pilot License Upgrade Programs: Captains Dave Henderson & Chris Rounds. Both Captain Henderson and Captain Rounds are nearing completion of their third license year.

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

Consideration of American Pilots Association (APA) Request Regarding Pilot Safety. The Board received a letter from the APA regarding ladder safety after the unfortunate incident in Sandy Hook where a pilot was killed from a fall while embarking an inbound container ship, which had a combination arrangement of an accommodation ladder and a pilot ladder that was hanging below the accommodation ladder. They requested that the Board support them in their national effort to garner momentum to make changes to increase safety for pilot transfers. The request is for pilot ladders to extend through the accommodation ladder trap door, as opposed to stopping short of the platform, thus forcing a pilot to climb up onto the accommodation ladder platform through the trap door.

Motion: Kirtley/Hamilton – recognize receipt of and thank the APA for the letter, and direct the new Pilot Safety Committee (PSC) to address next steps – Carried.

Consideration of Pilot Safety Committee (PSC) Charter. The Board reviewed a draft charter for this new committee, which will take the place of the Fatigue Management Committee. The PSC

responsibilities, per the proposed charter, include analyzing legislative changes to RCW 88.16.103 and making recommendations to the Board for WAC revisions by October 15, 2020, reviewing and considering pilot ladder safety and making recommendations to the Board, reviewing and considering pilot dispatch efficiencies, and effects on pilot fatigue and make recommendations to the Board, reviewing quarterly pilot reports to ensure rest rule compliance and make recommendations to the Board, and monitoring international pilot safety standards and hazards and make recommendations to the Board. The proposed charter also listed out membership as one Chair, up to four members of the Board, one Pacific Merchant Shipping Association (PMSA) representative, Puget Sound Pilots (PSP) president, and one Port of Grays Harbor (PGH) representative. Each member may identify an alternate.

The Board suggested changes to the language including adding “review and consider fatigue mitigation research and recommendations” to the activities section, adding Commissioner Kirtley’s July 2019 motion regarding “looking at the definition of assignment, target assignment level, and workload”, changing the numbers of the activities to bullet points, so as not to suggest priority, revising membership to “maritime industry” not just PMSA, add “other safety and efficiency duties as assigned by the Board”, remove the word “ensure” from section four, and add “and any other efficiencies” to section three.

Motion: Scragg/Anthony – to amend the membership from PMSA to Maritime Industry – Carried.

Motion: Scragg/Morrell – adopt draft PSC charter notating all changes discussed to Activities and Duties, realizing that even though adopted the language can still be changed at any time – Carried

Regarding PSC membership, the volunteers included:

- Co-Chairs – Commissioners Morrell and Scragg
- BPC Members – Chair Tonn and Vice Chair Kirtley, with Commissioner Hamilton as an alternate
- Puget Sound Pilots President – Captain Eric vonBrandenfels, alternate TBD
- Maritime Industry – Captain Mike Moore, PMSA and Andrew Drennen, Polar Tankers, as an alternate
- Port of Grays Harbor – Mike Folkers

Motion: Scragg/Morrell – adopt membership of PSC – Carried

Update Regarding ESHB 1578: 2019 Legislation – BPC Focus Sheet. The Board received the new BPC Focus Sheet regarding the legislation. This document is available on the BPC website. The OTSC had their first meeting on February 13, 2020. Information regarding that meeting is provided in Committee Reports below. BPC met with Ecology to review the communication plan, which will be provided to the Board at a future meeting. There will be another meeting with Ecology on March 9, 2020 to continue a conversation regarding the scope and consultation efforts. A draft scope for the synopsis of changing vessel traffic trends will be provided to the Board at the next Board meeting.

Pilot’s Report of Marine Safety Occurrence: CSCL Summer, 01-22-2020

Elliott Bay, south of Elliott Bay Marina	Engine alarm, able to resolve issue without losing power. VTS instructed to proceed to anchor at Yukon Harbor.	<u>Motion:</u> Scragg/Anthony File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: Ikan Salmon, 01-15-2020

Port Angeles General Anchorage #2	Dragging anchor. Issue resolved and able to safely anchor in designated anchorage position #4.	<u>Motion:</u> Anthony/Kirtley File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: Hyundai Dynasty, 01-24-2020

Outbound lane of TSS east of TC buoy	Engine failure, power lost but never in danger. Ship transited to Yukon Harbor Anchorage and safely anchored awaiting Port State Control inspection.	<u>Motion:</u> Anthony/Scragg File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Motor Yacht Komokwa – 135’, 398 gt, Jamaica registry, Captain Brian O’Sullivan.

Motion: Thompson/Morrell – grant an annual exemption – Carried.

Motor Yacht Cielo Mare – 127’, 247gt, Marshall Islands registry, Captain Jose Cruz Angulo.

Motion: Thompson/Anthony – grant an annual exemption renewal – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met on February 19, 2020 and reviewed training progress for all current trainees: Miller, Siddell, Velarde, Hannuksela, McGourty, Knutsen, Gartner, Michael and McMullen. Two trainees came in to discuss transitions; one nearing licensing and one moving from observation to training.
- We currently have 8 trainees in Puget Sound and 1 in Grays Harbor. There are 2 on track for licensure in either March or April, and 3 new trainees are starting in Puget Sound on March 1, 2020. Orientation is next Monday, February 24, 2020.
- Captains Matt Miller and Pete Velarde are ready for PPU training, as they intend to complete their programs and be ready for consideration of licensure in the next month or two.
Motion: Scragg/Anthony – Approve the PPU training for Captains Miller and Velarde and provide additional one-time stipend for the training up to \$2,400 – Carried.
- The TEC is proposing to target April 6, 2021 as the date for the next marine pilot exam. Jaimie Bever provided the proposed exam timeline and the Board reviewed historical data regarding the exam provided by BPC Program Analyst Bettina Maki. The Board reviewed highlights from the Board's Request for Proposals (RFP).
Motion: Scragg/Anthony– approve a target date of April 6, 2021 for the marine pilot exam and authorize Jaimie Bever to post the exam RFP – Carried.
- The TEC has been inviting recently licensed pilots (typically around the 6 month lift timeframe) to give feedback to the TEC regarding the training program. The group spent time reviewing and reflecting on the feedback. There was consensus from the new pilots that the training program was excellent and prepared them well for the job. The TEC is considering some changes regarding the recommendations, but changes will not be implemented until the 2021 exam class.
- The TEC has invited Mike Folkers to join the committee and he has accepted. All agree that his appointment will be very beneficial for Grays Harbor trainees now and in the future.
Motion: Scragg/Anthony– appoint Mike Folkers to the TEC in a public seat – Carried.

BPC/PSP Joint Diversity Committee (JDC):

- The JDC met with the TEC to get their insights on how to widen the net for the pilotage pool, with the intent of embracing all pathways to licensure without lowering standards.
- The next step is to convene a work group including pilots, USCG, WSF, Women Offshore, Port of Seattle, and other local maritime advocates to look at the current WAC qualifications.
- The JDC is working to schedule the next meeting.

Commission Investigative Committee (CIC):

- Jason Hamilton has been appointed to this committee. He is reviewing the revised investigative procedures draft. Those procedures will be available for review in the next couple of months.

Oil Transportation Safety Committee (OTSC):

- The first meeting of this committee was held on February 13, 2020. The group reviewed the charter, discussed how to conduct meetings, and began working on interpretations of ESHB 1578 terms.
- Discussions also included where to start with the zone identification process.
- Next meeting is scheduled for March 17, 2020.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Thompson – approve the physician's reports for Captains R.L. D'Angelo, W.W. Lowery, and K.J. Grieser for their annual pilot license renewal, approve the physicians reports for Captains A.C. Stewart and N.K. Moore for their new trainee pilot license, and approve the physician report for Captain M.N. Hannuksela for his annual trainee physical examination – Carried.

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

- March 19 - Hearing on WAC 363-116-082 – Rainier Conference Room
- April 16 – Alki Conference Room

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 12:56pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Absent
Commissioner Timothy J. Farrell

Eleanor Kirtley, Vice Chair

Commissioner Philip Morrell

Commissioner John Scragg

Commissioner Jason R. Hamilton

Commissioner Rik Krombeen

Commissioner Michael Anthony

Commissioner Sara Thompson

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
March 20, 2020

SPECIAL MEETING – Call to Order

A special meeting of the Board of Pilotage Commissioners was convened at 1:00 p.m. by Chair Sheri Tonn.

Present:

Chair: Sheri Tonn *(by telephone)*

Commissioners: Sara Thompson *(by telephone)*, Jason R. Hamilton *(by telephone)*, John Scragg *(by telephone)*, Mike Anthony *(by telephone)*, Timothy J. Farrell *(by telephone)* and Phil Morrell *(by telephone)*

Administration: Jaimie Bever *(by telephone)*, Bettina Maki *(by telephone)*

Assistant Attorney General: Albert Wang *(by telephone)*

Eric vonBrandenfels *(by telephone)*: Puget Sound Pilots

Danny Kermod *(by telephone)*: Utilities and Transportation Commission

Gary Nelson *(by telephone)*, Mike Folkers *(by telephone)*: Port of Grays Harbor

Ned Kiley *(by telephone)*: TEC Member

Forest McMullen *(by telephone)*: GH Pilot Trainee

Pete Velarde *(by telephone)*: PSP Pilot Trainee

Joe Siddell *(by telephone)*: PSP Pilot Trainee

Matt Hannuksela *(by telephone)*: PSP Pilot Trainee

Mark Bostick *(by telephone)*: 2018 Pilot Candidate

Eric Michael *(by telephone)*: PSP Pilot Trainee

Severin Knutsen *(by telephone)*: PSP Pilot Trainee

Neil McGourty *(by telephone)*: PSP Pilot Trainee

Peter Mann *(by telephone)*: 2018 Pilot Candidate

Ryan Gartner *(by telephone)*: PSP Pilot Trainee

Discussion, Consideration and Potential Adoption of an Emergency Rule Regarding Suspension of the Pilot Training Program with Continued Pilot Trainee Stipends, as a Result of Governor Inslee's State of Emergency Proclamation 20-05 Dated February 29, 2020 concerning novel coronavirus/COVID-19. Chair Tonn provided background as to the reason for calling a Special Meeting. It came to the attention of the Board that there was concern from vessel masters regarding trainees on the bridge and potential COVID-19 exposure, especially when the vessel is outbound. In particular, there were several trainees on the bridge of a vessel on a hard-to-get trip in Bellingham. Some companies have placed restrictions on trainees being on the bridge and others are showing concern. Chair Tonn said the key was to keep the number of people the BPC is putting aboard vessels at an absolute minimum right now to reduce vectors being introduced shipboard and/or landside.

Chair Tonn, BPC staff, and the TEC explored multiple ways to accomplish the limitations of trainees aboard while still providing some flexibility, particularly for hard-to-get trips and trainee stipends due to the lack of available trips. She added that some remote training or distance learning could provide a good opportunity to continue to advance the Pilot Training Program. Jaimie Bever added that BPC staff and Chair Tonn had been in contact with the Governor's Office and Assistant Attorney General Albert Wang on the best approach considering the circumstances. It was agreed that an emergency WAC filing was the best course of action, as it would provide the most flexibility. Commissioner Scragg offered that there was concern amongst pilots as well, regarding having additional people on the bridge. Chair Tonn mentioned that a vote to adopt the proposed emergency WAC language would immediately put the TEC to work analyzing the options for trainees and language implementation.

Chair Tonn read the proposed language, WAC 363-116-078(10)(b), to the individuals on the phone. She then mentioned that due to pilot shortages in Puget Sound, trainees needed the opportunity to get through the program as expeditiously as possible.

The Board went through the language, asked questions, and identified better language choices for clarity and flexibility. Discussions included revisions to hard-to-get trip allowances and when trainees would be allowed to return to the full training program.

Commissioner Morrell asked if declining trips over the next few months would hinder the trainee's ability to finish their programs in the 36-month time frame allowed by WAC 363-116-078. Commissioner Scragg responded that the number of available Pilot Training program trips would likely be less, but it is expected that all trainees can complete their programs in less than 36 months. Commissioner Morrell asked why there were so many trainees if vessel traffic was declining. Chair Tonn responded that there were a number of pilots either not fit for duty out on medical leave or were sick, and also three mandatory retirements in 2020 as well as other retirements. She added that there was a very low number of active pilots currently available. PSP President Captain Eric vonBrandenfels mentioned that there were currently 48 licensed pilots, 43 of which who were actively working the two watches due to 5 with medical issues and pilots who took themselves out of rotation due to cold/flu symptoms. On the day of the Special Meeting, there were 28 jobs and 13 call-backs. He suggested the surges in vessel traffic were still in play, and that a surge of traffic was expected in April. He added that Puget Sound Pilots welcomed the new pilots. Phil Morrell was in favor of keeping those near completion working toward their goal. Chair Tonn reminded the Board that the current number of authorized pilot licenses in Puget Sound is 56, however she did not see how that number could be reached any time soon.

Mike Folkers, Port of Grays Harbor, wanted to confirm that there would still be flexibility in the Grays Harbor district to keep their one trainee progressing, pointing out that their district is different. Chair Tonn responded that the TEC was fully aware of the situation. Jaimie Bever pointed out that the language was intentionally written to allow for flexibility. The Board discussed the specifics of the language for statutory compliance and clarity.

Chair Tonn explained the two-step process: 1) to adopt the Emergency WAC language, and 2) to take action regarding Pilot Training Program, pursuant to the Emergency WAC language. Before the motion, she asked if there were any other public comments, particularly from the trainees on the call. TEC public member Captain Ned Kiley offered that it was typical of the Chair and the Executive Director have discretion to decide what went before the Board. He urged caution not to add additional burdens on the Board members, when there was a process of oversight in place. Commissioner Anthony pointed out that the language did not require action by the Board. Additional conversation regarding the specifics of the motions followed, including Board oversight of TEC recommendations.

Motion: Scragg/Anthony – Adopt the proposed language in WAC 363-116-363(10)(b) as an Emergency Rule – Carried.

Motion: Scragg/Anthony – Adjust the Pilot Training Program per WAC 363-116-078(10)(b) based on TEC recommendations that will be provided to the Board on a regular basis – Carried.

Chair Tonn alerted the Board of two more issues. Four pilots are due for simulator training/manned model. However, the schools that provide those services are closed. Chair Tonn suggested the Board not enforce the requirement until the pilots are able to attend those courses. She added that the same issue would apply to pilot annual physical exams, as Board-Designated Physicians are increasingly not seeing patients for routine exams. The Board could choose not to enforce the requirements at that time. There was consensus from the Board that proceeding along those lines was acceptable.

Captain vonBrandenfels gave an update regarding pilot precautions. He reported that only healthy pilots are being dispatched, pilots are taking their temperatures before assignments and logging them, they are in the process of getting a temporal scanner, and they are encouraging pilots to take the day off if they aren't feeling well. In addition, they have around 40 masks and are practicing social distancing and using outside stairs when available. They are also involved in daily Clallam County health briefings and doing rounds of sanitation at the pilot station and on the pilot boats. He extended his appreciation to the Board and TEC for their work to assist the trainees. Jaimie Bever mentioned that the Board notice regarding COVID-19 would be revised to include the responses from the pilots and that the local Coast Guard REC was now closed until further notice. Commissioner Morrell mentioned that logging temperatures is an important step and thanked the pilots.

Commissioner Scragg answered a trainee's question by confirming that the rule will take effect immediately; however, the TEC will need to meet to make recommendations regarding individual programs. Chair Tonn added that until the adjustments are made, the trainees should not be taking any trips. Captain vonBrandenfels mentioned a hard-to-get Duwamish trip necessary for a trainee close to completing their program. Chair Tonn suggested that coordination with the captain of that vessel would be necessary. She urged that captains and agents should be asked before a trainee gets onboard. Captain vonBrandenfels agreed. Commissioner Scragg asked for clarification that the program is suspended with the exception for hard-to-get trips, until the TEC can meet. Chair Tonn was comfortable with hard-to-gets as long as trainees followed the same health monitoring as the pilots. The direction will come from the Board via a letter to trainees.

There being no further public business to come before the Board, Chair Tonn adjourned the meeting at 2:15pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Absent
Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Absent
Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Jason R. Hamilton

Commissioner Sara Thompson

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
April 16, 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 telephonically via conference call.

Present:

Chair: Sheri Tonn Vice Chair: Eleanor Kirtley
Commissioners: Dale Jensen, Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell, Rik Krombeen and Phil Morrell
Administration: Jaimie Bever, Bettina Maki, Jolene Hamel
Assistant Attorney General: Albert Wang
Linda Styrk, Eric vonBrandenfels, Ivan Carlson: Puget Sound Pilots
JD Ross Leahy: Department of Ecology
Mike Folkers and Gary Nelson: Port of Grays Harbor
Mike Moore: Pacific Merchant Shipping Association
Lou Paulsen: Northwest Seaport Alliance
Rick LaBlond: Shell
Fred Felleman: WAVE Consulting/OTSC
Matt Miller, Peter Velarde: PSP Licensure Candidates
Joe Siddell, Matt Hannuksela, Nick Moore: PSP Trainees
Peter Mann: PSP Candidate
Doug Coburn: General Steamship

Meeting Minutes.

Motion: Scragg/Anthony – approve the February 20, 2020 Meeting Minutes as written with edits for two minor grammatical errors – Carried.

Motion: Scragg/Anthony – approve the March 20, 2020 Special Meeting Minutes as written with one update previously emailed to Jaimie Bever clarifying Commissioner Scragg's response to Commissioner Morrell regarding the training program potential delay due to COVID-19 – Carried with one abstention from Vice Chair Kirtley.

The Board welcomed Ecology Representative Dale Jensen, Spills Program Manager, back to the BPC. He previously represented Ecology in 2014. Commissioner Jensen commented that there have been many changes to the Board since he last held a seat and that he looks forward to working with everyone. The Board also recognized and thanked Sara Thompson for her outstanding contribution to the Board during her term, and looks forward to continuing to work with her on several Board committees.

BPC Staff Report.

- Jaimie Bever reported that the spring edition of the BPC Pilotage Quarterly was recently sent out and provided to the Board in their meeting packets.
- Jaimie additionally reported that the commissioners may have received an email from WSDOT regarding multi-factor authentication and encouraged them to reach out if they are having trouble accessing their emails. She also reported that Commissioner Jensen will be receiving a WSDOT email for Board business. She will provide notification when it is ready to use.
- Both Jaimie Bever and Chair Tonn thanked the BPC staff for their flexibility and adaptability during the pandemic to working remotely. Jolene Hamel, Training Program Coordinator, received additional recognition for her outstanding support of the trainees during this time.

BPC Chair Report.

- At the end of February, Jaimie Bever and Chair Tonn attended the Cal Maritime Women in Maritime Leadership Conference. The conference continues to be an excellent opportunity to get an audience with cadets and continue to encourage them to consider pilotage in their future. Prior to the conference, they attended the San Francisco Board of Pilot Commissioners (BOPC) monthly Board meeting and met with their staff afterward. Chair Tonn stated that their commission meetings are much more formal and all actionable items must be on the agenda

prior to the meeting. The meeting with BOPC staff was a good exchange of best practices and helpful ideas for both commissions.

- Chair Tonn and Board staff have developed and posted several notices in coordination with Puget Sound Pilots, PMSA, and other entities regarding COVID-19, which are available on the BPC website.
- The Board has taken the first step in possible changes to exam qualifications by filing a CR-101 Preproposal Notice, which is also available on the BPC website.

Activity Reports. 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 Lou Paulsen representing The Northwest Seaport Alliance (NWSA) offered current and projected statistical data as well as updates on current maritime issues and activities.

Regarding Puget Sound Pilots response to their operations during the COVID-19 pandemic, Vice Chair Kirtley commended the pilots on using all protection available and thanked them for taking on the risk to maintain their operations.

NEW BUSINESS

Consideration of Licensure of PSPD Pilot Candidate: J. Matt Miller On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Matt Miller 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, the final Evaluation trip of his program has been difficult to obtain. Commissioner Scragg added that Captain Miller 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 J. Matt Miller the next state pilot license number for the Puget Sound Pilotage District subject to completing the final Evaluation trip – Carried

Consideration of Licensure of PSPD Pilot Candidate: Peter Velarde. On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Peter Velarde 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 confirmation that the federal sticker has been approved, the sticker has not yet arrived. Commissioner Scragg added that Captain Velarde 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 Peter Velarde the next state pilot license number for the Puget Sound Pilotage District upon receipt of his federal pilotage endorsement – Carried

Approval of Pilot License Upgrade Programs: Captain Pat Ninburg: Captain Ninburg is nearing completion of his first license year. His letter has been updated to reflect the new license levels.

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

Discussion Regarding Updates to Puget Sound Pilots Guidelines. PSP President Captain Eric vonBrandenfels explained that the updates to the Guidelines include the addition tidal stations recently put in place by NOAA off of Ferndale that the pilots will be using, clarification for vessels anchoring at Port Angeles, and adjustments to the Blair Waterway, which include the reduction of the number of pilots required to just one on a vessel less than 130FT unless south of WA United Terminal, and a reduction of a second tug if a larger tug is available. He added that the changes are advisory and standard procedures amongst pilots in general. All changes have been communicated to the maritime community and no comments have been received.

ESHB 1578 – Consideration of Scope for Changing Vessel Trends Synopsis. The purpose of the synopsis is to look at how vessel traffic patterns changed after the September 1, 2020 implementation of the tug escort requirement on laden oil tankers, ATB's, and towed barges between 5,000 - 40,000 deadweight tons in Rosario Strait and connected waterways east. JD Leahy from the Department of Ecology walked the Board through the revised scope for the Synopsis of Changing Vessel Traffic Trends the Board must deliver to the Legislature by December 31, 2021. A Q&A with Board members followed.

Chair Tonn pointed out that the Oil Transportation Safety Committee (OTSC) had not yet reviewed the scope but would have an opportunity to do so at their next meeting. In addition, she pointed the Board to copies of previous OTSC meeting minutes. She then asked for public comment. Fred Felleman, WAVE Consulting and OTSC member, expressed concern at not being provided with the scope ahead of the meeting. He was also concerned about the timeline of data that will be used in the synopsis, finding one year's worth of data after the tug escort implementation in Rosario Strait and connected waterways east to be inadequate. He expressed additional frustration at the lack of data regarding the deadweight tonnages of the vessels transiting in Rosario Strait. Linda Styrk, Puget Sound Pilots, echoed Fred's comment about not having access to the synopsis draft ahead of the meeting to aid in the discussion. There were no other public comments.

After the discussion and public comments, Commissioner Anthony requested that the Board push the vote until the May 21, 2020 meeting in order to give adequate time for public review of the synopsis. JD Leahy agreed that it would be best to avoid changes further down the road. If the Board needed more time with the document, then a May vote would be best.

Motion: Anthony/Scragg – delay voting on the scope for the Changing Vessel Traffic Trends Synopsis until the May 21, 2020 Board meeting to allow for OTSC and public review – Carried.

Pilot's Report of Marine Safety Occurrence: *Nord Madeira*, 02-28-2020

Anacortes, Port Dock 2 Guemes Channel	Hydraulic oil was spraying onto deck. Approximately 2 liters of hydraulic oil entered the water between the Garth and Marshall Foss. Issue was resolved. VTS instructed to proceed due to small nature of spill.	<u>Motion:</u> Scragg/Anthony File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *Sofia Express*, 03-08-2020

Approaching T4 in Blair Waterway, Tacoma	Short-term engine issue due to the throttle malfunction. Issue resolved and able to safely proceed.	<u>Motion:</u> Scragg/Anthony File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *Positive Leader*, 03-13-2020

Underway from Ruston Harbor, Tacoma	Engine issue, power had been previously lost but never in danger and repairs were made. Ship in transit when additional repairs needed. Brought to anchor and USCG denied permission to sail until inspection.	<u>Motion:</u> Scragg/Anthony File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *Tamesis*, 03-27-2020

Underway in Blair Waterway, Tacoma	Engine issue, fuel pump needed to be replaced. Ship transited to Quartermaster Harbor Anchorage to do repair.	<u>Motion:</u> Scragg/Anthony File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *Champion Bay*, 03-30-2020

Approaching Elliott Bay West Anchorage	Anchor windlass leaking hydraulic oil onto deck, no oil overboard. Received authorization to stay on station until repair made.	<u>Motion:</u> Farrell/Morrell File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *Matson Anchorage*, 04-04-2020

Departing Commencement Bay at Buoy TC	1 of the 7 main engine cylinders not functioning, permission to hold station to complete repairs received.	<u>Motion:</u> Farrell/Morrell File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *ATB Sound Reliance*, 04-05-2020

Underway near Neptune Beach, Ferndale	Main engine needed to be shut down due to coolant leak, escorted back to Anchorage for repairs.	<u>Motion:</u> Farrell/Kirtley File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Sailing Yacht *Kamaxitha* – 147', 241gt, Cayman Islands registry, Captain Timothy Urwin.

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

Motor Yacht *Westport 50M* – 164', 496gt, Cayman Islands registry, Captain William Peckham.

Motion: Hamilton/Jensen – concur with Chair Tonn's granting of an annual exemption – Carried.

Motor Yacht *After Eight* – 151', 498gt, Isle of Man registry, Captain Dave Holliss.

Motion: Farrell/Kirtley – grant an annual exemption renewal – Carried.

Passenger Vessel *Victoria Clipper IV* – 131', 478 gt, Bahamas registry, Multiple Captains.

Motion: Farrell/Kirtley – grant an annual exemption renewal – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC discussed the 3 Puget Sound Pilots and 1 Grays Harbor Pilot who are required to take simulator/manned model training this year. At the Special Meeting of the Board in March, the Board agreed by consensus that the statute would not be enforced until the training schools reopened. The TEC requested a formal motion and a vote. Assistant Attorney General Albert Wang agreed with this approach, that is was within the Board's discretion in light of the current circumstances surrounding COVID-19.

Motion: Scragg/Jensen – The BPC will not enforce the simulator/manned model requirement until training schools are reopened and pilots are able to reschedule training – Carried.

- The TEC has invited Captain Eric Klapperich, a 12-year pilot with PSP, to join the TEC eventually replacing retiring pilot member Captain Don Mayer.

Motion: Scragg/Anthony – appoint Captain Eric Klapperich to the TEC as an active pilot member – Carried.

- The TEC met on April 15, 2020 and continued ongoing discussions regarding training progress amid the shutdown for all current trainees and for future exams. The TEC decided to allow the next two pilot trainees, Joe Siddell and Matt Hannuksela to move into the vacated spots previously held by Captains Miller and Velarde, which allowed them to pursue all vessels as long as they followed the current COVID-19 protocols. This will allow the trainees to continue moving forward while still targeting an April 6, 2021 exam date. There was consensus in favor of this approach from the Board.
- The exam qualifications work group has been moving forward successfully. The group has identified some areas where minor changes could broaden the scope while maintaining the Board's high standards. Draft language will be available at future meetings.

BPC/PSP Joint Diversity Committee (JDC):

- The next meeting is scheduled for Thursday, April 23, 2020.

Commission Investigative Committee (CIC):

- Commissioner Hamilton and Jaimie Bever will connect on the revised investigative procedures draft. More to come in the next couple of months.

Oil Transportation Safety Committee (OTSC):

- Two sets of committee approved meeting minutes were provided to the Board for review.
- The OTSC had two meetings in April and will have one in early May in preparation for presenting the draft Interpretive Statement for Board consideration at the May Board meeting.
- Chair Tonn asked for public comment. Mike Moore, PMSA inquired how one would submit public comments between Board meetings if they are not an OTSC member. Chair Tonn suggested that documents would be provided before the May Board meeting to allow for comments at the May meeting. She also suggested talking to committee members. Fred Felleman, OTSC Environment Representative/WAVE Consulting suggested that there were no shortages of outside voices at the table, if Mike Moore didn't want to wait for Board meetings. He also reiterated his concern with lack of data, in particular with vessels engaged in bunkering as well as the definition of the act of bunkering in regards to future tug escort requirements.

Pilot Safety Committee (PSC):

- The Board received the final approved committee charter, with updates from the last meeting.

- The committee roster is as follows: John Scragg/Phil Morrell Co-Chairs, Sheri Tonn (BPC), Eleanor Kirtley (BPC), Jason R. Hamilton (BPC Alternate), Eric vonBrandenfels (PSP), Mike Moore (Industry), Andrew Drennen (Industry Alternate), Mike Folkers (Port of Grays Harbor), and Jaimie Bever/Bettina Maki (BPC staff).
- A Doodle Poll to schedule the first meeting will be distributed.
- Linda Styrk, PSP, offered that the PSP coronavirus risk safety measure plan, which is underway, could be an agenda item for the first meeting.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Kirtley – approve the physicians’ reports for Captains E.C. Lichty, D.E. Brusco, S.D. Semler, and N.T. Kelleher for annual pilot license renewal – Carried.

Motion: Anthony/Hamilton – approve the physician report for Captains J.M. Miller and P.L. Velarde for pre-licensing physical – Carried.

Motion: Anthony/Scragg – approve the physician report for Captain R.T. Ekemann for new trainee physical and Captains S.E. Knutsen and N. K. McGourty for annual trainee physical – Carried.

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

- May 21 – Remote or Agate Conference Room - TBD
- June 18 – Remote or Agate Conference Room - TBD

Additional public comments included Mike Moore, PMSA, advising the Board that the West Seattle Bridge closure will be problematic for the maritime community and should be on the Board’s radar. Captain vonBrandenfels added that there is concern of the upper bridge collapsing onto the lower bridge, which could impact the use of the lower bridge.

There being no further public business to come before the Board, Chair Tonn thanked everyone for their patience with a virtual meeting in place of typical meetings and adjourned the meeting at 12:10pm.

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 Sara Thompson

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
May 21, 2020

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 both the Agate Conference Room, 2901 Third Avenue, Seattle, Washington and virtually via conference call and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn Vice Chair: Eleanor Kirtley
Commissioners: Dale Jensen, Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell, Rik Krombeen and Phil Morrell
Administration: Jaimie Bever, Bettina Maki, Jolene Hamel
Assistant Attorney General: Albert Wang
Linda Styrk, Eric vonBrandenfels, Ivan Carlson, Jim Kearns, Travis McGrath: Puget Sound Pilots
JD Ross Leahy: Department of Ecology
Mike Folkers and Gary Nelson: Port of Grays Harbor
Mike Moore: Pacific Merchant Shipping Association
Lou Paulsen: Northwest Seaport Alliance
Rick LaBlond: Shell
Bob Poole: WSPA/OTSC
Fred Felleman: WAVE Consulting/OTSC
Severin Knutsen: PSP Trainee
Peter Mann: PSP Candidate
John Wright: Polar Tankers
Laird Hail, Nate Menefee: USCG
Monique Webber: Pacific Yacht Management
Tom Ehrlichman, Joseph Williams: Swinomish Indian Tribal Community

WAC 363-116-082: Limitations on New Pilots. The proposed rule revisions are due to limited training opportunities in the Puget Sound Pilotage District. The revised WAC language will prohibit first-year pilots from piloting vessels greater than 3,000 gross tons in the Duwamish Waterway. The restriction will be lifted through the license upgrade program developed by the Trainee Evaluation Committee (TEC) for second year pilots. This change was previously adopted by the Board under emergency provisions at the December 16, 2019 regular meeting. No oral or written comments 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 at 10:05 a.m. by Chair Sheri Tonn telephonically via Skype.

Present:

Chair: Sheri Tonn Vice Chair: Eleanor Kirtley
Commissioners: Dale Jensen, Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell, Rik Krombeen and Phil Morrell
Administration: Jaimie Bever, Bettina Maki, Jolene Hamel
Assistant Attorney General: Albert Wang
Linda Styrk, Eric vonBrandenfels, Ivan Carlson, Jim Kearns, Travis McGrath: Puget Sound Pilots
JD Ross Leahy: Department of Ecology
Mike Folkers and Gary Nelson: Port of Grays Harbor
Mike Moore: Pacific Merchant Shipping Association
Lou Paulsen: Northwest Seaport Alliance
Rick LaBlond: Shell
Fred Felleman: WAVE Consulting/OTSC
Severin Knutsen: PSP Trainee
Peter Mann: PSP Candidate
John Wright: Polar Tankers
Laird Hail, Nate Menefee: USCG

Monique Webber: Pacific Yacht Management
Tom Ehrlichman, Joseph Williams: Swinomish Tribal Community

Meeting Minutes.

Motion: Jensen/Kirtley – approve the April 16, 2020 Meeting Minutes as written – Carried.

BPC Staff Report.

- Jaimie Bever reported that with the 2901 office building still closed to the public, Board staff continues to telework with the exception of BPC Program Analyst Bettina Maki, who works in the office 3-days per week. Both Jaimie and Jolene Hamel will only be going in for special projects. She also reported that WSF will not likely be returning employees to full time work at the 2901 building until Phase 3 of the Governor's Safe Start program.
- The Washington State transportation revenue budget has taken a significant hit from the COVID pandemic. State agencies have been directed to prepare for a 15% budget reduction. However, to date, BPC has not yet received that directive. In addition, Cabinet and Executive Agencies are not currently allowed to enter service contracts. Staff is working to get clarity on how that directive affects the upcoming contract for the 2021 Marine Pilot Exam.
- Many thanks to WSF for helping BPC staff obtain PPE for pilot trainees. Staff received surgical masks, N95 masks, gloves, and hand sanitizer this morning and are working out how to disburse them to the trainees in both Puget Sound and Grays Harbor.
- BPC staff is working on the 2019 Annual Report and will have a draft available for Board and stakeholder review and comment for the July meeting. The final report is due to the Legislature by September 1, 2020.
- Jaimie Bever is planning to be on vacation next week. She will occasionally be checking email. Bettina Maki and Jolene Hamel will be available for assistance, if needed.

Commissioner Scragg asked how BPC staff was handling the workload with increased responsibilities of ESHB 1578 and the OTSC. Jaimie Bever responded that although there is more work, she feels that it has been seamless with no slower response times and asked if any commissioners felt differently. There were no responses. Commissioner Hamilton then asked when the BPC might return to in-person public meetings. Jaimie Bever responded maybe June or July, but likely in phases, with the first meeting including just the commissioners in person and public on the phone, to maintain social distancing. However, in-person public meetings will not resume until the Governor lifts the ban.

BPC Chair Report.

- Chair Tonn thanked BPC staff, stakeholders, trainees, pilots, U.S. Coast Guard, Washington State Ferries, and everyone else along the way for forbearance with the current meeting process, adding that she thought it was working well. She did not think that in-person meetings were likely until at least July.
- Chair Tonn reminded everyone that meeting materials are available on the website before each meeting.

Activity Reports. Mike Moore representing Pacific Merchant Shipping Association (PMSA), Mike Folkers representing the Port of Grays Harbor (PGH), Lou Paulsen representing The Northwest Seaport Alliance (NWSA), Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), and Nate Menefee 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 Preceding Hearing: WAC 363-116-082 Limitations on New Pilots.

Motion: Anthony/Jensen – Adopt the revised WAC language as proposed – Carried.

Approval of Pilot License Upgrade Programs: Captains Brad Lowe, Jim Carstensen, Phil Hunter, Keith Kridler, David Melin, and Sandy Bendixen: Captains Lowe and Carstensen are nearing completion of their fifth license year, Captain Hunter his third, and Captains Kridler and Melin are nearing completion of their first license year. All the letters have been updated to reflect the new license levels.

Motion: Scragg/Farrell – approve the license upgrade programs for Captains Lowe, Carstensen, Hunter, Kridler, and Melin as drafted by the TEC – Carried.

Captain Bendixen is nearing completion of her second license year. She is currently on maternity leave and the TEC recommends freezing her license level until she returns to duty.

Motion: Scragg/Jensen – approve license freeze on upgrade program for Captain Bendixen as drafted by the TEC – Carried.

Discussion Regarding PSP 2019 Financial Statement. PSP President Captain Eric vonBrandenfels explained that the financial statement would be submitted to the Board tomorrow, with a presentation and discussion at the June meeting.

Appointment of Tribal Representative to the Oil Transportation Safety Committee (OTSB)

Chair Tonn introduced Senator Joseph Williams from the Swinomish Indian Tribal Community, who has been appointed by the Swinomish Tribal Senate to sit on the Oil Transportation Safety Committee (OTSB.) She invited Senator Williams to introduce himself. He informed the Board that his Indian name, S'Kwai-Kwi, came from the Chief of the Lower Skagit Tribe, who was one of the original signers of the 1855 Point Elliott Treaty. He said he came from a long line of mariners and that everything about him is tied to the water. He acknowledged that the Swinomish have not had a voice at this particular table regarding their treaty rights and that he felt very blessed to be appointed to the OTSC. Due to increased vessel traffic and bunkering, he recognized the frustration for pilots and the USCG to have to maneuver around their treaty fishing grounds. However, he added that they did not view treaty fishing rights as a gift from the government. It is something they have practiced since time immemorial. They are excited to be a part of the conversation regarding changing vessel traffic trends. He also brought up the issue of obtaining records of how many vessels are bunkering north of Samish Island without having to do an official public records request. He added that it has been difficult to see that information for an area that is in their backyard and affects their treaty fishing rights. They lose crab gear every year due to that bunkering site. He again reiterated his excitement to be a part of the committee and the conversations.

Motion: Jensen/Scragg – appoint Senator Joseph Williams to the Oil Transportation Safety Committee (OTSC) as the Tribal representative – Carried.

ESHB 1578 – Consideration of Scope for Changing Vessel Trends Synopsis. The purpose of the synopsis is to look at how vessel traffic patterns change after the September 1, 2020 implementation of the tug escort requirements on laden oil tankers, ATBs, and towed barges between 5,000 - 40,000 deadweight tons in Rosario Strait and connected waterways east. JD Leahy from the Department of Ecology presented to the Board the revised scope for the Synopsis of Changing Vessel Traffic Trends based on their feedback at the May meeting. A Q&A with Board members followed.

Commissioner Kirtley shared her appreciation for how thoughtful and thorough the revisions to the scope were. Tom Ehrlichman, representing the Swinomish Tribe in support of Senator Williams, stated that their review had been very short. However, they supported establishing a baseline of current tug traffic in addition to the risk analysis. The Swinomish are particularly interested in the changing trends for tug escorts. The Tribe supports good, robust data based on current traffic levels in those sensitive areas and are concerned how the changes will affect Tribal fishing grounds. He also wanted to verify that the BPC will be looking at non-escorting tugs as well. JD responded that Ecology will be able to establish a baseline for comparison and that the vessels they will look at will be the ones affected by the new statute. He did mention that the information gathered for this year will be unique given the current circumstances. Commissioner Jensen responded that the question from the Swinomish highlights the importance of having Tribal partners at the table during these discussions. He then gave a shoutout to the Swinomish because they have been very involved in Ecology's risk assessment work for years and in the development of this legislation. He also, again, shared appreciation for JD Leahy and his Ecology team, as well as Chair Tonn and Jaimie Bever for their hard work on the scope. Chair Tonn thanked Commissioner Jensen for his leadership. Commissioner Scragg expressed concern using the 2020 data due to the COVID-19 pandemic resulting in zero cruise ships and traffic slowdowns. He wondered if there was any value to utilizing September 2018 to August 2019 data instead. JD replied that it was an interesting question. He added that the intent was, primarily, to see if vessels are avoiding Rosario due to the new requirements. Additionally, they would look at some other ancillary questions. Ultimately, he suggested the data analysis was more focused on the traffic that is there and what routes it is taking. Commissioner Scragg wondered if there was any downside to analyzing the earlier year. JD suggested

that one thing about using 2019/2020 data is that operating companies may make adjustments prior to September 1, 2020 leading up to the rule, which would not be seen in earlier years. Commissioner Farrell said that he was not sure the actual beginning and end dates were the critical feature so much as having a longer timeframe on the dataset, adding that the longer timespan would produce better data for analysis. JD agreed, but pointed out that there would be a manual component to the data to incorporate information that's not readily available for input in the model, such as vessels that don't carry AIS, further suggesting that adding time could be problematic in that regard. However, he did think Commissioner Scragg's suggestion of shifting the timeframe was interesting. Chair Tonn suggested that the Board approve the Scope of Work, reminding the Board that it could be adjusted. It would allow Ecology to have some time to think about whether or not to adjust the data year and to keep the Board informed at further meetings.

Motion: Farrell/Kirtley – approve the scope for the Changing Vessel Traffic Trends Synopsis – Carried.

ESHB 1578 – Consideration of Interpretive Statement

Jaimie Bever, Chair of the Oil Transportation Safety Committee (OTSC), explained that the Interpretive Statement was the result of several OTSC meetings. It was determined early on, after the passage of ESHB 1578, that terms in the legislation needed clarification. These terms were discussed and debated by the OTSC, with mostly unanimous consensus by OTSC members. The Interpretive Statement is the result of those meetings and conversations. It will require Board action at the June 18, 2020 meeting. The Board, OTSC, and the public asked questions and shared opinions. Commissioner Scragg expressed confusion with the definition of “a vessel providing bunkering or refueling services” and suggested that it needed more clarity. Commissioner Jensen responded to Commissioner Scragg that the challenge had been in clarifying the terms. He suggested that it was clear in statute and in the conversations surrounding the legislation that bunkering operations were exempt from tug escort requirements. He offered that at the time the legislation was crafted, southern resident killer whale recovery was one of the main goals. But as it went through the legislative process, because the legislation covered such a huge geographic area, there was a lot of effort to identify a specific area where tug escort requirements could start, and that was Rosario Strait. The thought behind that approach was that by laying out the process through the Board of Pilotage Commissioners over several years, it allowed for continual evaluation of the impacts of the change through Ecology's model. He concluded by reminding everyone that nothing is off the table as far as future rules. For now, bunkering is exempt in Rosario, but that did not necessarily mean that won't change through future rulemaking after the risk model has been evaluated.

At this point, Fred Felleman asked to give his statement as the environmental representative on the OTSC. He testified that he will be submitting a written statement to the Board prior to the June 18, 2020 meeting. He started off by stating that he felt the OTSC acted very collaboratively and constructively, and gave a shout out to Captain Blair Bouma, who provided his objective insights in a very generous fashion. Fred added that he was glad to see that the lack of Tribal representation on the committee had been resolved today. He then spoke to four points he had previously outlined in an email to the Board members. The first was regarding legislative intent. He then read the language directly from the first section of the bill, where the intent stated was to prevent a catastrophic spill and maximize safety. It underscores the importance of the BPC to interpret the intent as it considers actions. Second was regarding the definition of “a vessel providing bunkering or refueling services”. He stated that coming to a decision regarding the services of bunkering was relatively easy. However, the challenge was where the services were to be exempted from escort requirements. He expressed frustration at the lack of data regarding how many vessels were transiting this area, even though he had been requesting it all the way back to the hearings for the bill. Based on various ways he tried to interpret the data that had been received, it appeared to him that in the category of between five and forty thousand deadweight tons, there would be 2-3 additional escorts per day, if bunkers were escorted in Rosario. He brought up the issue that, under the proposed definition, if a barge was transiting Rosario to bunker in Rosario and another was transiting Rosario to bunker a cruise ship in Elliott Bay, one would require a tug escort and one would not. He added that this made no sense and was an enforcement nightmare. And lastly, regarding the Synopsis of Changing Vessel Traffic Trends, he questioned if the ATBs going out to sea would move to Haro Strait to avoid the tug escort requirements, which would be contrary to Canada's ECHO Program mission to assist in the recovery of the southern resident killer whales. He questioned the data ranges proposed by Ecology, using the past 5 years of data and a full year after the change. He

wanted to make it clear that whatever was decided at the Board level for the interpretations, the view going forward regarding future steps did not bind future interpretations. He also reiterated that he did not believe the legislative intent was clear in the legislation or in Ecology's interpretation and that he is counting on the Board to look at it from a practical and safety perspective. He then thanked commissioners for their time. Chair Tonn thanked him and assured him that the proposed revised scope addresses some of his concerns.

Jaimie Bever offered that the OTSC conversations around the Interpretive Statement terms was extensive and that those conversations were well documented in the committee's meeting minutes. She encouraged the Board to review those minutes before the June 18, 2020 Board meeting.

Chair Tonn asked Senator Williams if he had any comments. He responded that he thought the proposed definition for bunkering was straight forward. He added that the main concern for the Swinomish was increased vessel traffic up near Vendovi.

Chair Tonn then asked if any other OTSC or Board members had comments. Commissioner Jensen shared his appreciation to the OTSC and everyone involved to interpret the bill language. He said that while reading the committee meeting minutes, he was reminded how difficult and cumbersome it was to get the legislation passed. He then confirmed that there was agreement among the legislature at the time that a bunker barge heading to fuel a vessel in Seattle was exempt from a tug escort. He also stated that there just was not enough time in the 2019 Legislative Session to add the clarity to the bill language that the OTSC was attempting to work through now.

Commissioner Hamilton thanked Commissioner Jensen for providing that clarifying statement, which was discerned by the vast majority of the OTSC members who were looking at the legislation. He also thanked OTSC Chair Jaimie Bever for facilitating difficult discussions with individuals who are advocates for their organizations and industries, as well as pilots, mariners, and Board members, and for keeping the committee members on task. He also thanked Captain Blair Bouma for his contribution to the committee. There were no other comments.

Pilot's Report of Marine Safety Occurrence: *Selina*, 04-22-2020

Outbound VTS lane – North of Protection Island	Leak in main engine fuel pump. VTS instructed to proceed to anchor in PA for repairs.	Motion: Farrell/Scragg File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Sailing Yacht *Chimera* – 148', 241gt, Cayman Islands registry, Captain Jonathan Whitley.

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

Motor Yacht *St Eval* – 114', 217gt, Cayman Islands registry, Captain Orlando Millia.

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

Motor Yacht *Triton* – 163', 527gt, Marshall Islands registry, Captain Shaun Falconer.

Motion: Farrell/Anthony – grant an annual exemption renewal – Carried.

Motor Yacht *Aquarius* – 151', 302gt, Malta registry, Captain Christopher Callahan.

Motion: Kirtley/Farrell – grant an annual exemption renewal – Carried.

Motor Yacht *Marama* – 124', 456gt, Cook Islands registry, Captains Paul Lawrence & Justin Lloyd.

Motion: Hamilton/Jensen – grant an annual exemption renewal based on BPC past practices – Carried with Commissioners Scragg and Anthony opposed.

Motor Yacht *Arrowhead* – 115', 193gt, Marshall Islands registry, Captain Michael St. Pierre.

Motion: Anthony/Jensen – grant an annual exemption renewal – Carried.

Motor Yacht *Mea Culpa* – 130', 302gt, Cayman Islands registry, Captain Christopher Grant.

Motion: Farrell/Morrell – grant an annual exemption renewal – Carried.

Motor Yacht *Tess* – 120', 244gt, Grand Cayman registry, Captains Orlando Milla and Harley Hagedorn.

Motion: Farrell/Jensen – grant an annual exemption renewal – Carried.

Motor Yacht *Calex* – 164', 492gt, Cayman Islands registry, Captain Christopher Clemens.

Motion: Farrell/Jensen – grant an annual exemption renewal – Carried.

Motor Yacht *Wonderland* – 122', 280gt, Jamaica registry, Captain Kevin Nauta.

Motion: Kirtley/Farrell – grant an annual exemption for PA only, otherwise will need orientation trip – Carried.

Motor Yacht *Samsara* – 101', 224gt, Marshall Islands registry, Captain Ian Paxton.

Motion: Farrell/Hamilton – grant an annual exemption once have taken an orientation trip, no locks and no Deception Pass – Carried.

Motor Yacht *Celtic Pride*– 76', 126gt, Marshall Islands registry, Captains Robert Petrina & Gary Colebank.

Motion: Anthony/Morrell – grant a 3-month exemption once have taken an orientation trip – Carried.

During the vessel exemption discussion, a question about foreign licenses and vessel size authorization arose. It was decided that BPC staff would research the issue and bring answers to next meeting. Monique Webber, Pacific Yacht Management, stated that she could provide some contacts in the international yacht licensing community who may be of assistance.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and discussed at length the best way to bring the trainees back into the training program amid the COVID Stay Home-Stay Healthy directive, considering time constraints of needing to bring in the remaining candidates before the next exam. It was decided to allow 3 Puget Sound Trainees to resume training today (Captains McGourty, Knutsen and Gartner) and the remaining trainees to return to active training starting June 1, 2020.
- The TEC reviewed all 9 current PSP trainees and 1 GH trainee trip reports.
- The 2021 Marine Pilot Exam RFP has been acknowledged by Pacific Maritime Institute (PMI) and they are working on submitting a proposal by the RFP deadline of June 15th.
- The Exam Qualifications Work Group has been meeting throughout the last quarter and have identified some areas where minor changes could broaden requirements while maintaining the Board's high standards. Draft language was presented to the Board and TEC Chair Commissioner Scragg walked the Board through the highlights.

BPC/PSP Joint Diversity Committee (JDC):

- The JDC is preparing for the next exam and spending time on expanding qualifications of the candidate pool in partnership with the TEC. They are also working on how to best highlight committee efforts for the BPC's upcoming 2019 Annual Report.
- JDC member Emily Reiter, Saltchuk, has been a great help in reviewing and streamlining the Diversity Program documents. Chair Tonn added that the documents are significantly improved thanks to Emily's assistance.

Commission Investigative Committee (CIC):

- The committee met and has submitted the revised Investigative Procedures draft for Assistant Attorney General review. It will be presented to the Board at the June or July meeting.

Oil Transportation Safety Committee (OTSC):

- Two sets of committee-approved meeting minutes were provided to the Board for review.
- The OTSC had a meeting in early May in preparation for presenting the draft Interpretive Statement for Board consideration. Next, they will focus on geographic zones.
- OTSC Chair Jaimie Bever thanked PSP Captain Blair Bouma for the countless hours he has dedicated to the committee.

Pilot Safety Committee (PSC):

- The first meeting was held on May 19, 2020.
- Topics discussed included PPE, Grays Harbor Pilot Boat, and the WAC language regarding rest rules. Future topics include defining "assignment", harbor areas, 13-hour rule, night assignments, non-revenue activities, and the effects of repositioning on fatigue.
- The committee is hoping for an in-person meeting in July.

Review of Pilot/Trainee Physical Examination Reports.

Due to the shutdown of many physicians' offices, there were no physical examinations to review this month.

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

- June 18 – Remote or Agate Conference Room - TBD
- July 16 – Remote or Agate Conference Room - TBD

There being no further public business to come before the Board, Chair Tonn again thanked everyone for their patience with a virtual meeting and apologized for no breaks and no food and adjourned the meeting at 1:30pm.

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

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
June 18, 2020

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 virtually via conference call and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley

Commissioners: Dale Jensen, Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell, Rik Krombeen and Phil Morrell

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

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

Mike Folkers: Port of Grays Harbor

Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen, Rob Healy: Northwest Seaport Alliance

Fred Felleman: WAVE Consulting/OTSC

Mark Bostick: PSP Candidate

Laird Hail: USCG

Monique Webber: Pacific Yacht Management

Meeting Minutes.

Motion: Kirtley/Jensen – approve the May 21, 2020 Meeting Minutes as written – Carried.

BPC Staff Report.

- Jaimie Bever reported on the Governor's directives regarding furloughs and wage increase freezes that were announced earlier this week. At this time, it is believed that Bettina Maki and Jolene Hamel will be eligible for the 3% wage increase previously approved by the Legislature, which is scheduled for July. Board staff is awaiting further information regarding whether they will be required to furlough and whether the agency will be required to participate in 15% budget reductions directed to the Governor's executive and cabinet agencies, as the BPC is not either.
- At the May Board meeting, questions arose around yacht exemptions in relation to license levels and vessel tonnages. BPC staff has researched the issue and will be providing the Board with staff recommendations at the July meeting.
- Bettina Maki, BPC Program Analyst, presented 5 data reports for Board consideration. The reports included analysis of the training program applicant pool as well as a look at vessel traffic for both the Puget Sound and Grays Harbor Pilotage Districts. Commissioners Kirtley and Farrell commented that the reports were helpful. BPC/PSP Joint Diversity Committee (JDC) Co-Chair Linda Styrk responded that the JDC was trying to quantify data regarding diversity in the applicant pool and in pilotage, and that the reports prepared by Bettina were a good step toward that goal.

BPC Chair Report.

- WSF will not be returning employees to full time work at the 2901 building until Phase 3 of the Governor's Safe Start program. Chair Tonn thanked BPC staff for continuing to go to the office individually, on a periodic basis, and for minimal impacts to agency operations while working remotely. She also thanked Board and committee members for keeping up with the workload during the current process for conducting virtual meetings.

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

As a part of the NWSA update, Lou Paulsen introduced Rob Healy, NWSA, who provided an update regarding the design, status, and environmental benefits relative to the development actions planned at the former Saltchuk site in the Blair Waterway, as a part of the Blair Waterway Deepening Project.

Commissioner Farrell requested an overlay of the general anchorages be added to the current Saltchuk site map and that it then be redistributed to the Board with this information. Lou agreed to provide that.

NEW BUSINESS

Approval of Pilot License Upgrade Program: Captain Rod Myers: Captain Myers is nearing completion of his third license year. His letter has been updated to reflect the new license levels.

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

Presentation Regarding Puget Sound Pilots 2019 Financial Statement. Chair Tonn explained that due to the ongoing UTC pilotage tariff rate filing, there would not be a Q&A session regarding the financial statement. Commissioners were advised that if they had questions, they could contact PSP directly. PSP Executive Director Linda Styrk then presented a slide show of financial information to provide a better understanding of the audited financial statements filed with the BPC on May 22, 2020.

ESHB 1578 – Consideration of Interpretive Statement. Jaimie Bever explained that the version of the Interpretive Statement in front of the Board was the same as what was provided at last month’s Board meeting with the exception of a couple of minor changes, including an additional note regarding the definition of Laden/unladen (In Ballast) to clarify why the definition varied depending on vessel size. Jaimie noted that Commissioner Scragg was concerned about the definition of Bunkering previously, but she did not receive a request for revisions. Commissioner Scragg responded that he has spoken with Captain Blair Bouma, the pilot representative on the OTSC, and reviewed the OTSC’s work in coming up with the definition, believing they did their due diligence in crafting it. He supported the definition as proposed. There were no public comments regarding the statement.

Motion: Hamilton/Kirtley – approve the Interpretive Statement as recommended by the OTSC – Carried.

Consideration of Investigation Procedures. Jaimie Bever explained the proposed procedures were an expansion of the Board’s existing procedures and created clear criteria for both the investigation process and the investigators. Next steps will be to compile a list of investigators through the State’s contracting procedures and requirements. Jaimie Bever thanked the Commission Investigative Committee members for their hard work on the document. Two minor changes requested included adding “at least” in front of 1600 gross tons [for license level of investigator] and adding “vessel owners and vessel operators” to the section regarding corrective actions. Those changes will be made and sent back for one more review by the Board’s Assistant Attorney General (AAG) prior to finalizing the document.

Motion: Farrell/Scragg – approve the Investigation Procedures as drafted by the CIC, with the following modifications: change “not greater than 1600GT” to “at least 1600 GT”, add “vessel owners, and vessel operators”, and after final review and approval from the Board’s AAG – Carried.

Rulemaking – WAC 363-116-082 Qualifications for Pilot Applicants. TEC Chair John Scragg informed the Board that the proposed revisions, in addition to being provided to the Board in May, have been reviewed by the Puget Sound Pilots Board of Directors and Grays Harbor pilots. He reported that no significant changes or opposition were received. Next steps will be to obtain an official redline of the WAC from the Code Reviser and present a CR-102 at the July meeting for Board approval to file.

2021 Marine Pilot Exam – Consideration of Request for Proposals (RFP). Jaimie Bever reported that BPC staff has received one proposal from PMI: MITAGS prior to the June 15th deadline. She was in the process of working with PMI on revisions to that proposal and will provide an update at the July meeting of the Board. The actual contract for exam services will be executed in late September/early October, upon Board approval.

Pilot’s Report of Marine Safety Occurrence: *Aristaios*, 05-24-2020

Approach to Ferndale/Phillips	Faulty temperature sensor caused the main engine to reduce to dead slow ahead. Determined safe to berth. On final approach engine became unresponsive, however vessel was landed as a dead ship at berth with use of tugs.	<u>Motion:</u> Farrell/Jensen File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Sailing Yacht *Altair R* – 96', 114gt, British Virgin Islands registry, Captain Alan Goff.

Motion: Farrell/Jensen– concur with Chair Tonn's granting of an annual exemption including restrictions of Locks and Deception Pass given – Carried.

Motor Yacht *Minderella* – 190', 702gt, Cayman Islands registry, Captains Degotardi & Rowland.

Motion: Farrell/Kirtley – concur with Chair Tonn's granting of an annual exemption including restrictions of Locks and Deception Pass and orientation cruise given – Carried.

Motor Yacht *Paladin* – 156', 496gt, Cayman Islands registry, Captains Smart & Pomeroy.

Motion: Farrell/Kirtley – grant an annual exemption – Carried.

Motor Yacht *CV-9* – 140', 325gt, Cayman Islands registry, Captains Johnson & Chaplin.

Motion: Kirtley/Farrell – grant an annual exemption renewal – Carried.

Motor Yacht *Lady Bhai* – 138', 296gt, Jamaica registry, Captain Chew.

Motion: Farrell/Anthony – concur with Chair Tonn's granting of an annual exemption including restrictions of Deception Pass given – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and discussed at length the best way to handle the current restriction of one trainee per vessel, which has the potential to cause backlogs within the program, especially in the hard to get ports. The group looked at all ways to manage both COVID-19 safety and the training program time constraints. They decided to allow 3 trainees maximum per vessel. However, trainees must have prior approval from both the vessel and the supervising pilot and must continue to follow all COVID-19 safety protocols.
- The TEC reviewed the programs of all 9 current PSP trainees and 1 GH trainee. Chair Scragg informed the Board that the GH trainee had submitted a letter to the TEC requesting that the current restriction that would not allow him to transfer into the Puget Sound Program once he has started the Evaluation phase of his program be removed. His reasoning was to keep his options open. Discussion of this consideration will continue at the July TEC and BPC meetings.
- Captains Joe Siddell and Matt Hannuksela are ready for PPU training, as they intend to complete their programs and be ready for consideration of licensure in the next couple of months.
Motion: Scragg/Farrell – Approve the PPU training for Captains Siddell and Hannuksela and provide for an additional one-time stipend increase for the training up to \$2,400 – Carried.
- The TEC remains concerned about the USCG Regional Examination Center (REC) closure and the delays it is causing in the ability for the trainees to draw their federal charts. The TEC was advised that the USCG would be meeting on July 1 to discuss a plan for reopening on July 6.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk reported that the committee met on June 10 and finalized the Diversity Action Plan, which was provided to the Board. They continue to focus on recruitment for the next exam, striving to achieve a wide spectrum of candidates. Topics for potential future actions include looking into apprenticeship programs, hosting an exam FAQ webinar, hosting a study group webinar with exam candidates, and outreach with diverse individuals currently in master roles. Another meeting is planned for later this summer.
- Commissioner Farrell, who was present at the last meeting, encouraged the JDC and the Board to find small wins along the way, recognizing that it is unrealistic to think that diversity in pilotage can be achieved instantly. He suggested the need for positive milestones along the way to that goal. Commissioner Jensen added that hosting webinars for aspirants prior to the exam was great idea.
- Linda thanked the whole JDC team and member Emily Reiter for her help in updating the program language and graphics.

Commission Investigative Committee (CIC):

- Now that the revised Investigative Procedures document has been adopted, the next step will be to work with state procurement to build a pool of qualified investigators.

Oil Transportation Safety Committee (OTSC):

- The committee-approved meeting minutes from May 5 were provided to the Board for review.

- Jaimie Bever, Chair of the OTSC, was pleased to report that the committee met on June 16 and finalized the first phase of their work by approving the Geographic Zones document, which is due to the Department of Ecology by September 1, 2020. That document, which will help inform Ecology's risk model, will be provided to the Board for consideration at the July meeting.
- The next steps for the committee are to bring them together for updates regarding the Synopsis of Changing Vessel Traffic Trends.
- Jaimie thanked the committee members again for their time and efforts in reaching this important milestone.
- Regarding the Interpretive Statement approved by the Board at the last meeting, the next steps are that Jaimie will present the document, explain next steps for ESHB 1578, and hold a Q&A session via webinar before September 1, 2020. She will send more information once it is available.
- Commissioner Jensen offered that Ecology will be hosting a webinar regarding the Science of Risk Modeling to increase public knowledge on the topic. Jaimie will forward information about all the webinars to the Board.
- Commissioner Jensen thanked Jaimie Bever for her facilitation skills and countless hours dedicated to the committee.

Pilot Safety Committee (PSC):

- The next meeting is scheduled for July 14th.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Jensen – approve the physician's reports for Captains J.E. Kalvoy, D.W. Grobschmit, B.W. Bouma and J.P. Bujacich for their annual pilot license renewal – Carried.

BPC Training Program Coordinator Jolene Hamel inquired about possibly setting a timeframe for those pilots whose annual physical dates have passed while the Board has been in a non-enforcement period. She provided the language from the USCG via MSIB 08-20 Change 2: Novel Coronavirus – Mariner Credentials, which states that any pilot who has a national endorsement (license), physical, or Coast Guard physical due between March 1 and September 1, 2020 would be granted an extension for completion until December 31, 2020.

- Scragg/Anthony – adopt the applicable USCG language from MSIB 08-20 Change 2 for state and federal pilot annual physicals and for national endorsements via a policy statement – Carried.

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

- July 16 – Virtual
- August 20 – Virtual

There being no further public business to come before the Board, Chair Tonn again thanked everyone for their patience with virtual meetings and adjourned the meeting at 1:15pm.

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

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
July 16, 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 virtually via conference call and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley

Commissioners: Dale Jensen, Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell, Rik Krombeen, and Phil Morrell

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

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

Gary Nelson, Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: Northwest Seaport Alliance

Fred Felleman: Port of Seattle/WAVE Consulting

John Wright: Polar Tankers

Brian Kirk: Department of Ecology

Mark Gleason: USI

Laird Hail: USCG

Meeting Minutes.

Motion: Jensen/Hamilton – approve the June 18, 2019 Meeting Minutes as written with the correction of two minor spelling errors – Carried.

BPC Staff Report.

- Regarding the Nelson lawsuit, the final appeal for review has been denied by the Court of Appeals. There are some final administrative steps before the litigation hold will be lifted. The Board thanks the appellate team: Sara Cassidey, Catherine Hendricks, and Allyson Zipp.
- The Board has published the Summer 2020 edition of the BPC Pilotage Quarterly.
- Jaimie Bever, Executive Director, stated that she has received confirmation from state HR that the furloughs mandated for state employees do not affect the BPC at this time.
- Due to COVID-19, the Board will not travel to Grays Harbor for the August Board meeting. The hospitality shown by the Port of Grays Harbor in hosting previous meetings is much appreciated. The Board looks forward to resuming the annual tradition next year.
- Bettina Maki, BPC Program Analyst, provided second quarter updates to data received by the Board last month for review.

BPC Chair Report.

- Sheri Tonn reported that as a part-time employee of WSF she is required to furlough. However, it has not had a significant impact on her work for the Board.
- Sheri thanked the Department of Ecology Spills team for their work and collaboration on the directives of ESHB 1578 and oil transportation safety. She added that their Science of Modeling webinar on July 15th was very informative. She also acknowledged Ecology's support in BPC webinars.

Activity Reports. Mike Moore representing Pacific Merchant Shipping Association (PMSA), Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), Lou Paulsen representing The Northwest Seaport Alliance (NWSA), Mike Folkers representing the Port of Grays Harbor (PGH), 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.

Port of Seattle Commissioner Fred Felleman offered some information about the Port's clean air strategy. The Port is adding work to that initiative to look at wind trajectory and its effects on disproportionately affected communities. He sees their work as providing a competitive advantage. Regarding the ECHO whale location program, he offered that the Canadian government is adding a

“whale desk” in their VTS to integrate the program into VTS operations. The NWSA will soon hold a briefing of their program idea, A Quiet Sound.

NEW BUSINESS

Consideration of Draft 2019 Annual Report: Chair Tonn thanked BPC staff for their work on the 2019 report. She added that Commissioner Farrell did a fantastic job going through the Diversity Action Plan and many of his suggested revisions will be seen in the 2020 Annual Report. Copies of the draft report have gone to Puget Sound Pilots and Port of Grays Harbor for their review. Some edits have already been made, including adding a section regarding Grays Harbor trainee activity. Feedback needs to be received in the office by August 7, 2020. The final draft will be adopted at the August 20, 2020 Board meeting, with delivery to the Legislature shortly thereafter.

Consideration of Policy Statement on Extension of Merchant Mariner Credentials, Medical Certificates, Washington State Pilot Licenses and Annual Physical Requirements Due to COVID-19. The Board adopted this statement in theory at the June Board meeting. The Board's Assistant Attorney General reviewed the document and suggested some revisions. The Board considered the final statement.

Motion: Scragg/Jensen – approve the Policy Statement as proposed – Carried.

ESHB 1578 Consideration of Geographic Zones. OTSC Chair, Jaimie Bever, explained that Section 3 of ESHB 1578 requires the Board, by September 1, 2020, to identify geographic zones, which will inform Ecology's risk model and ultimately help the Board adopt rules regarding tug escorts in Puget Sound. The Oil Transportation Safety Committee (OTSC) approved the zones for recommendation to the Board. OTSC pilot member Captain Blair Bouma developed the zones for OTSC consideration based on his experience as a pilot and former tanker captain. He also provided explanatory notes for each zone to explain his thought process for zone development. Minor adjustments to those zones were made at the committee level. Brian Kirk, Department of Ecology Prevention Section Manager, then explained how Ecology will use the zones to inform their risk model followed by analysis of the risk model, and concluding with BPC adopting rules based on the zones. Jaimie Bever added that in September 2020, Ecology is hosting another webinar regarding the risk model, this time focused on the vessel movements portion of the model process. Next steps for the BPC are two webinars regarding tug escort implementation in Rosario Strait and connected waterways east on July 29th and August 6th. A Q&A session followed. Chair Tonn encouraged commissioners to attend the upcoming webinars.

Motion: Anthony/Kirtley – approve the Geographic Zones as recommended by the OTSC – Carried.

Yacht Exemptions – BPC Staff Recommendations Regarding Vessel Tonnage and License Levels. At the May 21, 2020 Board meeting, a discussion arose regarding master license requirements for foreign-flagged yachts. BPC Training Program Coordinator Jolene Hamel introduced a staff memo of research, current and past practices, practices and requirements of other pilotage districts on the West Coast, and staff recommendations. Staff recommendations were 1) to continue to require a current mariner's license but not link it to a certain tonnage level as long as the masters of the vessel are named and approved by the vessel's insurer, 2) BPC staff will include corresponding insurance documents in the application package for Board review, and 3) revise the exemption petition to require current international gross tonnage (GT(ITC)) consistent with WAC 363-116-360. After lengthy discussion and questions, it was decided not to adopt the staff recommendations at this time and to conduct additional research on the licensing requirements. BPC staff will revise the current exemption form for clarity and bring those back to the Board for review.

Rulemaking – WAC 363-116-082 Qualifications for Pilot Applicants. The Board proposes to expand the qualifications for pilot applicants to be more inclusive of sea service that demonstrates the essential qualities necessary for piloting in Washington state as well as to bring additional clarity to the rules in preparation for the 2021 Marine Pilot Exam. The Board reviewed the draft Proposed Rule Making CR-102, as recommended by the TEC.

Motion: Farrell/Anthony – approve the draft qualifications for pilot applicants and file the CR-102 as written – Carried.

2021 Marine Pilot Exam – RFP/Proposal Status. Jaimie Bever reported that she is working with MITAGS/PMI on contract language. The contract will be presented to the Board for consideration and

adoption at the August or September Board meetings. Exam work is scheduled to begin October 1, 2020.

The Board will appoint an Exam Committee at the August 20, 2020 Board meeting.

Pilot's Report of Marine Safety Occurrence: *Oriental Angel*, 06-16-2020

Maneuvering to Anchor in Commencement Bay	Fuel transfer engine failed. Tug on board and vessel never in danger. Safely docked.	<u>Motion:</u> Anthony/Farrell File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *Kmarin Melbourne*, 06-21-2020

Grays Harbor Terminal #2	Glitch in shifting from slow to dead slow, corrected immediately but still used 2 tug escort. No other issues on transit.	<u>Motion:</u> Farrell/Hamilton File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *Frankfort Express*, 06-21-2020

Unmooring at Tacoma WUT	While releasing spring lines, deckhand got hung up in line and was injured. 2 nd pilot on board called 911 and vessel tied back up at dock. Vessel ended up staying due to immigration issues.	<u>Motion:</u> Farrell/Jensen File as a Marine Safety Occurrence – Carried. Commissioner Anthony recused himself.
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Consideration of Request for Vessel Exemption:

Motor Yacht *Arctic Pride* – 123', 297gt, Jamaica registry, Captain Seethoff.

Motion: Farrell/Kirtley – concur with Chair Tonn's granting of an annual exemption including restriction of Deception Pass– Carried.

Motor Yacht *Annastar* – 164', 492gt, Cayman Islands registry, Captain Gulley.

Motion: Farrell/Anthony – grant an annual exemption – Carried.

Motor Yacht *Gayle Force* – 96', 190gt, Marshall Islands registry, Captain Whittaker.

Motion: Farrell/Jensen – concur with Chair Tonn's granting of an annual exemption including restriction of both the Locks and Deception Pass along with an orientation cruise– Carried.

Motor Yacht *Lady Sura* – 164', 461gt, Cayman Islands registry, Captain Smith.

Motion: Farrell/Anthony – concur with Chair Tonn's granting of an annual exemption including restriction of both the Locks and Deception Pass along with an orientation cruise– Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and reviewed status of the trainees. All 10 trainees are actively training with the exception of one who is off stipend for the month of June. The current restriction of one trainee per vessel with the exception of hard to get ports is still active and the consensus is that now is not the time to lift that restriction.
- The TEC reviewed the programs of all 9 current PSP trainees and 1 GH trainee. Two trainees joined the TEC via phone to discuss their programs; Captain Michael who is transitioning from the Observation phase to the Training phase, and Captain McMullen to discuss training in Grays Harbor.
- Captains Joe Siddell and Matt Hannuksela are nearing completion of their state programs and will be ready for consideration of licensure once they complete the federal portion. However, due to COVID-19, the USCG Regional Examination Center (REC) has been closed. Because the situation is out of their control, the TEC recommends a Post Training Program in order for them to be able to continue to develop their skills and maintain time on the water.
Motion: Scragg/Anthony – Approve the Post Training Program as recommended by the TEC for Captains Siddell and Hannuksela – Carried.
- The TEC remains concerned about the REC closure and the delays it is causing in the ability for the trainees to draw their federal charts. The TEC recommends that the Board write a letter to the REC outlining concerns regarding the delay of pilot trainees, especially in light of a pilot shortage in the Puget Sound Pilotage District. It has come to the TEC's attention that the Houston Pilot Association was successful in getting their REC to re-open specifically for them due to their pilot shortage. The TEC recommended that the Board communicate with Houston to

obtain a copy of any correspondence they used. It was also pointed out that the Board should send letters to both RECs for Puget Sound in Seattle and Grays Harbor in Portland, OR.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk reported that the next committee meeting is scheduled for August 17th.
- Co-Chair Styrk thanked Commissioner Farrell for his constructive feedback on the Diversity Action Plan, much of which will be incorporated into next year's plan.
- JDC Co-Chair Sheri Tonn stated that Women Offshore's UNITE Conference, which she attended last summer in Houston, is tentatively scheduled as a remote conference for this October. She highly recommended following Women Offshore on social media, as they have excellent stories from women working at sea.

Commission Investigative Committee (CIC):

- With the new Investigation Procedures adopted by the Board previously, the next step will be to work with State procurement process to build a pool of qualified investigators.

Oil Transportation Safety Committee (OTSC):

- The Committee-approved meeting minutes from June 16th were provided to the Board for review.
- With the first phase of work complete, the committee will be taking a short break while waiting on Ecology and the next phase

Pilot Safety Committee (PSC):

- The Committee-approved meeting minutes from May 19th were provided to the Board for review.
- The Committee met on July 13th and discussed COVID-19 related issues and the Grays Harbor pilot boat procurement. The Committee also worked on defining terms for future rulemaking.
- The next meeting will be in August.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Anthony/Morrell – approve the physician's reports for Captains C.F. Rounds, I.J. Carlson, and S.T. Coleman for their annual pilot license renewal – Carried.

BPC Training Program Coordinator Jolene Hamel advised that one pilot came off the unfit for duty list but another pilot was added to it subsequent to printing. Also, Board Designated Physician Dr. Satish Subramaniam, who currently practices at the Port clinic, will be leaving in August to accept a teaching position at Duke University. A Board Designated Physician is still available at the Port clinic. BPC staff will work on his replacement.

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

- August 20 – Skype/Phone
- September 17 – TBD

CLOSED SESSION

A Closed Session of the Board of Pilotage Commissioners was convened from 12:35pm to 1:30pm via virtual meeting to discuss matters relative to the training program. In attendance were Commissioners Tonn, Kirtley, Anthony, Farrell, Hamilton, Krombeen, Scragg, Morrell and Jensen; Assistant Attorney General Albert Wang; BPC staff Jaimie Bever, Jolene Hamel and Bettina Maki. Regular session was convened by Chair Tonn immediately following the Closed Session.

There being no further public business to come before the Board, Chair Tonn again thanked everyone for their patience with virtual meetings and adjourned the meeting at 1:30pm.

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

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
August 20, 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 virtually via conference call and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley

Commissioners: Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell, Rik Krombeen, and Phil Morrell

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

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

Mike Folkers: Port of Grays Harbor

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: Northwest Seaport Alliance

Fred Felleman: Port of Seattle/OTSC Member

Sara Thompson: Department of Ecology

Monique Webber: Pacific Yacht Management

Jacob Rosenberg: Public

Nate Menefee: USCG

Peter Mann: PSP Training Candidate

Meeting Minutes.

Motion: Kirtley/Anthony – approve the July 16, 2020 Meeting Minutes as written, with the correction of one minor spelling error – Carried.

BPC Staff Report.

- During the July Board meeting, Port of Seattle Commissioner and Oil Transportation Safety Committee member Fred Felleman referenced the Quiet Sound program presentation to the Port during his public comments. Jaimie Bever, BPC Executive Director, provided the Staff Briefing: *“Quiet Sound” Underwater Noise Reduction Program Recommendations* as well as background on this program from the Northwest Seaport Alliance Memorandum dated August 4, 2020 to the Board for review. Fred Felleman added that they are trying to put together a pilot project for this fall utilizing staff recommendations. They have secured funding and other support to kick-start it.
- Jaimie Bever gave an update on the 2021 Marine Pilot Exam contract, which is forthcoming. She will provide the contract at the September meeting for a Board vote with work scheduled to start in October.
- The Oregon Board of Maritime Pilots has hired a new Executive Director, Tom Griffiths. He and Commissioner Hamilton served in the Coast Guard together. Many thanks to Commissioner Hamilton for facilitating an introduction between Jaimie Bever and Mr. Griffiths, who spoke earlier in the week. We look forward to continue fostering relationships with all the West Coast pilotage districts.
- Bettina Maki, BPC Program Analyst, walked Board members through the new monthly data reports she provided and responded to their questions.
- August Board meetings are typically held in Grays Harbor. The Board looks forward to resuming that tradition next year.

BPC Chair Report.

- Sheri Tonn reported that the UTC evidentiary hearing for the Puget Sound Pilotage District tariff filing was held last week on Wednesday and Thursday. Closing briefs and rebuttals are due to the UTC in September. A decision from the UTC Commissioners will be handed down by December 4, 2020. The process can be followed on the UTC website under docket number 190976.

Activity Reports. Mike Folkers representing the Port of Grays Harbor (PGH), Lou Paulsen representing The Northwest Seaport Alliance (NWSA), Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), Mike Moore representing Pacific Merchant Shipping Association (PMSA), and Nate Menefee

representing the United States Coast Guard (USCG) offered current and projected statistical data as well as updates on current maritime issues and activities.

Mike Folkers, Port of Grays Harbor, reported that the Port is planning to close on the purchase of a new pilot boat today. He thanked PSP President Captain Eric vonBrandenfels for the tip that the vessel was for sale.

Captain vonBrandenfels reported that there continues to be pilot exposures to COVID-19 on vessels in the Puget Sound Pilotage District. Pilots are being taken out of rotation to quarantine under the guidance of a physician. The Board will consider adding the physician to the list of Board Designated Physicians later in the meeting. Pilots continue to be concerned about introducing the virus to the pilot station. Monique Webber, Pacific Yacht Management, offered the name of the company she has been using to test crew members of foreign flagged yachts coming into the area.

Nate Menefee, USCG, relayed the news that previous Sector Puget Sound Captain of the Port Captain Joe Raymond has been promoted to Admiral.

NEW BUSINESS

Final Consideration of 2019 Annual Report: Jaimie Bever thanked Commissioner Kirtley for her thorough review and input on the draft Annual Report provided to the Board in July. Chair Tonn thanked BPC staff for their work on the report.

Motion: Anthony/Farrell – approve the 2019 Annual Report as written and deliver to the Legislature as required – Carried.

ESHB 1578 Update. OTSC Chair Jaimie Bever reported that she presented the Board-adopted Interpretive Statement via two webinars held on July 29th and August 6th, and at the Puget Sound Harbor Safety Committee Meeting on August 5th. A summary of the webinars including the Q&A portion will be available soon on the website. She thanked Captain Blair Bouma, PSP, and Sara Thompson, Ecology, for their participation in the Q&A portions of the webinar presentations, several Board members for their attendance, and the Ecology team for the webinar support.

The Board reviewed the draft outline of a tank vessel movement report provided by Captain Blair Bouma, PSP. He proposed that, as the State's regulatory body regarding tug escorts of tank vessels in the Puget Sound Pilotage District, the Board consider requesting information from operators regarding tank vessel movements, which would add a modest accountability mechanism to the escort regulations and also provide focused tank vessel transit data. It was noted that the Oil Transportation Safety Committee (OTSC) had not met to discuss the proposed form.

Motion: Kirtley/Anthony – approve the Tank Vessel Movement Report in concept, contingent upon OTSC review and consideration prior to implementation – Carried.

Captain Blair Bouma, PSP, convened a work group of subject matter experts to run through a tug escort simulation and produce a forthcoming report to assist with tug escort implementation. The group will meet again next week to help with final preparation for tug escorts to comply with the September 1, 2020 tug escort law.

Sara Thompson, Ecology, reported that they are in the process of gathering data for the Synopsis of Changing Vessel Traffic Trends. They will complete the first year of pre-implementation data collection at the end of September. Once the data is consolidated, Ecology will bring it to the Board for consideration of data gathering methods and the tasks outlined in the scope of work previously approved by the Board. Ecology is hosting a webinar on the Vessel Movement Module of the risk model on September 16, 2020. Board members received an invite to that webinar on August 11, 2020.

Consideration of BPC Exam Committee Membership. The Board reviewed the roster of the TEC-proposed Exam Committee.

Motion: Farrell/Scragg – approve the Exam Committee membership as proposed by the TEC – Carried.

It was also noted that with Commissioners Kiley and Thompson stepping down in 2020, there was no longer a non-pilot Board member on the TEC. Commissioner Scragg reported that Commissioner Farrell has agreed to fill the vacancy.

Motion: Scragg/Anthony – approve the nomination of Commissioner Farrell to the TEC – Carried.

Consideration of 2020-2025 BPC Strategic Plan. The Board reviewed a draft of the 2020-2025 BPC Strategic Plan, which will accompany the BPC's 21/23 Biennial Budget request. The agency will be submitting a maintenance level budget request. Commissioners Scragg, Anthony and Hamilton asked for additional time with the document to suggest language revisions. After a lengthy discussion, it was suggested that the Board approve the plan in draft form for submission along with the budget package to Department of Enterprise Services (DES). They will then review and revise the document at both the September and October meetings and submit a final document to accompany the BPC budget request to the Legislature after the October 15th Board meeting.

Motion: Scragg/Kirtley – approve the draft Strategic Plan to accompany the 21/23 budget packet proposal, discuss again at both September and October meetings, and then submit a final document after the October meeting – Carried.

Consideration of Request for Vessel Exemption:

Motor Yacht *Just B* – 177', 969gt, Marshall Islands registry, Captain Fiske.

Motion: Farrell/Morrell – grant an annual exemption which includes restriction of both the Locks and Deception Pass and includes an orientation cruise– Carried.

Motor Yacht *Ice Bear* – 171', 614gt, Cayman Islands registry, Captains Hayes & Berndt.

Motion: Farrell/Kirtley – grant an annual exemption renewal – Carried.

Motor Yacht *Ocean Dreamwalker III* – 136', 496gt, Cayman Islands registry, Captain Peterson.

Motion: Scragg/Anthony – deny the exemption, granted as interim by Chair Tonn, due to voyage planning issues and inconsistencies in reporting requirements – Carried.

Motor Yacht *Evviva* – 164', 492gt, Cayman Islands registry, Captain Trailer.

Motion: Farrell/Anthony – grant an annual exemption renewal – Carried.

Motor Yacht *Michaela Rose* – 161', 157gt, United Kingdom registry, Captains Gillies & Noorman.

Motion: Farrell/Scragg– grant an annual exemption including restrictions of both the Locks and Deception Pass and requiring an orientation cruise – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and reviewed status of the trainees. All 10 trainees are actively training, there have been no interventions and the current restriction of 1 trainee per vessel except for 5 hard to get ports, is still in force.
- The TEC reviewed the programs of all 9 current PSP trainees and 1 GH trainee. There is 1 trainee in post training, 2 trainees in evaluation, 3 in the training phase and 3 in the observation phase. The GH trainee is currently taking leave for personal reasons.
- The TEC reviewed the schedule of trainees and recommend inviting Captains Mark Bostick and Peter Mann into the program to start training in Puget Sound on October 1, 2020.
Motion: Scragg/Anthony – Invite Captains Bostick and Mann into the training program as of October 1 as recommended by the TEC – Carried.
- The TEC remains concerned about USCG REC closures and the delays it is causing in the ability for the trainees to draw their federal charts. Although the TEC recommended the Board write a letter to the REC outlining concerns regarding the delay of pilot trainees, especially in light of a pilot shortage in the Puget Sound Pilotage District last month, PSP President Captain Eric vonBrandenfels was successful in getting two trainees access to continue to work on their charts. The TEC continues to await an announcement of the Seattle and Portland (Grays Harbor) REC opening to the public again.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk reported the JDC met on August 17th and had a productive meeting focused on recruitment enhancement for the 2021 exam.
- JDC Co-Chair Sheri Tonn reported that John Vezina, Director of Government Relations for WFS, joined the JDC this month. He has recently become the Chair of WSF's Diversity and Inclusion Committee and had some valuable information to share.
- JDC Co-Chair Sheri Tonn and BPC Training Program Coordinator Jolene Hamel shared further information on the webinar the JDC is developing for potential exam candidates and invited assistance from any BPC member who wants to lend a hand. More information about the webinar will be coming soon.

- Commissioner Farrell informed the Board that he has been in communication with the head of Corporate Social Responsibility at the Port of Tacoma about how to create pathways for diverse youth into the maritime industry. They will be speaking soon and would like to include either BPC staff or a JDC member in that meeting. He will share more information.
- Public Comment: Fred Felleman, Port of Seattle Commissioner/OTSC Member, reported that the Port has hired Senior Director of Diversity and Inclusion Bookda Gheisar and encouraged the JDC to reach out to her for potential collaboration. Additionally, he encouraged the Board to continue to support the Youth Maritime Initiative.

Commission Investigative Committee (CIC):

- Jaimie Bever is working with the state on the procurement process to build a pool of qualified investigators.

Oil Transportation Safety Committee (OTSC):

- With the first phase of work complete, the OTSC has been on hiatus. However, OTSC Chair Jaimie Bever will be working on scheduling the next meeting for October or early November to discuss any post-implementation issues and to work on providing any necessary clarity.

Pilot Safety Committee (PSC):

- The PSC is scheduled to meet again on September 2nd. Co-Chairs Scragg and Morrell, along with BPC Program Analyst Bettina Maki, are working on the agenda and reference materials.

Review of Pilot/Trainee Physical Examination Reports.

Puget Sound Pilots have retained Dr. Emily Jarris and her clinic, Discovery Health, to assist the pilots in making COVID-19 determinations and advising when a pilot must quarantine. Dr. Jarris is the widow of Dr. Raymond Jarris, a previous Board Designated Physician and supporter of the maritime community. While the Board has extended an invitation for her to become a Board Designated Physician, her clinic is overwhelmed with the COVID-19 crisis at this time and she cannot take this on currently.

Motion: Farrell/Anthony – approve Dr. Jarris and Discovery Health for COVID-19 fit/unfit for duty determinations only – Carried.

It was previously reported that Board Designated Physician Dr. Satish Subramaniam, Port Clinic, will be leaving in August to accept a teaching position at Duke University. His replacement, Dr. Richard Taing, who joins the clinic in September, would like to become a Board Designated Physician and has provided his CV for consideration.

Motion: Farrell/Kirtley – approve Dr. Richard Taing as a Board Designated Physician for the Port Clinic – Carried.

Motion: Anthony/Farrell – approve the physician report for Captain T.S. McGrath for his annual pilot license renewal – Carried.

Motion: Anthony/Farrell – approve the physician report for Captain K.C. Kridler for his annual pilot license renewal and authorize follow up regarding the physician recommendation – Carried.

Motion: Farrell/Anthony – approve the physician report for Captain P.S. Kelly for his annual pilot license renewal and authorize follow up regarding the physician recommendation – Carried.

Motion: Farrell/Anthony – approve the physician's reports for Captains R.M. Gartner, and J.E. Siddell for their annual trainee license renewal – Carried.

PSP President, Captain Eric vonBrandenfels, reported that they had just received information that another pilot will be going on medical leave in September.

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

- September 17 – Skype/Phone
- October 15 – Skype/Phone (likely to continue virtually though 2020)

There being no further public business to come before the Board, Chair Tonn thanked everyone and adjourned the meeting at 12:40pm.

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

Absent
Commissioner Dale Jensen

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
September 17, 2020

PUBLIC HEARING – Call to Order

A public hearing of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn virtually via conference and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley

Commissioners: Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell,
Rik Krombeen, Phil Morrell, Dale Jensen

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

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

Mike Folkers: Port of Grays Harbor

Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: Northwest Seaport Alliance

Fred Felleman: Port of Seattle/OTSC Member

Jacob Rosenberg: Public

Patrick Hilbert, Nate Menefee, Laird Hail: USCG

Tom Ehrlichman: Swinomish Tribe

WAC 363-116-0751: Qualifications for Pilot Applicants. The purpose of the proposed rule revisions is to expand the qualifications for pilot applicants to be more inclusive of sea service that demonstrates the essential qualities necessary for piloting in Washington state, as well as to bring additional clarity to the rules in preparation for the 2021 Marine Pilot Exam. The proposed changes include 1) combined tug and barge tonnage for the Towing category, 2) a separate category for Ship Assist to capture inner-harbor tug masters who have a great deal of shiphandling skill, but are operating on tugs under the tonnage in the existing Towing category, 3) clarity regarding the Pilot category, 4) clarification regarding the Board's definition of Sea Service, and 5) clarification regarding the types of vessels included in the Special Purpose category, and other minor housekeeping revisions for clarity. No oral or written comments or questions were received. Chair Tonn closed the Public Hearing at 10:10 a.m.

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:10 a.m. by Chair Sheri Tonn virtually via conference call and Skype.

Present via Phone or Skype:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley

Commissioners: Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell,
Rik Krombeen, Phil Morrell, Dale Jensen

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

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

Mike Folkers: Port of Grays Harbor

Jordan Royer: Pacific Merchant Shipping Association

Lou Paulsen: Northwest Seaport Alliance

Fred Felleman: Port of Seattle/OTSC Member

Jacob Rosenberg: Public

Patrick Hilbert, Nate Menefee, Laird Hail: USCG

Tom Ehrlichman: Swinomish Tribe

Meeting Minutes.

Motion: Kirtley/Scragg – approve the August 20, 2020 Meeting Minutes as written, with a correction in the TEC update from 6 hard-to-get ports to 5 hard-to-get ports, and a couple minor grammatical errors – Carried.

BPC Staff Report.

- The Board received a coversheet prepared by BPC staff in their packet materials, which was intended to make preparation for meetings easier. The response from the commissioners was mixed as to the usefulness of the coversheet in comparison to the effort it takes staff to prepare it. Commissioners offered a few suggestions for stream-lining the meeting preparation process such as limiting the distribution of last-minute materials. Jaimie Bever pointed out that the deadline for meeting materials is the Thursday prior to the meetings. However, that deadline has been moved up on some items, including TEC items, which are typically decided on the day before the Board meetings. There was conversation regarding changing the TEC meeting days to allow more time between the two meetings. Chair Tonn requested the TEC to discuss moving their meeting and bring a recommendation to the Board at the October meeting. Another commissioner suggested using something like Dropbox so that the entire packet was in one place, as opposed to several different emails and hard copies. Staff will research a Dropbox-type solution and possibly reorganize the agenda for clarity regarding necessary Board action.
- The 2019 BPC Annual Report was submitted to the House and Senate Transportation Committees and is posted on the BPC website. The 2020 Annual Report is already in draft form. Suggestions are welcome.
- At 9:30am today, the Joint Transportation Committee received an update on a study being prepared regarding the feasibility of a private auto ferry between Anacortes and Vancouver Island. This study was in response to 2020 proposed legislation, which the Board considered at the February 2020 meeting. BPC staff will send a link to the work session and the presentation to the Board.
- The next BPC meeting will be on the platform Teams to see if it is an easier platform for public participation.
- The Board reviewed updated charts from BPC Program Analyst Bettina Maki.

BPC Chair Report.

- Commissioner Scragg will not be seeking reappointment for his position as Puget Sound pilot representative on the Board when his current appointment expires at the end of 2020. Chair Tonn thanked Commissioner Scragg for his fantastic service and for agreeing to stay on the Trainee Evaluation Committee (TEC) for another year.
- Commissioner Kirtley was selected as one of the Puget Sound Business Journal's 40 Under 40 for 2020. The Board congratulated Commissioner Kirtley on this achievement.
- Chair Tonn attended a webinar hosted by the Puget Sound Harbor Safety Committee and presented by a vendor regarding using historic AIS data for forecasting. She also attended Ecology's latest Risk Model webinar, which will be described later in the agenda.
- Women Offshore's annual conference will be virtual this year, occurring on October 2nd and October 9th. Chair Tonn and Jaimie Bever will be in attendance. They are great conferences for promoting women in the maritime industry and particularly women who are potential candidates for pilotage.
- The 2020 Salish Sea Shared Waters Forum will be held virtually this year as well, occurring on October 14th and 15th. Commissioner Jensen will be involved heavily with the forum and Jaimie Bever will be presenting an update regarding ESHB 1578 implementation first thing on the 15th. Therefore, the already scheduled BPC meeting will need to start later in the afternoon. Chair Tonn asked commissioners to think about a 1:00pm start time and she will check back with them towards the end of the meeting.
- On October 21st, the BPC will be hosting a webinar for pilot aspirants regarding the 2021 Marine Pilot Exam. More information will be provided in the Joint Diversity Committee (JDC) report. Commissioner Farrell complemented staff on the webinar and how it is coming together. He feels it is going to be a great addition to the program.

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

Captain Patrick Hilbert, Captain of the Port, Sector Puget Sound since August, introduced himself to the Board. He gave a brief description of his previous Coast Guard roles and expressed that he and his family are pleased to be stationed in the Puget Sound area. Chair Tonn welcomed him and highlighted the Board's current and previous relationships with the Coast Guard.

In response to the Board's request for detailed accounting of pilot activity in August 2020, Puget Sound Pilots Executive Director, Linda Styrk, presented to the Board the requested information. The information will be reviewed further by the BPC Pilot Safety Committee (PSC). Ms. Styrk offered to meet with commissioners separately to answer questions about the information provided. Chair Tonn thanked Ms. Styrk and PSP for their efforts in compiling the information into a visualization.

Mike Folkers, Port of Grays Harbor, reported that the Port's new pilot boat, *VEGA*, arrived at the Westport Marina on September 3, 2020. They are looking forward to getting the vessel into service very soon.

NEW BUSINESS

Consideration of Preceding Hearing: WAC 363-116-0751. Commissioner Hamilton asked for additional background regarding the change in qualifications, which TEC Chair Commissioner Scragg provided.

Motion: Scragg/Anthony – Adopt the revised WAC language to expand pilot exam qualifications as proposed, with a small correction in the table under the Towing category for consistency – Carried.

Review of 2020-2025 Strategic Plan. BPC staff received a few comments/suggestions from Commissioners Anthony and Kirtley. The Board will take action on the plan at the October meeting. Additional comments/suggestions between now and then were encouraged.

Update on ESHB 1578. The BPC and Ecology will be presenting updates regarding ESHB 1578 to the House Environment and Energy Committee in a work session on September 29, 2020. The session will be available for viewing on TVW.

September 1, 2020 marked the implementation of tug escorts on laden tank vessels in Rosario Strait and connected waterways east. BPC has received clarifying questions from industry. The Oil Transportation Safety Committee (OTSC) will be meeting in October to consider those questions and compile an FAQ for the public.

At the August BPC meeting, the Board approved, in theory, a tank vessel movement report upon feedback from the OTSC. The results were mixed. Some members were in favor of the report and some were not. BPC Executive Director and OTSC Chair Jaimie Bever and BPC Program Analyst Bettina Maki prepared a form for the Board to consider. Jaimie reminded the Board that the origin of the report was a suggestion from the OTSC pilot representative. The intention was to provide the BPC with an accountability mechanism regarding the new tug escort laws and to gather data that is not easily available. Commissioner Scragg added that AIS data used for the Synopsis of Changing Vessel Traffic Trends does not include information on whether a tank vessel is laden or unladen, which is a critical piece. Jaimie added that the BPC does not currently have the authority to require the form. Because the BPC cannot require the form, the data gathered may not capture all the tank vessel movements. A robust discussion and Q&A between the commissioners followed. Jaimie suggested that the OTSC could consider the form at their next meeting and provide a recommendation for the Board to consider.

OTSC member Fred Felleman commented that the data being requested on the form was critical to following the directives of ESHB 1578 and urged the Board to initiate a rulemaking process now to require the form. He also urged the Board to look at the activity of whale watching vessels in Haro Strait and Boundary Pass.

Motion: Farrell/Scragg – adopt and implement the Tank Vessel Movement Report, adding a pilot/no pilot check box, closing two parentheses, and adding the word "if" – Carried.

BPC Assistant Attorney General Albert Wang will assess the Board's authority in the statute to require the form or to conduct rulemaking to require the form.

Jaimie Bever has received questions regarding the Board's interpretation of the term "oil" per the Interpretive Statement and whether it includes cooking or vegetable oils. She will be asking the OTSC for

their input and recommendation at the October OTSC meeting. She provided the Board with definitions used by other West Coast pilotage districts in terms of oil movement related to tank vessels, which the OTSC will consider in their recommendation to the Board. The Board discussed the topic at length and postponed a motion until further in the meeting.

Commissioner Jensen mentioned that the webinar earlier in the week regarding the Vessel Movement Module of Ecology’s Risk Model went well and was well attended.

Consideration of Revised Vessel Exemption Petition Form. BPC Training Program Coordinator Jolene Hamel presented minor revisions to the existing BPC Vessel Exemption Petition. She suggested that a major overhaul of the form take place prior to the next yachting season.

Motion: Farrell/Hamilton – accept proposed minor form revisions with major form revisions scheduled for the first quarter of 2021 – Carried.

Approval of Pilot License Upgrade Program: Captains Ken Grieser and Trevor Bozina. Captain Grieser is nearing completion of his second license year and Captain Bozina is nearing completion of his first license year. Captain Bozina’s letter has been updated to reflect both the new license levels and the new Duwamish license limitations.

Motion: Scragg/Anthony – approve pilot license upgrade programs for Captains Grieser and Bozina as proposed – Carried.

Consideration of 2021 Marine Pilot Exam Contract. The Board will be hosting a webinar titled Washington State Marine Pilot Exam Overview for pilot aspirants to receive information about the exam process and to get specific answers via a Q&A session. The webinar is currently scheduled for October 21, 2020. More information is forthcoming.

The Board reviewed a draft of the exam contract with MITAGS for the 2021 Marine Pilot Exam, which was mostly a boilerplate of previous exam contracts. The cost breakdown for applicants is as follows: Application Fee – \$400.00; Written Exam – \$1,200.00; and Simulator Evaluation - \$2,000.00, for a total of \$3,600.00, which is \$300.00 less than the 2018 exam. Any substantial changes proposed by MITAGS to the Board-approved contract amount or scope of work will come back before the Board. Less substantive changes will be considered by the Board’s Assistant Attorney General prior to contract execution.

Motion: Farrell/Kirtley – accept financial portion of the contract and authorize the Chair or the Executive Director to execute the final contract – Carried.

Consideration of Training Programs for Captains Bostick and Mann. The Trainee Evaluation Committee (TEC) reviewed the experience questionnaires of Captains Bostick and Mann. Captain Bostick has a background in dry cargo vessels and car carriers. Captain Mann is primarily an ATB captain and has worked in this area, more extensively in the north country. The TEC decided to assign Captain Bostick to initial port Tacoma and Captain Mann to initial port Seattle. No other exceptions or changes were made to their training programs. Trainee Orientation is set for September 30, 2020, with their training programs beginning October 1, 2020.

Motion: Scragg/Anthony – approve training programs for Captains Bostick and Mann as proposed – Carried.

Pilot’s Report of Marine Safety Occurrence: SOUND RELIANCE, 08-21-2020

Approaching Phillips Ferndale	Transiting in ballast from Ferndale to Anacortes when the assist tug parted, however they were able to complete the approach without incident.	<u>Motion:</u> Anthony/Morrell File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: FAIRCHEM SABRE, 08-21-2020

Inbound TSS Marrisone	A rowing shell was in the middle of the southbound traffic lane. Attempted to contact them on VHF with no success. Alerted other vessels in area.	<u>Motion:</u> Anthony/Jensen File as a Marine Safety Occurrence – Carried.
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Laird Hail, USCG, expressed his appreciation for the pilot on the FAIRCHEM SABRE for the extra steps taken in educating the rowers. He said it was very helpful. He would also appreciate contact information of the rowers to provide additional education.

Consideration of Request for Vessel Exemption:

Motor Yacht ALBATROSS – 115', 247gt, Marshall Islands registry, Captain Nunez.

Motion: Farrell/Jensen – concur with Chair Tonn's granting of an annual exemption which includes a restriction of Deception Pass– Carried.

Motor Yacht ITASCA – 175', 845gt, Cayman Islands registry, Captain Carter.

Motion: Anthony/Jensen– grant an annual exemption renewal – Carried.

Motor Yacht ZENITH – 136', 470gt, Cayman Islands registry, Captain Steenbhom.

Motion: Hamilton/Morrell– grant an annual exemption renewal – Carried.

Rulemaking: Consideration of Refiling WAC 363-116-078 Emergency Rule Regarding Training Stipends. This Emergency WAC filing needs to be refiled if the Board wants to continue paying training stipends per the provisions of the rule.

Motion: Scragg/Anthony – refile the WAC 363-116-078 Emergency Rule regarding training stipends in response to Governor Inslee's current COVID-19 emergency orders – Carried.

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met yesterday and reviewed status of all trainees. There have been no interventions and the current restriction of 1 trainee per vessel except for 5 hard to get ports, is still in force. The TEC had 4 trainees attend the skype meeting as they are preparing to move into their next training phases.
- The TEC is happy to report that the REC reopened on Monday, September 14 and we have 2 trainees that will be complete with both Federal and State requirements and be ready for licensure consideration by the November Board Meeting.
- Two more trainees are ready to receive PPU training as they intend to complete their programs and be ready for consideration of licensure in the next few months.
Motion: Scragg/Anthony – Approve the PPU training for Captains McGourty and Knutsen and provide additional one-time stipend for the training up to \$2,400 – Carried.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk reported that the JDC update was really the webinar which was reported on earlier in the meeting. The presenters are busy scripting out what they feel will be beneficial to the applicants and we have a great work team. We hope to have our commissioners attend and will have more information on registering for the webinar soon.

Commission Investigative Committee (CIC):

- There were no updates this month.

Oil Transportation Safety Committee (OTSC):

- The OTSC will meet on October 20, 2020 to go over questions and help prepare FAQs. They will also discuss the oil definition adopted by the Board in the meeting.

Pilot Safety Committee (PSC):

- The PSC is scheduled to meet October 6, 2020.

Exam Committee:

- The Board reviewed a checklist of the exam process used by BPC staff to schedule meeting milestones and actions.

Return to ESHB 1578 and Definition of Biological Oil. The Board reviewed the CFR and EPA definitions of biological oil.

Motion: Jensen/Farrell – reference the federal definition for biological oil and add the reference to the Interpretive Statement – Carried.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Farrell/Hamilton – approve the physician's reports for Captains J.L. Carstensen, W. J. Sliker, and D. B. Soriano for their annual pilot license renewal – Carried.

Motion: Farrell/Anthony – approve the physician report for Captain F. McMullen for his annual trainee license renewal – Carried.

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

- October 15 – Teams/Phone – Due to BPC involvement in the Salish Sea Shared Waters Forum, the October meeting will begin at 1:00pm.
- November 12 – Skype or Teams/Phone

There being no further public business to come before the Board, Chair Tonn thanked everyone and adjourned the meeting at 1:30pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Commissioner Timothy J. Farrell

Commissioner Rik Krombeen

Commissioner Michael Anthony

Commissioner Dale Jensen

Eleanor Kirtley, Vice Chair

Commissioner Philip Morrell

Commissioner John Scragg

Commissioner Jason R. Hamilton

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
October 15, 2020

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 1:00 p.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

Commissioners: Jason R. Hamilton, John Scragg, Mike Anthony, Timothy J. Farrell,
Rik Krombeen, Phil Morrell, Dale Jensen

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

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

Mike Folkers: Port of Grays Harbor

Mike Moore & Jordan Royer: Pacific Merchant Shipping Association

Sara Thompson: Department of Ecology

Fred Felleman: Port of Seattle/OTSC Member

Matt Hannuksela (and family) & Joe Siddell: PSP Licensure Candidates

Laird Hail: USCG

Doug Coburn & Vince Addington: General Steamship

Charles Costanzo: AWO

BPC Staff Report.

- BPC Staff is testing out a new agenda format to bring clarity to Board members regarding necessary Board action, based on feedback from the past meeting.
- The BPC Pilotage Quarterly Fall edition was distributed earlier this week. The format is slightly different to accommodate more creative freedom.
- The State is upgrading its Learning Management System (LMS) to a new platform. The new site, Washington State Learning Center, will go live on November 2, 2020. Any courses that have been completed will migrate to the new system. Staff is working with DES to see what courses need to be completed by Commissioners and will provide an update soon.
- WSDOT Secretary Roger Millar announced that WSDOT office employees will be teleworking through June of 2021. After that, WSDOT employees are encouraged to telework at least 60% of the time. The WSF offices in the 2901 building are undergoing a transformation from assigned personal workspaces to drop-in workspaces with this teleworking future in mind. WSF has assured BPS staff that the pilotage office space and the Agate conference room will be undisturbed during these changes. BPC staff continues to take turns in the office and teleworking.
- Jaimie Bever attended the Puget Sound Harbor Safety Committee Meeting last Wednesday. BPC Vice Chair Eleanor Kirtley gave a great presentation regarding Green Marine. She will share her presentation with the Board in either November or December. Jaimie will also be attending the Grays Harbor Safety Meeting later this month.
- BPC Program Analyst Bettina Maki will be on vacation the first week of November.

BPC Chair Report.

- Chair Tonn and Jaimie Bever attended Women Offshore's Annual Conference held online on October 2nd and October 9th. It was well done with exceptional speakers and very motivational. Several breakout sessions provided an opportunity for focused conversations, which may not have happened if it had been held in person. The Wavemaker Award winner, Captain Makhosi Mbokazi, gave her speech live from the bridge of her vessel in South Africa. Chair Tonn also made some good connections with Mercy Ships, which may be able to help with recruiting 1600 gross ton and unlimited licensed females for upcoming exams. Chair Tonn encouraged participation in the conference next year, particularly if it stays online.
- The 2020 Salish Sea Shared Waters Forum was held October 14 and 15. It included some very interesting presentations. Jaimie Bever presented an update regarding ESHB 1578 implementation, which was followed by an update on the Risk Model from Ecology.

Activity Reports. Mike Moore representing Pacific Merchant Shipping Association (PMSA), Mike Folkers representing the Port of Grays Harbor (PGH), Captain Eric vonBrandenfels representing Puget Sound Pilots (PSP), 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, President, Puget Sound Pilots, informed the Board that PSP has 43 regular pilots in rotation currently. Three pilots are on major medical. Two will be returning in the next month and one in early January. One active pilot, and 5 retired pilots are currently taking comp days until their retirement or completion of comp day accrual. PSP reports seeing continuous surges in vessel traffic every month. When this happens, they are unable to meet the demand due to pilot shortages. He gave the example that on October 16, there were 38 jobs expected and only 4 pilots available. PSP expects they will have to delay approximately 10 ships, which include a mix of container ships, tankers, and bulkers. They are working on communicating with the agents in preparation. Linda Styrk, Executive Director, Puget Sound Pilots, added that they are looking at solutions to fill the gap between surges and demand of pilot orders relative to the number of pilots available. Since they are seeing irregular and unpredictable spikes in the traffic, they want to get connected with the agents/companies ordering the pilot services to discuss the issue and work-arounds directly with them, which PSP dispatchers have done in the past. However, delaying 10 vessels is a different situation. Linda acknowledged that Chair Tonn has been proactive about trying to understand the surges in traffic and has arranged a meeting on October 29, 2020 to discuss alternatives with various port authorities. PSP is observing the patterns. Captain vonBrandenfels added that there were no pilots out due to COVID currently, and that they have had no pilots or trainees who have tested positive for the virus.

Commissioner Farrell wondered if the surge in traffic was related to full anchorages, as reported in last month's USCG activity report. Captain vonBrandenfels answered that they have seen a surge in bulker traffic, which is a 3-assignment job (anchor for inspection, to the dock, and out). The Smith Cove West anchorage is currently unavailable due to seasonality. Therefore, the number of anchorages is reduced. But it is more related to the surges in the traffic. Captain vonBrandenfels added that "board on arrival" and "depart on demand" are questionable right now. Linda Styrk added that, regarding the surge gaps, when they are short on pilots, call-back workers come in to help with the demand. Commissioner Farrell suggested that the grain terminals were possibly a bottleneck and that those incoming vessels possibly have more flexibility than the liners or the outbound vessels.

Captain vonBrandenfels then posed a question to the Board. Per advice from the USCG and the safety factor of board on arrival, it is more important to depart on demand because of lingering traffic out in the rotary and avoiding ships overtaking other ships. Should pilots delay incoming vessels once they are at the dock? Only one of the vessels coming in tomorrow is a bulker. There are five container ships, and a tanker, mostly sitting at the dock now. The question is, do the pilots delay outbound ships? They are currently planning to prioritize a vessel on a tighter schedule. He concluded that it was alarming that even with no cruise season they were still dealing with all these issues.

Laird Hail, USCG, wondered if the planned delays were inbound or outbound. Captain vonBrandenfels responded that right now they were all outbound and that PSP is currently repositioning pilots out to the pilot station. He added that he would like affirmation from the Board that PSP's plan aligns with their thinking of how to address the situation.

Mike Moore, PMSA, offered that they are watching the numbers per month and that it is understandable that there might be some busy days. However, this approach was unexpected. He wondered if the group could circle back on this topic after he has a chance to speak with his members, look closer at the data, and perhaps offer some additional suggestions. Linda Styrk responded that they are planning to reach out to the agents, for direct first-hand input.

Chair Tonn suggested that the meeting on the 29th would likely be the beginning of a dialog about reservations and will include Dustin Stoker, NWSA, who has significant experience with the Port of Vancouver's reservation system. Mike Moore responded that information on daily demand versus daily supply of pilots would be helpful in identifying challenges. He mentioned that he will also speak with Mr. Stoker.

Commissioner Farrell asked Laird Hail, USCG VTS, if there was a way to mitigate the safety issues that occur with vessels stacking up in the strait. Laird answered that they require the vessels to do a

“racetrack” as opposed to sitting in place. This means they turn around and go back out to sea, and then turn around and come back. Additional Q&A followed.

OLD BUSINESS

Review of 2020-2025 Strategic Plan. BPC staff reviewed with the Board the suggested revisions from Vice Chair Kirtley and Commissioner Anthony. Each suggestion was considered and discussed, concluding with a vote by the Board to submit the revised document as an update to the BPC’s 21/23 biennial budget request.

Motion: Farrell/Scragg – Adopt the 2020-2025 Strategic Plan with the revisions discussed and agreed upon at this meeting, for submission to the Legislature recognizing that it is a living document and will be revisited by BPC’s committees – Carried.

NEW BUSINESS

Meeting Minutes.

Motion: Farrell/Scragg – approve the September 17, 2020 Meeting Minutes as written – Carried.

Committee Action – Trainee Evaluation Committee (TEC)

- **Consideration of Licensure of PSPD Pilot Candidate: Joseph Siddell.** On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Joe Siddell has successfully completed all sections of his Training Program Agreement including successful Portable Piloting Unit (PPU) training and completion and receipt of his federal licensing endorsements. Commissioner Scragg added that Captain Siddell 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 Joseph Siddell the next state pilot license number for the Puget Sound Pilotage District – Carried.

- **Consideration of Licensure of PSPD Pilot Candidate: Matthew Hannuksela.** On behalf of the Trainee Evaluation Committee (TEC), Commissioner Scragg stated that Captain Matt Hannuksela 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 confirmation that the federal program has been completed, the sticker has not yet arrived. Commissioner Scragg added that Captain Hannuksela 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 Matthew Hannuksela the next state pilot license number for the Puget Sound Pilotage District upon receipt of his federal pilotage endorsement – Carried

- **Approval of Pilot License Upgrade Program: Captain Sandy Bendixen.** Captain Bendixen is nearing completion of her second license year. Captain Bendixen’s upgrade program letter has been updated to reflect the new license levels.

Motion: Scragg/Kirtley – approve the pilot license upgrade program for Captain Bendixen as proposed – Carried.

Committee Report – Trainee Evaluation Committee (TEC)

- The TEC met yesterday and reviewed status of all trainees. There were no interventions to report. Once Captain Hannuksela is licensed, the training program will have 9 Puget Sound trainees and 1 Grays Harbor trainee, with 2 more trainee licensures anticipated by the end of the year.
- The TEC has discussed the requirement of federal pilotage endorsements for trainees to take the conn on US Flagged vessels and the impacts of that requirement on the training program. The Committee has sought guidance from the USCG and will inquire with the Board’s Assistant Attorney General as well.
- As per Board recommendation, the TEC discussed changing the TEC meeting time to better align with Board meeting deadlines. However, it was decided that the Wednesday before the Board meeting is best for all TEC members and for last minute training program related documentation to be considered by the Board. The TEC will provide drafts of documents for Board action as early as possible.

- The TEC also discussed the status of Grays Harbor Pilot Captain White’s final upgrade trip. The COVID situation has made completion of his upgrade program challenging. He has been encouraged to finish his upgrade program as soon as possible.

Consideration of Future Board Meeting Materials. The Commissioners and Board staff discussed future meeting material distribution. There was consensus to continue with the revised agenda as discussed in the Staff Report and to continue providing hard copy meeting packets to the Board prior to the Board meetings.

Update Mariner Credential Policy Statement. The Board received and reviewed an updated BPC Policy Statement Regarding Extension of Merchant Mariner Credentials, Medical Certificates, and Washington State Pilot Licenses and Annual Physical Requirements Due to COVID-19. The revisions reflect recent revisions to *USCG Marine Safety Bulletin 08-20, Change 4 dated September 30, 2020*. It is the policy of the Board to not discipline any Washington State licensed pilot for failure to obtain the otherwise required annual renewals as further described in the Policy Statement and in alignment with the USCG.

Motion: Farrell/Jensen – accept the updated Mariner Credential Policy Statement and update the BPC policy to match – Carried.

Pilot’s Report of Marine Safety Occurrence: *GLOBAL AMBITION*, 09-12-2020

Leaving Commencement Bay heading for Olympia	The vessel experienced interim fuel pump problems. After conferring with VTS, they were able to complete the trip without incident.	<u>Motion:</u> Farrell/Scragg File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence: *GLOBE DANAE*, 09-22-2020

Commencement Bay	The vessel was shifting from Quartermaster Harbor Anchorage to Temco when the main engine had to be stopped to adjust an exhaust valve pipe nozzle. Vessel proceeded to berth with no further issues.	<u>Motion:</u> Farrell/Scragg File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Motor Yacht *MISS ANNA* – 96’, 222gt, Marshall Islands registry, Captain Van Der Wel.

Motion: Farrell/Jensen – concur with Chair Tonn’s granting of an annual exemption which includes a restriction of both Deception Pass and Ballard Locks, and required an orientation cruise– Carried.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Farrell/Hamilton – approve the physician’s reports for Captains B. R. Jensen, G. P. Thoreson, J. C. Scragg, P. V. Hunter, D. W. Melin, J. A. Hannuksela and L. A. Seymour for their annual pilot license renewal – Carried.

Motion: Farrell/Jensen – approve the physician’s reports for Captains P. P. Mann and M. P. Bostick for their new trainee physicals – Carried.

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

Update on ESHB 1578. Jaimie Bever presented at the Salish Sea Shared Waters Forum earlier in the day regarding implementation of the September 1, 2020 tug escort directives in ESHB 1578. Commissioner Jensen added that the forum went very well and included important perspectives from the State’s Tribal partners.

At the September BPC meeting, the Board approved a tank vessel movement report, and the form went live shortly after that meeting. BPC staff is receiving a small and steady stream of reports back, particularly from Centerline Logistics and Vane Brothers. Jaimie stated that the OTSC will be working on an FAQ for the form at their next meeting, which is scheduled for later this month.

OTSC Tug Industry Representative, Charlie Costanzo, AWO, shared his perspectives and concerns, which towing operators had expressed to him, regarding the tank vessel movement report. He pointed out that their greatest concern is marine safety and thus have complied with the new laws resulting from ESHB 1578. He acknowledged that the Legislature provided no formal mechanism to monitor compliance, which promulgated the BPC’s Tank Vessel Movement Form. They believe the BPC and the Department of Ecology already have the means to monitor compliance that do not require their members

to shift operations away from the safety of their vessels and towards filling out forms. Administrative duties for mariners have increased over time, while watch standards have remained the same. He suggested that Marine Exchange, with additional funding, could gather and provide the requested data. He concluded by saying that existing data reporting function enhancements should be considered before adding a new data collected method like the Tank Vessel Movement Form. He did acknowledge that the Board did a good job preparing a form, but that their concerns were cumulative regarding administrative tasks in general. A Q&A between Mr. Costanzo and the Board followed. In regards to the suggestion that Ecology's Advanced Notice of Transfer process be revised to include laden/unladen, Commissioner Jensen responded that Ecology would need legislative direction in order to make that change, which would then be followed by a lengthy rulemaking process for implementation. It would be at least a couple years out. The conversation concluded with next steps including a conversation with John Veentjer at Marine Exchange and the OTSC developing an FAQ for the Tank Vessel Movement Form.

Committee Reports.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk mentioned that the upcoming exam webinar will be reported on during the Exam Committee report. She thanked the webinar team for the great work, especially Captains Bendixen and Hannuksela.

Commission Investigative Committee (CIC):

- A meeting will be scheduled in the next couple of months to discuss the Request for Qualifications.

Oil Transportation Safety Committee (OTSC):

- The OTSC will meet on October 20, 2020 to go over questions since the September 1, 2020 implementation and to prepare FAQs. They will also discuss the definition of oil in the Interpretive Statement previously adopted by the Board.

Pilot Safety Committee (PSC):

- The PSC had a good meeting and were able to work through several definitions.
- Captain Scragg discussed a memo, which was sent to all of the pilots and trainees, regarding pilot ladder safety and the increased need to turn in any pilot ladder violations through the MSO reporting process.
- The Committee is working on scheduling their next meeting in November.

Exam Committee:

- The Washington State Marine Pilot Exam Overview Webinar is taking place on Wednesday October 21st at 1:30pm. Jolene Hamel, BPC Training Coordinator, will send a link to the Commissioners once a recording of the webinar is available for viewing. There were currently over 70 participants signed-up to attend.
- The exam contract will be executed shortly.
- A simulator evaluation kick-off meeting will occur towards the end of the month.
- The date of the written exam is Monday, April 5, 2021. There had been some previous communications from BPC staff using April 6, 2021, which is incorrect. All mislabeled documentation will be updated to reflect the correct calendar date.

Confirmation of Next Regular Meeting Dates. The consensus was that Microsoft Teams was preferred over Skype for Business. The next two regular meeting dates are one week earlier due to the holidays:

- November 12 – Teams/Phone
- December 10 – Teams/Phone

There being no further public business to come before the Board, Chair Tonn thanked everyone and adjourned the meeting at 3:45pm.

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

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 Philip Morrell

Commissioner John Scragg

Commissioner Jason R. Hamilton

Commissioner Timothy J. Farrell

Commissioner Rik Krombeen

Commissioner Michael Anthony

Commissioner Dale Jensen

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
December 10, 2020

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 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), Phil Morrell (U.S. Shipping)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

Assistant Attorney General: Albert Wang

Linda Styrk, Eric vonBrandenfels, John Harris, Jamie Galvin, Jack Bujacich: 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

Laird Hail, Nate Menefee: USCG

Vince Addington: General Steamship

Robert Fronenbroek: Pilot Aspirant

Andrew Drennen: Polar Tankers

BPC Staff Report.

- BPC staff will continue teleworking and taking turns in the office, under the guidance of Governor Inslee, and reassessing in June 2021.
- On Wednesday December 2, 2020, Jaimie Bever represented the BPC at the 5th Joint Pacific Coast Marine Review Panel/Puget Sound Harbor Safety Committee meeting, which was a virtual event. Topics of the joint meeting included transboundary whale protection programs, Washington State Department of Ecology's vessel traffic studies, and an update from the BPC regarding ESHB 1578.
- BPC Program Analyst Bettina Maki provided information regarding mandatory pilot retirements over the next several years. Bettina will revise the chart to include a pilot missing from 2021 and send it back out to the Board.

BPC Chair Report.

- Chair Tonn thanked PSP President Captain Eric vonBrandenfels for his service as president and congratulated Captain Ivan Carlson for being elected PSP President for 2021. Chair Tonn also congratulated Captain Eric Klapperich for his election to the role of PSP Vice President. The BPC looks forward to working with both Captain Carlson and Captain Klapperich in 2021.
- This past week, Chair Tonn and Jaimie Bever met with Sector Puget Sound Captain of the Port Patrick Hilbert to make introductions, discuss the M/V *LEVANT* investigation, and federal endorsements for first-class pilotage. Captain Hilbert will be visiting PSP's Port Angeles Pilot Station later this week.
- The Governor's Office is working on Commissioner reappointments. Commissioners who are up for reappointment will be contacted by the Governor's Office. Other appointments are likely being considered, as well.

Activity Reports. 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), Lou Paulsen representing the Northwest Seaport Alliance (NWSA), 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 vonBrandenfels answered questions from Board members regarding callbacks reported on the November PSP Activity Report. He offered that, historically, about 5% of the balance of the callback days get used after a pilot turns in their license. However, due to recent increases in comp days due to pilot shortages, that number has increased. Chair Tonn was curious how many of the comp days built up

were assigned to active licensed pilots. Captain vonBrandenfels reported that 607 comp days remained for retired pilots, leaving 2,500 for licensed pilots. He added that next spring, another pilot will be retiring with 440 comp days. He also mentioned that the number is reducing and should be gone within a few years.

NEW BUSINESS

Meeting Minutes.

Motion: Jensen/Farrell – approve the November 12, 2020 meeting minutes as drafted – Carried.

2021 Board Meeting Schedule. The Board considered three proposed options for meetings in 2021: the third Thursday, the third Tuesday, or a combination of the two. A Special Meeting of the Board will occur on April 7, 2021 to set the cut score for the written portion of the Marine Pilot Exam. The April Regular meeting of the Board will occur on Monday April 19, 2021 to accommodate setting the cut score for the simulator evaluation portion of the Marine Pilot Exam. The adopted 2021 Board meeting schedule will be available on the BPC website after today. There was interest in a combination of in-person and virtual meetings in the future. State law will provide clarity in terms of flexibility regarding public meetings.

Motion: Farrell/Jensen – approve the proposed 2021 meeting schedule with the Board meeting the third Thursday at 10:00am in January, February, and March, a Special Meeting on April 7, time TBD, Monday April 19 at 10:00am, the third Tuesday at 12:00pm in May, June, July, August, September, and October, the third Thursday at 10:00am in November, and the second Thursday at 10:00am in December – Carried.

Committee Actions.

Trainee Evaluation Committee (TEC)

- TEC member Captain Mark Homeyer, Crowley, has recommended Steven McElhose, also with Crowley, to replace him as an industry representative on the TEC. The Board received Captain McElhose's resume for review and consideration. Captain Homeyer has been a valuable member of the TEC but unfortunately his schedule prevents him from being able to attend TEC meetings regularly. The TEC recommends that Captain McElhose replace Captain Homeyer.

Motion: Scragg/Anthony – appoint Captain Steven McElhose to replace Captain Mark Homeyer as an industry representative on the TEC – Carried.

- The TEC reviewed progress of the current pilot trainees and projected pilot retirements over the next couple of years in the Puget Sound Pilotage District. The TEC recommends inviting the four remaining candidates from the 2018 exam class to begin training on March 1, 2021. One of the remaining candidates is currently training in San Francisco.

Motion: Scragg/Anthony – Invite the remaining candidates from the 2018 exam class to begin training in the Puget Sound Pilotage District on March 1, 2021 – Carried.

- The TEC reviewed training programs for current trainees. There were no interventions to report. There are eight trainees in Puget Sound: two in the Observation Phase, five in the Training Phase, and one in the Evaluation Phase. There is one trainee in Gray's Harbor who is in the Training Phase.
- A Train-the-Trainer course is needed for the three recently licensed pilots and all the current trainees. BPC staff is working to establish a contract for an online course. Board members who have not attended a Train-the-Trainer are encouraged to attend.
- After much discussion, debate, and legal review regarding allowing trainees to take the conn on US Flagged Vessels without federal pilotage endorsements for the route, the TEC will not recommend changing current practice of requiring federal pilotage endorsements for trainees with the conn on a US Flagged vessel.
- The USCG Regional Exam Center (REC) recently made some drastic changes to the requirements for federal first-class pilotage in Puget Sound. The changes will have a detrimental and long-lasting effect on the ability of trainees to obtain federal pilotage. Captains Anthony, Bendixen, and Myers have responded to the changes with a 17-page list of negative impacts and errors. Captains vonBrandenfels and Bendixen have had long conversations with the REC regarding the concerns. The REC was very receptive to the concerns and progress is being made to clarify and efficiently interpret federal rules. Washington State Ferries is also concerned and assisting in clarifying the language. Commissioner Anthony recommended that the Board write a letter to the REC asking to be considered a stakeholder in any future changes. Nate Menefee,

USCG, offered that they will be working with all parties to understand the complex issues at hand and come to a resolution.

Motion: Scragg/Anthony – have the BPC write a letter to the REC requesting that the REC notify the BPC and provide a comment period for the BPC to respond to potential changes prior to finalizing any changes to the federal first-class pilotage requirements – Carried.

Oil Transportation Safety Committee (OTSC)

- The Board, at the November meeting, deferred to the December meeting the decision whether to direct the OTSC to research the Board's adopted definition of oil in the Interpretive Statement further, considering and comparing 33 CFR and 46 CFR. The Board's Assistant Attorney General Albert Wang provided his legal opinion, which was that the Board's job as a state agency is to carry out rules as expressed in statute, not to add or take away what the Legislature has directed the Board to do. The language in ESHB 1578 does not provide a definition of oil. Therefore, it is important to look at legislative context to determine how the BPC should proceed. In looking at the whole statute, which is also Ecology's statute, it is reasonable to assume that the Legislature intended to harmonize the BPC's statutory scheme with Ecology's statutory scheme. The Legislature and the stakeholders at the time the bill was passed very likely assumed it was the same definition of oil that they were regulating with the new laws. Albert clarified that it was not a matter of policy and whether the BPC should be requiring tug escorts for the substances listed in either of the CFRs. He closed by reiterating that he does not believe the Legislature is asking the BPC to redefine oil and that the BPC, until directed otherwise by the Legislature, should continue with the definition already adopted in the Interpretive Statement, which harmonizes with the Department of Ecology. Board member discussion followed. Chair Tonn concluded the discussion by suggesting the Board highlight the definition as one of the complications of implementing ESHB 1578 for future conversations with the Legislature. Board action was not necessary, as there was no change to the adopted definition of oil.
- The OTSC meeting has not yet been scheduled.

Grays Harbor Pilot License Status. Grays Harbor pilot, Captain Ryan White, will retire from his position at the Port of Grays Harbor effective January 2, 2021. BPC staff provided Captain White the requirements per Chapter 88.16 RCW and WAC 363-116 to keep his license in active status after his separation from the Port. In response, Captain White requested the Board place his state license in inactive status with a reduced annual license fee per 88.16.090(7) RCW.

Motion: Kirtley/Jensen – place Captain White's state pilot license in inactive status with a reduced annual fee of \$1,000 – Carried.

Puget Sound Pilot License Status. The Board reviewed a letter from Chair Tonn to Captain I.J. Carlson 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. The Board also reviewed letters from Captain Carlson explaining his absence and requesting a waiver for the time he was outside the provisions of the WAC referenced above, and from Puget Sound Pilots regarding the definition of pilotage duties. Chair Tonn pointed out that historically the Board has interpreted pilotage duties as meaning piloting vessels. However, while Captain Carlson was not taking pilotage assignments between May 19 and October 1, 2020, he was working extensively on the Puget Sound Pilotage District tariff filing with the Utilities and Transportation Commission in his role as Vice President of Puget Sound Pilots. Board member discussion followed including concerns about setting a precedent of waiving absences after the fact. Captain Eric vonBrandenfels offered that this was a unique situation, and that PSP will provide notification in the future should the Vice President find themselves in this situation again. There was consensus from the Board for staff to send a reminder of the provisions of WAC 363-116-200(6) to all pilots. The Board will revisit the definition of pilotage duties (including the role of the Vice President), a waiver from pilotage duties, and the criteria under which the Board grants waivers at a future meeting.

Motion: Anthony/Scragg – grant Captain Carlson a waiver from pilotage duties for the period of May 19 to October 1, 2020 by finalizing and sending the draft letter proposed. – Carried with Chair Tonn and Commissioners Anthony, Scragg, Kirtley and Jensen in favor, and Commissioners Krombeen, Farrell, Morrell, and Hamilton opposed.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Farrell/Morrell – approve the physician's reports for Captains T.D. Coryell, L.P. Emerson, E.M.

vonBrandenfels, M.L. Anthony, E.P. Ninburg, A.B. Seamans, and S.E. Moreno for their annual pilot license renewal – Carried.

Presentation – Green Marine, BPC Commissioner Eleanor Kirtley. The BPC's Marine Environment representative Dr. Eleanor Kirtley presented to the Board an overview of her educational and professional history, as well as information regarding her current role as Senior Program Manager of Green Marine and information about the organization. The slides from this presentation are available on the BPC website.

ESHB 1578 Update. At the January 21, 2021 meeting of the Board, the Department of Ecology is going to provide two presentations: one on the Risk Model and one on the Synopsis of Changing Vessel Traffic Trends. Commissioners were encouraged to review the scope of work with Ecology for synopsis prior to the Board meeting, in preparation for the presentation. The scope of work is available on the BPC website on the Oil Transportation Safety page.

Committee Updates.

Exam Committee

- The first simulation development session occurred in November and went well. Beta testing will continue on January 4-5, January 18-19, March 1-2, and March 8-9.
- The first round of application reviews are scheduled for January 4, 2021, and will continue monthly through March.
- The Board received, for review, a list of BPC exam publications, per Board member request at the November meeting.
- The FAQ's from the exam webinar are near completion. Two of the three documents have been posted on the BPC website. The third and final round is currently with the pilots for review and input.
- The number of applications received will be released upon BPC approval starting at the January meeting.

BPC/PSP Joint Diversity Committee (JDC):

- JDC Co-Chair Linda Styrk asked Captain Eric vonBrandenfels to remain on the committee now that he is no longer PSP President, to which he agreed.
- The exam webinar continues to receive positive feedback. There were over 100 additional views accessed from the website, after the initial viewing.
- Linda acknowledged the excellent work of BPC Training Program Coordinator Jolene Hamel for her efforts in stewarding the webinar and FAQs. Several individuals echoed Linda's comments. Jolene then received a round of applause from the group.

Pilot Safety Committee (PSC):

- The next PSC meeting will be scheduled for the first or second week of January.
- PSP pilot, Captain Scott Anacker, will act as an alternate for PSP President Captain Ivan Carlson on the committee.
- The Board will be looking at definitions and conducting rulemaking early in the New Year regarding WAC 363-116-081 Rest Period.

Confirmation of Next Regular Meeting Dates.

- January 21 – Teams/Phone
- February 18 – Teams/Phone

There being no further public business to come before the Board, Chair Tonn thanked everyone and adjourned the meeting at 1:30 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