

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

DOCKET TP-190976

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

BPC July 2019 Meeting Minutes

May 27, 2020

Revised July 8, 2020

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
July 18, 2019

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was convened at 10:05 a.m. by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

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

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Scott Anacker, Linda Styrk, Sandy Bendixen, Alec Newman, Larry Emerson, Jed Arnold, Jostein Kalvoy, John Harris, Chris Rounds, Pat Kelly: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor (via phone)

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Monique Webber: Pacific Yacht Management

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

Matt Hannuksela, David Melin, Pat Ninburg: PSP Trainees

Laird Hail, Devin Greenwell: United States Coast Guard

Mark Gleason: USI

Doug Coburn: General Steamship

Jennifer Harris: WA State House of Representatives

Dr. Erin Flynn-Evans: NASA

Announcement. Chair Tonn sadly announced that Puget Sound pilot Captain Fred Engstrom passed away on July 15th. Commissioner Anthony stated that Captain Engstrom will be remembered for his bold laughter, continuous humor and great soul. In addition, he was a great ship handler and partner, and that his loss was a tremendous loss to everyone. The Board observed a moment of silence to honor Captain Engstrom. Board staff will share information regarding a future celebration of life once received.

WAC 363-116-065: SETTING THE NUMBER OF PILOTS IN THE PUGET SOUND PILOTAGE DISTRICT. Before the public hearing commenced, Chair Tonn notified the Board that Puget Sound Pilots had challenged the last submission from the Pacific Merchant Shipping Association, (PMSA). BPC Assistant Attorney General Albert Wang explained the situation in further detail; the Board had outlined at the previous meeting, submission guidelines for final presentations by stakeholders for the July 18, 2019 public hearing. PMSA, in addition to their PowerPoint slides, submitted a letter containing final comments on this issue. Mr. Wang communicated with PSP attorneys who claimed that PMSA's letter was submitted outside the previously approved guidelines timetable and timeframe that was agreed upon by the Board. Mr. Wang had also spoken with PMSA's attorney, who argued that the NASA presentation scheduled for the hearing similarly involved new evidence for argument outside that pre-approved timeframe. Jordan Royer, PMSA, added that the parties were given no specifics on what they were or were not allowed to submit as a part of the presentation materials and that their letter was a summary of previously presented material. Rather than make a unilateral decision regarding the submission, Chair Tonn requested the Board vote on the issue. Chair Tonn explained that the question before the Board was whether or not to allow PMSA's letter to become a part of the official record of the WAC 363-116-065 consideration. She pointed out that either way, the document was a matter of public record. Both stakeholders were provided 5 minutes to describe their concerns to the Board.

Blair Fassburg, Williams Kastner Gibbs, PLLC, spoke on behalf of Puget Sound Pilots. He began his comment by acknowledging the Board's frequent role of being asked to handle adversarial proceedings. He defined an adversarial proceeding as one in which one or more parties submits information and argument about why the agency or court should side with their position. In this instance, PSP expected there to be more than one interested party. Because of this, PSP's attorney initiated conversations with Albert Wang on how BPC could implement an adversarial process that would be fair to all parties. Mr. Fassburg further described the agreed upon deadlines timetable. He described PMSA and PSP's proposal as Interested Parties in the first round of requested submissions. He acknowledged that PMSA's position was for no change to the current number of Board authorized pilot licenses. He argued

that the Q&A session with NASA scheduled for the hearing today was to discuss previously presented information, not to present new information, as he claimed PMSA's letter addressed. His question to the Board was, did the Board want to have rules and processes that the parties are expected to follow, or was it going to be unstructured. Mr. Fassburg concluded his statement by acknowledging that the comments had already been distributed and received, and that they cannot ask the Board to forget what they have already read. What they were asking was to have formality and due process rules agreed-upon and to formally strike information that was outside of the due process limitations.

Captain Mike Moore, PMSA, expressed their view that it was a public hearing and that the PMSA had a right to participate. They found no authority for the Board or the State to reject public comments submitted in a public hearing. He pointed to the specifics of WAC 363-116-065 in terms of what the Board was supposed to be considering when making the determination of the number of authorized licenses in a pilotage district and that PMSA continued to provide information to help the Board comply with those mandates. He pointed out that WAC 065 did not specify a process or timeline for making that decision, nor content restrictions for submissions. He also pointed out that PSP was fully involved in the development of that WAC language via committee work. In addition, he noted that PMSA had always actively participated in the hearing process for WAC 065, meeting deadlines at the discretion of the former Chair, Harry Dudley, under the assistance and guidance of the Board's Executive Director, Peggy Larson. He mentioned that they had multiple discussions throughout the submission process with Jaimie Bever, the current Executive Director. He pointed to an email from Ms. Bever after the June meeting describing the agreed upon timeline for the presentations, since PMSA representatives had to leave the meeting before the Board made those decisions. He also pointed out that the hearing was not an evidentiary hearing. He suggested that PSP appeared to be taking steps to avoid discovery, however, noting that a true evidentiary hearing would require discovery. He concluded by acknowledging that PMSA could submit public comments at any time, but have chosen, in this process and historically, to abide by the Board's approved timetables.

Upon conclusion of the statements by Interested Parties, Chair Tonn inquired if there was any Board action.

Motion: Scragg/Anthony – strike PMSA's sur-submittal letter from the official record and from deliberations today – motion failed with a vote of 2 in favor and 6 opposed.

Before the vote, Commissioner Kirtley asked for clarification on how the Board should consider the letter. Chair Tonn responded that it was a public document. It will be a part of the public record of the BPC, but not part of the official record of the 2019 Number of Pilots consideration. Commissioner Anthony added that it would not be discussed any further at meeting. Commissioner Kirtley responded that it appeared the Board had substantive commentary from other documents as well, but for their intent of a clear and inclusive process, it seemed that it was already part of the process and had already been considered. Commissioner Anthony pointed out that the letter was outside the approved timeline. Commissioner Kirtley responded that there appeared to be a confusion and misunderstanding as to what was due on July 15 as a part of the presentations for the hearing. Jaimie Bever pointed out that the agreed-upon timetable did not include the July 15 deadline of presentation materials agreed upon at the June meeting. Commissioner Scragg asked if the verbiage from the timetable could be reviewed. Ms. Bever proceeded to describe the milestones of the timetable. The timetable did not include a submittal of closing items or presentations.

Chair Tonn inquired if there was further discussion. Commissioner Farrell asked if there was any reason that PMSA could not read their letter into the public record during the hearing as a part of public comment. Jordan Royer, PMSA, answered that they intended to. Chair Tonn answered no. Commissioner Scragg asked if it would count as public comment, or a submission by an interested party. Chair Tonn answered that either one could be involved in public comment. Commissioner Thompson pointed out that public comment was limited to three minutes. Chair Tonn clarified that the agenda stated that public comments may be limited to three minutes, based on the number of people who want to make comments as opposed to the length of the public comment. Commissioner Kiley commented that striking valuable information to come before the Board was not a good precedent to set. He added that much of the formality laid out was somewhat to help the commissioners digest received information in an orderly process, not so much as to set up a back and forth. He did not believe it was designed to be an evidentiary hearing process. It was not a formalized adversarial process, such as the UTC process. Commissioner Scragg wondered, had the process had better clarification, if PSP would

have submitted final comments as well. Mr. Wang responded that PSP's attorney had communicated in his response that PSP would have submitted something similar. Commissioner Kirtley pointed out that the Board would have an opportunity for an extended communication with PSP's subject matter expert at the hearing during the Q&A with NASA. She acknowledged it wasn't entirely equitable, but that the Board was trying to be fair and inclusive to all parties. When asked if there was further discussion, Commissioner Anthony suggested allowing PSP to submit another letter.

Motion: Kiley/Farrell – accept PMSA's letter as part of the official record of the 2019 Setting the Number of Pilots in the Puget Sound Pilotage District with a friendly amendment by Commissioner Thompson to accept both the letter and presentation in the interest of full disclosure, using all available information – Carried with a vote of 7 in favor and 1 opposed.

PUBLIC HEARING - Call to Order

A public hearing of the Board of Pilotage Commissioners was convened by Chair Sheri Tonn at 10:25am in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn; Vice Chair: Ned Kiley

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

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Scott Anacker, Linda Styrk, Sandy Bendixen, Alec Newman, Larry Emerson, Jed Arnold, Jostein Kalvoy, John Harris, Chris Rounds, Pat Kelly: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor (via phone)

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Monique Webber: Pacific Yacht Management

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

Matt Hannuksela, David Melin, Pat Ninburg: PSP Trainees

Laird Hail, Devin Greenwell: United States Coast Guard

Mark Gleason: USI

Doug Coburn: General Steamship

Jennifer Harris: US House of Representatives

Dr. Erin Flynn-Evans: NASA

WAC 363-116-065: SETTING THE NUMBER OF PILOTS IN THE PUGET SOUND PILOTAGE DISTRICT. The public hearing began with a Q&A between Board members and Dr. Erin Flynn-Evans, NASA. Chair Tonn introduced Dr. Flynn-Evans, summarizing her curriculum vitae and extensive work and certifications in the area of sleep and fatigue research. The Board received a copy of her CV prior to the meeting. Dr. Flynn-Evans was heavily involved in the preparation of the NASA fatigue study report that was part of PSP's submission.

Dr. Flynn-Evans then introduced herself and gave a quick overview of the report process. She acknowledged the importance of the issue and assured all that she and the individuals in her lab took their work very seriously. They understood that there was a variety of stakeholders who were going to be affected by the Board's decisions. At the core, as the Director of the Fatigue Counter Measures Laboratory at NASA, fatigue was the focus of all her research and that was the foundation of the model presented in the report. The goal of the project was to look at dispatch records and identify factors that could be contributing to fatigue and then develop a model for adherence to fatigue risk management policies. A series of recommendations followed their findings and were included at the end of the report. Most were related to fatigue. First was multiple harbor shifts. The dispatch data showed that they appeared to have an unlimited duration. The gaps in between moves could be very short and not provide adequate rest. Another was cruise operations, which stuck out in the data. From a fatigue risk management perspective, the cruise schedules were very difficult. With the cruise operations, there may be 10 hours rest in between, but often that wasn't the case in the data they examined. Repositioning was another area. Moving pilots around throughout the day due to the large geographic area, the data showed that pilots could be repositioned and end up doing a night shift. It set up pilots for being awake for a long time and working at the most vulnerable times. Time off between assignments was another issue that was looked at. She acknowledged the recent change from 8 to 10 hours rest, but warned that

10 hours rest may not be enough. She pointed to a recent accident in Baton Rouge, where a pilot who was compliant with rest rules had an accident. The NTSB found that it was fatigue related and the rest rules in that area were increased to 12 hours between assignments. Her message was that 10 hours is good, but that potential consequences of that decision need to be taken into account. Regarding call-backs and comp days, call-backs were being accrued faster than comp days were being taken. At this point, Chair Tonn warned Dr. Flynn-Evans that she had used 10 minutes of the 1-hour Q&A and to be aware of her time. Dr. Flynn-Evans thanked her for the reminder and continued to discuss the comp day accumulation and how it was considered in their data analysis. When they developed the model, they tried to design it to be flexible and understandable. The concept of the model was to take the existing data and plug it in to let the data speak. She then spent some time explaining the model itself and how it could be modified as data, such as vessel traffic, changes. The final recommendation also included a way to burn down the comp days, which was to include additional pilots to the overall number of authorized licenses. The final piece of the model was accounting for earned time off. At this point, Chair Tonn went around the room for Board questions.

Commissioner Scragg asked Dr. Flynn-Evans what kind of experience she had applying these kinds of models for staffing modifications and what kind of organizations would use this kind of approach. Dr. Flynn-Evans responded that they use this approach all the time at NASA. It was very important to get staffing right. It was particularly important at NASA for mission preparation. They also did work in aviation and had many airline partners. They worked with them to figure out the number of airline pilots needed for augmentation purposes. They had been very successful doing that using similar techniques.

Commissioner Morrell asked about the 181 duty days mentioned in the report, assuming that would mean 24-26 pilots available for dispatch on most days. He also mentioned that average ship moves were listed in the report at 18.46 per day. He wondered if that suggested that they were overstaffed on ship days. Dr. Flynn-Evans wondered if those numbers came from the model. She answered that call-backs needed to be added to the vessel movements in order to account for the number of ships. The way it was modeled, a call-back equaled a vessel movement. She clarified that a call-back was considered a day of duty in the report. She also added that multiple harbor shifts were combined. She reminded him that the report was based on the actual numbers, not an estimate. Commissioner Morrell questioned the part of the report that recommended adding 2 more pilots for "unidentified fatigue". He wondered how they arrived at that. Dr. Flynn-Evan apologized for the confusion. It was not for unidentified fatigue. It was for the 8 to 10 hour rest conversion.

Commissioner Farrell asked for the timeframe of the dataset. Dr. Flynn-Evans responded that they had two datasets. One was a trailing twelve from September 2017 to October 2018. Subsequent to that, they got an additional 3 months of data to account for all of 2018. He then asked if they looked at any data from earlier in 2017, 2016, or 2015. She responded that they did not receive any data other than what they asked for, which was the trailing twelve and subsequent final months of 2018. She clarified that the only data outside the time period requested was the balance of comp days. He then wondered that if a prior year was significantly different from the year chosen, could that change the outcome of the report and recommendations. She responded that it shouldn't because when risk is modeled, it included every person and every ship move. The data should model the same way. Changes shouldn't modify the magnitude of those outcomes. He wondered if in an instance like that, if the recommendation would be different, to which she said yes. However, she would still strongly recommend that the other factors that they included be considered.

Commissioner Kirtley wanted to focus on Table 8 of the report, which broke down the recommendations. She asked for clarification on where the numbers in Table 8 came from. Regarding the comp day numbers, Dr. Flynn-Evans acknowledged that it was complicated. She explained that that number could be modified in a similar way. Because the distribution of retirements, it leaves a hole. The amount of comp time on the books right now was massive and it was a reinforcing cycle. Every person who took a comp day yielded a call-back. Retirements exacerbated the issue. In terms of fatigue, it was necessary to have an adequate number of pilots to cover the work in order to reduce fatigue. When pilots come in on their days off, it can compromise their on-watch period. The recommendation of 4 additional pilots was specifically to reduce the comp day bank. Commissioner Kirtley further clarified her understanding of the numbers provided in Tables 7 and 8 to Dr. Flynn-Evans. Within the model, the areas that could be manipulated were comp days and call-backs. The output was the estimated number of pilots. Dr. Flynn-

Evans confirmed this was an accurate depiction of the model. She added that her preference was zero call-backs. However, she acknowledged variability in the day-to-day workload. Thus, some call-backs, but at a minimum with a high pay back, was the recommendation they offered.

Commissioner Anthony asked what NASA considered a safe amount of call-backs for a pilot on respite or earned time off to be. Dr. Flynn-Evans answered that from a fatigue management standpoint, when someone was working on call with an unpredictable schedule for their watch, the more rested they were the better. Fatigue was something that couldn't be eliminated, only managed. NASA understood the benefits of a 24-hour society. However, with every group they have worked with, it had been about meeting them where they were and accepting that there would be peaks and valleys in staffing. Flexibility was necessary. NASA understood that call-backs were necessary. One call-back per pilot was reasonable, and was included in the model. Dr. Flynn-Evans was not comfortable with a higher number.

Commissioner Scragg inquired if, as a research scientist, Dr. Flynn-Evans was able to advocate for an organization like Puget Sound Pilots. She answered no, followed by a short explanation of how her sleep lab worked. She explained that she was a civil servant for NASA and the majority of her staff were contracted through the San Jose State University Research Foundation. Space flight and aviation were their main subject areas. The staff was built to take on projects that could help expand those areas of study. In the case of maritime, she believed it was highly relevant to their work in space flight. Many policies and practices extend from exploration. Astronauts were also on-call. In addition, they were not a company. They were a research laboratory. Their work was neutral. They did not advocate for one specific group or another.

Commissioner Thompson requested clarification regarding Table 8. She was wondering where the 3 additional pilots added to the total recommendation came from. Dr. Flynn-Evans described the days off earned per watch. After 5 watches, pilots get 7 days off. The additional number covered the earned time off.

Commissioner Krombeen asked why NASA had not looked into dispatch management to improve fatigue management within PSP. Dr. Flynn-Evans responded that the way NASA approached the model and the factors that were considered was to focus on fatigue risk management. She was not qualified to judge whether an activity was good or bad. Any work requirement that required one to be awake was important. Going back to the flexibility of the model, if it was determined that something in the dispatch system could be modified, that change could go into the model. She recognized that any changes could come with unintended consequences, and that changes should be carefully evaluated.

Commissioner Scragg had one more question. He asked about the table on page 42, which included the earned time off. He pointed to the target assignment level (TAL) in the report of 118. He asked if she had any concerns about a TAL of 118 and could it be used going forward with changes in vessel traffic. Dr. Flynn-Evans responded that TAL was an output of the Board and pilot operations. She said that one could work backwards from a TAL in order to determine the appropriate workload. A TAL of 118 assumed all recommendations in the model were taken into account.

Commissioner Morrell wondered, since the report was based on 47 pilots, if adding 4 to get to the number currently authorized by the Board solved the issue and maybe changed the outcome of the report. Dr. Flynn-Evans responded that the challenge was two-fold. One was the comp bank issue, which was severely curtailing the ability to manage fatigue. And secondly, the comp days would continue to accrue. At this point, Chair Tonn warned the group that the one hour for NASA Q&A was up and that she would accept a couple more questions from the Board.

Commissioner Farrell wondered if NASA had an optimum number of days in a row a pilot should work. Dr. Flynn-Evans responded that they did not have a number. However, based on other models they had worked on, including the one for San Francisco Bar Pilots, they felt that after seven days of work, there should be a 24-hour rest due to the cognitive fatigue that came from consecutive days of work. Having an extended rest break in the middle of a two-week work period was helpful. Commissioner Farrell then asked how many pilots it would take to eliminate call-backs. Dr. Flynn-Evans responded that she would have to sit down with the data to be able to answer that question. He then wondered if the type of work affected the rate of the accumulation of fatigue. She responded that the type of work would reveal sleepiness; it could be masked by being active. Not being actively engaged can allow fatigue to come through.

Commissioner Kiley asked about the contract with Puget Sound Pilots. He noted that the contract went until March 2020 and wondered what kind of future work they planned to do with the pilots. He also asked about Task 5 in the contract. Dr. Flynn-Evans clarified that the contract the Board was looking at was between PSP and San Jose State University, which was her team. She was a NASA employee. They planned to collect more data and do additional work to assess fatigue on a more specific level. Some of the questions that had been raised throughout the report process would be looked at.

Chair Tonn, pointed out that they had reached 66 minutes of Q&A and asked if either interested party was willing to cede some of their presentation time to continue the Q&A. Mr. Fassburg offered five of their minutes.

Commissioner Kirtley wanted to circle back to NASA's five recommendations: 1) multiple harbor shifts, no more than 13 hours, had already been implemented, 2) back to back cruise assignments had been eliminated, 3) incorporating repositions into the definitions of an assignment, the Board would put that on their to-do list, 4) Time off between assignments, changed from 8 to 10 and monitor the change, which was ongoing, and 5) looking at call-backs and comp time, which was something the Board was still working on. Dr. Flynn-Evans wanted to add that in the multiple harbor shift definition, 13 hours was modeled, but she was not sure if it was the right number. They would be looking at it further. Commissioner Kirtley noted that an area of overlap in the submittals the Board had received was regarding recruiting, training, licensing, and retirements. She noted that the report recommended that those activities be prioritized. Commissioner Kirtley wondered how this recommendation fit in with the five recommendations listed above. Dr. Flynn-Evans responded that people were needed to manage fatigue and that as soon as there were not enough people, rest rule violations could increase. She recognized there was a long timeline in training and that subject matter experts should be the ones to evaluate the training aspect.

Commissioner Anthony mentioned that PMSA's recommendation was to take no action to increase the number of pilot licenses. He wondered if NASA believed there would be a risk in taking no action. Dr. Flynn-Evans answered that she would feel uncomfortable with no action. Their recommendations were based on their expertise and experience and she stood by them.

Chair Tonn concluded the Q&A portion of the public hearing and called a five-minute break.

The meeting reconvened with PMSA's presentation. Captain Mike Moore, PMSA, presented a PowerPoint presentation and final comments. Captain Moore began by reading the end of a recent speech he gave, pointing out their support of safety practices. He also pointed out their support of the Pilotage Act in general. He urged caution of unintended consequences when adjusting pieces of a multifaceted system. He gave some examples from other programs illustrating his point. He suggested that the pilotage system was multifaceted and complex, and that certain components should not be skipped over when making decisions. Part of their concern with the NASA report, was that it didn't look at all the factors. He pointed out that PMSA had looked over data from 1992 and had seen a continuous loss in cargo ship calls to the area. Recently added cruise ship and articulated tug barge calls have kept the vessel traffic numbers from dipping even further. He pointed to significant losses in assignments in June and July of 2019, higher than in the last 40 years of data they had looked at. He pointed out that the current license slots available may not be filled even by next year or the one after. He commended the Board for its success in having trainees ready to replace retiring pilots. He believed that filling the current empty slots, would assist with the call-back issue. Regarding TAL, he talked about the different numbers agreed upon in the past. Regarding the "3 and Out Rule" in 2015, he pointed out that PMSA supported that change, finding that it was based on sleep science, and acknowledged the pilot's change from 7 hours rest between assignments to 8, also in 2015. He also spoke about the unprecedented pilot shortage in 2018 and referred to the Board's letter to industry regarding delays. He said that their understanding was that 24 - 26 or so pilots were available on each watch. However, the data actually showed only 11 in one instance. To PMSA, if there was a full complement of pilots and decreasing assignments, the anomaly that happened in 2018 would have been managed. He also noted that the Fatigue Management Committee discussed the 10-hour rest rule at length before agreeing to recommend 10 to the Board. At that time, were told it would impact 500 assignments. The recent PSP submission stated there would be more than 700, and the NASA report stated that there would be 1,368. He pointed out that those incident rates would have been decreased with more pilots on watch. PMSA expressed confusion about the model's findings and conclusions regarding the recommended number of

pilots. Again, he pointed out that management issues weren't looked at to address inefficiencies. They believed the 10-hour rule implementation wouldn't have been as impactful had there been a full complement of pilots. Regarding the NASA report, PMSA noted that the models recommended 31 pilots on a daily basis to do 18.65 moves. They saw that as overstaffing. They wanted pilots to be safe, competent and reliable in a mandatory compulsory pilotage district. That service could either be mandated through a different governance model, or there could be modification to the system to make sure they are available. He believed the current system had some efficiency issues. They continued to recommend that the management system be looked at. He also brought up transition Tuesdays, noting that pilots took a full 24-hour workday on those days, but pointed out that it was the lowest workday of the week, according to BPC staff reports and the data NASA looked at. He believed that a simple change, like changing change-day to Thursdays, could help with efficiencies. He also brought up meetings listed by the pilots. He acknowledged that pilots engaged in BPC activities made sense to include. However, there were several other meetings, mostly to conduct PSP business, questionable in terms of being counted as assignments. Captain Moore reviewed a slide in his presentation regarding the 2011 Number of Pilots submission from PSP and compared it to the 2018 submission, calling 2011 a more efficient year. He wondered what had changed. In conclusion, he believed nothing would change with the Board's decision today. Slots could only be filled as trainees were available to license. Because of this, PMSA felt there was no reason to rush into a decision. There was time to look at the NASA report as well as management issues. He recommended testing the model out on more efficient years to see if it could be adjusted to be more helpful and accurate. He also recommended that the BPC dive into maximizing the on-watch pilots. Chair Tonn asked the Board if there were questions for PMSA.

Commissioner Morrell asked Captain Moore to expand on the downward trend in vessel traffic. Captain Moore responded that what they were seeing was less cargo ship calls and a lot less tankers. Cruise ships may increase. But, the rest of it had been going down for a long time. If ATBs, 2-pilot jobs, and cancellations were removed from the data, 7,300 assignments would go down to 6,000. He believed it must bottom out in order for Seattle to continue to be a competitive gateway.

Commissioner Farrell asked about the differences between 2011 and 2018. Captain Moore and Commissioner Scragg clarified that rest was 6 hours, 7 if bridge time exceeded 7 hours, per statute. Commissioner Farrell wondered what the comp day accumulations were at that time. Captain Moore mentioned that 2,000 comp days in the bank was the norm for several years, until a pilot shortage in 2005. Then it increased to over 3,000, then came back down to 2,700 and increased again to the current numbers. Chair Tonn directed the Board to the reports in their packets, which included the historical comp day bank numbers.

Commissioner Thompson asked Captain Moore if he thought that the spike during the cruise ship season increased the inefficiencies. Captain Moore responded that it was clear how the cruise ships impacted the numbers. He pointed to how modifications on the management side, in 2011, helped manage the increased traffic. This question concluded PMSA's presentation time.

Chair Tonn invited PSP to present. Blair Fassburg opened his presentation by focusing on what was most important about PSP's request, which was promoting safety through making changes that advanced the interests of both PSP and the BPC by having safe pilotage in Puget Sound. He acknowledged PSP and PMSA's shared idea that complacency was the enemy of progress. He believed, however, that PMSA's recommendation resulted in complacency. He acknowledged their interest in further studies, but argued that the Board should take action now. He urged changes that were not reactive. He brought up the Eagle Otome and Costa Concordia incidents and the lessons learned. He acknowledged the changes that had already been implemented, but warned that they were not enough. He referenced Commissioner Farrell's question regarding the 2011 data presented by Captain Moore. He reminded everyone what the rest rules were during that time, which resulted in pilots working with much less rest. The 10-hour rest rule expanded the amount of time pilots were unavailable, but it also included the elimination of round-trip cruise assignments. He further explained that cruise ships didn't reliably have crew cabins available for pilots to rest. He pointed to 3 additional recommendations in NASA's report, which would make pilots less available. One was a work hour restriction of 60 hours in 7 days, not yet adopted by the Board. Mr. Fassburg believed it needed to be adopted to limit cumulative fatigue. Second was 12-hour maximum assignment duration, which he pointed out had already been adopted by many industries. He mentioned the need to talk about not

having enough trainees available to license, and also the reputation for future trainees that there may not be a spot for them once they have finished the program. He referenced San Francisco and that some prospective trainees may choose to go there. He acknowledged that PSP and PMSA also agreed upon unintended consequences. One major issue was the risk of liability. If action was not taken, something might occur. He mentioned that the current challenge of the Board's goals was that they were in competition of each other. What PSP wanted was a more predictable work schedule with limited work in the off-duty work period. Their proposal was to accomplish this through the TAL, recognizing that traffic fluctuates. They asked that the Board take NASA's recommendation to come up with a TAL, which would allow for pilot numbers to be adjusted as traffic increases/decreases. The TAL had not changed since 2010, where it was set at 145. PSP's request at that time was 134. They were asking that a level be set based on science. The workload asked for in a TAL at 118, would keep PSP the hardest working pilots on the West Coast. Mr. Fassburg presented some numbers from other districts. The requested TAL of 118 was calculated in NASA's model and was based on 63 authorized pilot licenses. Mr. Fassburg concluded his presentation by asking the Board to first take a vote to set the TAL at 118, then vote on the number of pilots based on the average assignments in the trailing 12 months. Chair Tonn opened the floor to Board questions.

Commissioner Kiley had a comment. He took issue with Mr. Fassburg's examples of the *Eagle Otome* and *Costa Concordia* incidents. In the *Eagle Otome* incident, he acknowledged that fatigue was an issue, however he pointed out that the pilot was fraudulently operating on his license by taking medications he had obtained from multiple doctors and not reporting it to the U.S. Coast Guard. On the *Costa Concordia*, the captain had put his ego way ahead of company policies and was showing off, which was not fatigue related. Mr. Fassburg acknowledged that Commissioner Kiley had fair points. He clarified that the point he was making was that until incidents occur, most operators believe that they are operating in a safe manner. Rather than being reactive, PSP was asking the Board to be proactive.

Chair Tonn asked Mr. Fassburg if he was saying that the district was currently operating in an unsafe manner because of the number of accidents and incidents that have occurred. His response was that risk level didn't necessarily have to be based off actual occurrences. He added that the dispatch data from 2018 showed that pilotage was operating with an unreasonable risk of fatigue because pilots were working at unreasonable hours with insufficient rest. Chair Tonn added that the U.S. Coast Guard had stated that we are the safest pilotage district in the country. She was curious what, other than fatigue, they were basing the safety record on. He answered that he did not know what exactly the U.S. Coast Guard based their assessment on. If it was based on the record of accidents, that was fantastic. He added that Puget Sound Pilots do have a fantastic track record. However, the risk was there. Chair Tonn had one more point regarding the data quoted in the table regarding TALs in various districts. Some data appeared to be outdated, as old as 2010 for the Oregon Board of Marine Pilots and that some of the other data appeared to be via oral conversation. She was wondering if those numbers could be backed up. Regarding Oregon, he acknowledged that the number came from a 2010 order, and was not aware if it had changed. Chair Tonn reminded him that the State did not have that data. He did not have a document he could submit to verify the number currently. For BC pilots, the number came from their 2018 Annual Report. The San Francisco information came from fatigue study generated by NASA, but none came from the respective pilotage commissions.

Commissioner Farrell asked if there were any other measures that could be taken to reduce pilot fatigue without adding more pilots. Mr. Fassburg answered yes, and that some of those fatigue management recommendations had been implemented already. Commissioner Farrell then asked if it was a choice PSP made to not study the other factors that could be taken into account. Mr. Fassburg answered that the study was a result of Dr. Czeisler's findings and recommendations. Commissioner Farrell then asked when there would be a full complement of pilots under the current authorized number. Mr. Fassburg estimated that could occur in the next 12 months. With retirements, it was impossible to predict, but by the end of 2020, they could get all the way to 58 pilots. This comment drew some surprise by Board members. Commissioner Farrell reminded Mr. Fassburg that 58 was not an authorized number. He continued his question by asking what kinds of studies on the other management issues that were raised could be completed between now and 12 months. Mr. Fassburg suggested that the Board obtain a dispatch expert to assess the dispatch system. To clarify his point, Commissioner Farrell confirmed that in the next 12 months, steps could be taken outside of raising the number of pilots, to reduce the identified risks prior to the point where there is a full complement of pilots. Mr. Fassburg responded that

he thought it was possible. He did remind the Board that WAC 363-116-065 specified that the Board could, from time to time, review the number and make changes. If a new solution was found, it could be reconsidered. Commissioner Farrell asked if Mr. Fassburg believed that increasing the number would speed up the rate at which trainees would be ready to be licensed. Mr. Fassburg said he recognized the hindrances in licensing a trainee, but he warned that if the number was not increased, trainees would leave or avoid the district. Chair Tonn asked what evidence he had in regards to trainees leaving for that reason. Mr. Fassburg responded that there were recently two qualified trainees on the list who decided they would rather go to San Francisco. Chair Tonn asked again for evidence to back his statement and reiterated that they were not active trainees. Mr. Fassburg concurred. Commissioner Farrell inquired whether or not the Board collected information as to why trainees chose to go to another district. Chair Tonn answered that there was verbal indications, but that they were not for public comment. She did say that San Francisco did have higher compensation and potentially shorter training. Commissioner Anthony added they also had fewer callbacks, which was a big deal.

Commissioner Kirtley asked about the Q&A with the PSP dispatchers, which was a part of PSP's original submittal. One question asked what tools were available to the dispatchers to maximize dispatch and efficiency. The response was that they had quite a few. Commissioner Kirtley was looking for more information about what was available. Mr. Fassburg gave an example of applying new rest rules and how to prevent violations. The dispatch system was able to do some predictions, which would help for planning. They had other tools, but Mr. Fassburg couldn't speak to them.

Commissioner Morrell pointed to one of Dr. Czeisler's recommendations specifically to PSP, which was to shift to a one week on one week off rotation. He was curious why the pilots didn't adopt that change. Mr. Fassburg couldn't speak directly to that decision, but did offer that the reason they had the system they do was because they wanted rotating, cohesive groups that could train with each other. The current system allows for cross exposure between the different pilot license levels. He concluded by stating that it was PSP's choice to look at that as a potential option in the future.

Chair Tonn noted that no one had signed up for public testimony. She asked the audience if there were any comments. Dr. Flynn-Evans exited the room at this time to attend another meeting. She offered to be available by phone. Monique Webber, Pacific Yacht Management, had a question for PSP. She was curious about the number of delays in 2018 caused by vessels versus the number caused by pilots. Mr. Fassburg did not have that information available. Ms. Webber expressed frustration because the question had been asked several months ago. Captain Carlson offered that the number was included in PSP's submittal. Jaimie Bever pointed to the official record as to where Ms. Webber could find that information.

Hearing no other requests for public comment, Chair Tonn closed the public hearing at 12:55 p.m.

REGULAR MEETING – Call to Order

The regular meeting of the Board of Pilotage Commissioners was reconvened at 1:00pm, following a short break after the Public Hearing by Chair Sheri Tonn in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

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

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

Assistant Attorney General: Albert Wang

Ivan Carlson, Scott Anacker, Linda Styrk, Sandy Bendixen, Alec Newman, Larry Emerson, Jed Arnold, Jostein Kalvoy, John Harris, Chris Rounds, Pat Kelly: Puget Sound Pilots

Mike Folkers: Port of Grays Harbor (via phone)

Mike Moore, Jordan Royer: Pacific Merchant Shipping Association

Monique Webber: Pacific Yacht Management

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

Matt Hannuksela, David Melin, Pat Ninburg: PSP Trainees

Laird Hail, Devin Greenwell: United States Coast Guard

Mark Gleason: USI

Doug Coburn: General Steamship
Jennifer Harris: Washington State House of Representatives
Dr. Erin Flynn-Evans: NASA

Consideration of Preceding Hearing: WAC 363-116-065.

Motion: Kiley/Thompson - in consideration of what has been heard, increase the number of authorized pilot licenses in the Puget Sound Pilotage District by 2, bringing it to 54 – the motion failed with a vote of 3 in favor, 5 opposed and 1 abstention.

Commissioner Kiley commented that if all went well with the trainees, that number could be reached in early 2021 and at that time, traffic and further recommendations could be assessed. He believed that would send a good message to trainees and aspirants that there would be availability. Commissioner Scragg wondered about the rationale for 2, adding that much information for a higher number had been presented by NASA. He wondered why the Board would choose not adopt NASA's recommendation. Commissioner Kiley responded that he believed their study and recommendation could be a possible target, but that the Board should move gradually toward that, if they go for that at all, to allow for additional consideration of traffic and the speed at which a trainee could complete the training program. He did not believe that going straight to the recommendation of 63 was a cautious or prudent maneuver. Commissioner Scragg wondered if the Board shifted to setting a Target Assignment Level, if that would help with the traffic fluctuations in the future. Commissioner Kiley believed that the Board should monitor the actual assignment level of the pilots to see how it compared to the established TAL. He also pointed out that the actual TAL decreased as traffic decreased and that it was worth monitoring. Commissioner Scragg asked if Commissioner Kiley was suggesting that the TAL be left at 145. Commissioner Kiley answered that his motion did not include adjusting the TAL. Commissioner Kirtley added that many questions had been brought up about the definition of assignment and how inclusive it should or should not be with respect to repositions, meetings, and trainings. She believed that the Board should look at the definitions of assignment and workload. Commissioner Anthony expressed that it was unfortunate that the Board would consider looking at a number as opposed to a TAL, which would fluctuate with traffic. Commissioner Farrell pointed out that the long-standing calculation of a TAL was only true if the definition of assignment hadn't changed. It was pointed out that the Board's definition of assignment had not officially changed. Commissioner Farrell asked the staff how many authorized positions there were currently. Jaimie Bever answered that the Board had authorized 52 licenses. Of those 52, 47 were active, 1 was not fit-for-duty, and 1 was president. Commissioner Farrell clarified that there were 3 vacant slots and wondered when they would be filled. Commissioner Anthony said by the end of 2019 if all went well. However, that did not take retirements into account. He asked if any pilots were burning comp days for retirement. The answer was no. He wondered if there were an adequate number of candidates in the pipeline to cover mandatory retirements in 2020. The answer was yes. Commissioner Kiley circled back to Commissioner Scragg's question regarding why he proposed setting the number of pilots as opposed to setting a TAL. He reminded Commissioner Scragg that the hearing was regarding the number pilots, not the TAL. He expressed surprise that the conversation suddenly turned toward setting a TAL in Mr. Fassburg's presentation when the conversation up to that point had been focused on the number pilots. Commissioner Kirtley suggested a multi-pronged approach by setting the number of pilots and refining definitions. Chair Tonn agreed that was a possibility, but that it was not the motion on the floor. Commissioner Kirtley clarified that her motion would call for continued action of the BPC or FMC to review the definition of assignment, target assignment level, and broader review of the workload to then inform continued work to objectively, repeatedly set number of pilots. Commissioner Kiley chose to stay with his original motion. Commissioner Kirtley added that 2 may not be enough and that the Board needed to have a mechanism to continue the work. Chair Tonn pointed out that the number of pilots had been adjusted by the Board in 2006, 2010, 2012, 2013, 2014, 2014, 2015 and 2015. The Board could consider the number at its discretion, not just when they were petitioned to do so. Commissioner Anthony remarked that the TAL hadn't been looked at since 2010. Commissioner Kiley reminded everyone that the TAL was a target only. The actual data showed that the pilots were working a variety of assignment levels. Commissioner Scragg added that it had been used in the past as a metric in making the decision on the number of pilots. He added that he would like to see a combination of the two so that in going forward, changes could be made to accommodate changing traffic. He confirmed he was speaking in opposition of the motion. Commissioner Thompson urged that more conversations were needed regarding the TAL due to the various factors involved. Commissioner Scragg explained that NASA took all the fatigue management changes already in place into account and came up with

numbers on how many pilots were needed to handle those changes. He didn't understand why the Board wouldn't start with that number. He wondered if it was because trainees couldn't be licensed fast enough or that Commissioner Kiley just didn't believe the NASA report. Commissioner Kiley responded that his reasoning was that pilots couldn't be licensed fast enough and that the traffic was changing providing an opportunity to proceed more prudently with an eye on the traffic. Commissioner Farrell added that he agreed with Commissioner Kiley's views. He said there was no action needed prior to the end of the year given that the existing slots couldn't be filled until at least then. He also believed that other factors necessary to consider would reveal themselves. He recommended not going to 54, but waiting for a full complement before taking action, speaking against the motion. Commissioner Scragg had one final comment. He said just because a number couldn't be reached didn't mean the number couldn't be identified. He understood the issue with traffic levels and believed that was another reason to set a TAL. Commissioner Kiley mentioned other models that could be used. Commissioner Scragg reminded the group that the number could be set at the higher number and then incrementally filled as trainees were available. Commissioner Kiley responded that his thought was that as factors continued to change, like traffic, setting the number incrementally based on those changes was a good direction to take.

Motion: Scragg/Anthony – increase the authorized pilot licenses in the Puget Sound Pilotage District to 57 – the motion failed with a vote of 2 in favor, 5 opposed and 1 abstention.

Motion: Farrell/Morrell – take no action on the number of pilots and take up the issue when the currently authorized complement is filled – the motion failed with a vote of 4 in favor and 5 opposed.

Motion: Scragg/Anthony – increase the number of authorized pilot licenses in the Puget Sound Pilotage District to 56 – the motion passed with 5 in favor and 4 opposed.

Motion: Kirtley/Anthony – the BPC or through the Fatigue Management Committee continue efforts looking at the definitions of assignment, target assignment level and workload, taking into consideration the remaining recommendations from Dr. Czeisler and Dr. Flynn-Evans – friendly amendment by Commissioner Farrell for the FMC to provide recommendations to the BPC – the motion carried unanimously.

Chair Tonn notified the Board that Puget Sound Pilots had challenged the Board's quorum as it related to conducting FMC meetings. Because of this, the FMC membership would either need to be restricted or the meetings to become public. Mr. Fassburg clarified that instead of a challenge, what they did was raise the possibility that by having 5 Board members present, it could violate the Open Public Meetings Act, which could lead to an invalidation of the committee's decisions. Chair Tonn informed Mr. Fassburg that the Board would be asking for clarification from the Public Disclosure Commission. Mr. Fassburg expressed that he believed that was an appropriate action to take. Mr. Fassburg also added that a notice of a public meeting for the FMC meetings would prevent a potential future challenge. Board AAG Albert Wang stated that he believed there was ambiguity in the Board's statute and that he has found no case law on this point. He agreed that getting some clarity on the definition would be a good idea. He also believed that converting the FMC meetings to public meetings would be the most elegant way to proceed.

Motion: Scragg/Anthony – establish a TAL of 127 based on 56 authorized pilot licenses – the motion failed with a vote of 2 in favor, 6 opposed, and 1 abstention.

Commissioner Kiley expressed that his understanding was that Commissioner Kirtley's motion to have the FMC further address definitions and workload would preclude this motion. Commissioner Scragg responded that his thought was that in the meantime, while that work was being done, a new TAL would at least be established and used to determine numbers of pilots. Commissioner Thompson expressed that she would like to talk further about the TAL and what all it encompassed. Commissioner Kiley would also like to look at the discrepancies between pilots who far exceed the current TAL and those that come in far under the TAL. Commissioner Farrell also mentioned that the Board had just voted unanimously to have the FMC look at the issue and that they should not get ahead of the additional work that needs to be done. Commissioner Morrell expressed similar concern. Commissioner Scragg wondered what mechanism the Board would use to change the number of pilots in the future, if they were not using a TAL.

Minutes. Motion: Farrell/Kiley – approve the June 20, 2019 Meeting Minutes as written with some minor corrections – Carried unanimously.

Commissioner Kiley made a comment that on page 3, out of 320 moves there were no indications of

fatigue related incidents. He gave a reminder of the *MIDNIGHT SUN* investigation concerning pilot fatigue. He did not ask for a correction to the minutes, however.

BPC Staff Report.

- BPC staff have been working with DES on the 20/21 biennial budget. The Board reviewed the draft allotments. Work is also beginning on supplemental budget requests for FY 2020, which are due in October. Staff and DES will prepare supplemental packages for trainee stipends, as currently the agency is only covered for 5 trainees in the Training Program. There are currently 10 in the training program and likely will be going forward. There will also be a standard supplemental package for Shawna Erickson's retirement. There is also a possibility of submitting a supplemental package for additional insurance premiums based on recent conversations with insurance companies. Commissioner Farrell expressed that he would like to see the Board pursue one more position, as he sees the need for additional analytical resources and is concerned about increased workload due to the rulemaking mandated in ESHB 1578. Ms. Bever responded that staff is working on a job description for Ms. Erickson's replacement, and that there is room to focus that position more on the analytical side. Another issue she brought up was limited space for a 4th employee. Chair Tonn pointed out that if the Board wanted to do additional analysis of shipping traffic, some additional funding would need to be added for that as well. Ms. Bever explained the differences between biennial and supplemental budgets. Commissioner Scragg asked where the money for the agency's budget came from. Ms. Bever responded that it came from pilot license fees, vessel exemption fees, and the training surcharge in the Puget Sound tariff. The BPC receives appropriations from the State to cover self-insurance premiums.
- Jaimie Bever will be out of the office on vacation from July 29th through August 6th.

BPC Chair Report.

- Chair Tonn represented Washington State Pilotage at the Women Offshore UNITE Conference in Houston July 12-13. She stated that it was an amazing conference. Nearly 200 working women, mostly working as second or third mates, were in attendance. She described a panel of female pilots from around the world. She suggested that Puget Sound Pilots be involved next year.

Activity Reports. Mike Folkers representing the Port of Grays Harbor (PGH), Captain Ivan Carlson 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.

NEW BUSINESS

Consideration of 2018 Annual Report Draft. A first draft was submitted to the Board for comments. Staff plans to submit a final draft at the August Board meeting for approval and then to the Legislature prior to the September 1st due date. Staff will be meeting with Puget Sound Pilots on a couple items in the report.

Consideration of ESHB 1578 BPC Outreach Plan. The draft plan will be discussed with the Department of Ecology at a meeting on Tuesday the 23rd. It currently only covers the Rosario Strait and connected waterways east deadlines in September 2020. BPC will be hosting a group discussion in the fall with tribes and stakeholders to address any issues and concerns. A page devoted to Tug Escort Rulemaking has been set up on the website. Ms. Bever will send out the draft plan via email so that commissioners can edit and send back. Staff is looking for feedback on the outreach list.

Approval of Pilot License Upgrade Program: Captain Brian Jensen. Captain Jensen is nearing completion of his fifth license year.

Motion: Scragg/Kiley – approve the license upgrade programs for Captain Jensen as drafted by the TEC – Carried unanimously.

Resolution Regarding UTC Advisory Role. When PSP files for a tariff rate hearing with the UTC, a firewall will go up regarding who can discuss the filings with the UTC commissioners versus UTC staff. Chair Tonn suggested she and BPC staff be allowed on the UTC commissioner side and the rest of the

Board on the UTC staff other side of the firewall.

Motion: Scragg/Farrell – the Board authorizes Chair Tonn and Staff to be on the inside of the confidentiality wall that will go up once a filing occurs — Carried unanimously.

Rulemaking: WAC 363-116-301 New Revenue Collection. The proposed WAC change to implement the legislative intent of ESHB 1160 was previously adopted by the Board via an emergency WAC action at the May 16, 2019 Board meeting. A public hearing will be held at the September 19, 2019 Board meeting.

Motion: Kiley/Kirtley – approve BPC staff to file a CR 102 for WAC 363-116-301 New Revenue Collection – Carried unanimously.

Pilot's Report of Marine Safety Occurrence: SEASPAN HAMBURG, 06-19-2019

Underway, Inbound TSS passing Point Wilson	Fire in the engine room. Fire was extinguished and the vessel proceeded to berth without further incident.	<u>Motion:</u> Anthony/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: MAHI MAHI, 07-06-2019

Underway, TSS South of SE Buoy	Fuel leak on the main engine, but safely away from ignition sources. Vessel exited the lanes and stopped the main engine for repairs. No further incidents.	<u>Motion:</u> Kiley/Scragg File as a Marine Safety Occurrence – Carried.
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Consideration of Request for Vessel Exemption:

Motor Yacht *Beagle Star V* – 114', 131 gt, Cayman Island registry, Captain Nicholas Baldwin.

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

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

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

Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met on July 17, 2019 and reviewed training progress for all current trainees: Kridler, Ninburg, Miller, Melin, Bozina, Siddell, Velarde, Hannuksela, McGourty, and Knutsen. There was nothing significant to report and no interventions. Four trainees attended to discuss their programs. They had helpful feedback and ideas for improvement.
- It was noted that Captain Michael declined an invitation to the Grays Harbor Pilotage District Training Program.
- The TEC recommended the Board send invitations for the Puget Sound Pilotage District Training Program to Captain Michael and Captain Gartner, as well as an invitation to Captain Gartner for the Grays Harbor Training Program.
Motion: Scragg/Morrell – invite Captain Michael to the Puget Sound Pilotage District Training Program and invite Captain Gartner to both the Grays Harbor Pilotage District and the Puget Sound Pilotage District Training Program, both to start October 1, 2019 – Carried unanimously.
- The TEC requested Board approval to send Captains Pat Ninburg and David Melin through PPU training, as they intend to complete their training programs and be considered for licensure in August or September.
Motion: Scragg/Kiley – Approve the PPU training for Captains Ninburg and Melin and provide additional one-time stipend for the training – Carried unanimously.
- Board packets included the language for the Grays Harbor invitation that was approved in concept at the previous meeting, for Board information.
- Laird Hail, USCG, commented that he has received good feedback from his staff regarding the trainees touring the VTS as a part of their training program.

BPC/PSP Joint Diversity Committee (JDC):

- Committee co-chairs Sheri Tonn and Linda Styrk have met to look at the direction of the Committee for 2019, and will be sharing more details soon.

Fatigue Management Committee (FMC):

- The next meeting of the FMC will be Tuesday, August 20, 2019, 0900 - 1100. A public notice will be distributed.

Commission Investigative Committee (CIC):

- Nothing new at this time. Staff still working on getting a committee meeting set up.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Kiley/Kirtley – approve the physicians’ reports for Captains J.C. Scragg, I.J. Carlson, B.F. Henshaw, P.S. Kelly, S.T. Coleman, D.A. Brouillard, W.J. Sliker and M.L. Anthony for annual pilot license renewal – Carried.

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

- August 15 –Grays Harbor - @ the Port of Grays Harbor, Aberdeen, WA
- Sept 19 – Agate Conference Room, Public Hearing for WAC 363-116-301 New Revenue Collection

Chair Tonn inquired if there were any public comments. Hearing none and there being no further public business to come before the Board, Chair Tonn adjourned the Board meeting at 2:50pm.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Edmund I. Kiley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Philip Morrell

Commissioner Rik Krombeen

Commissioner John Scragg

Commissioner Michael Anthony

Commissioner Eleanor Kirtley

Commissioner Sara Thompson