

Exh. JR-22r
Docket TP-190976
Witness: Jordan Royer

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 January 2014 Meeting Minutes

May 27, 2020

Revised July 8, 2020

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

January 21, 2014

Present:

Chairman: Harry Dudley

Commissioners: Norm Davis, Elsie Hulsizer, Chuck Adams, Ned Kiley, Don Mayer, Ed Marmol and Phil Morrell

Administration: Shawna Erickson, Peggy Larson

Jonathan Ward, David Grobschmit, Bill Lowery, Verne Justice and Walt Tabler: Puget Sound Pilots

Mike Moore: Pacific Merchant Shipping Association

Clare Gallagher: Port of Seattle

Jessica Flennoy, Paul Tramm: USCG Sector Puget Sound

Eric Lichty: PS Pilot Trainee

Al Furst: PS Pilot Applicant

Rebecca Ponzio: Washington Environmental Council

Loren Lee: Public

REGULAR MEETING

The regular meeting of the Board of Pilotage Commissioners was convened at 9:40 a.m. by Chairman Harry Dudley in the Rainier Conference Room, 2901 Third Avenue, Seattle, Washington. Recognition was given to retiring Board member Norm Davis. Chairman Dudley read and presented a letter to him regarding his outstanding, dedicated service as a Board member for nearly nine years while representing the State Department of Ecology.

Minutes. The December 13, 2013 Minutes stand approved as written.

NEW BUSINESS**Request for Vessel Exemption:**

Motor Yacht ZENITH – 135', 461 gt, Cayman Islands registry, Captain Aaron Steenbhom.

Motion: Davis/Morrell – concur with Chair's granting of a renewal of exemption – Carried.

Discussion of House Bill 2347 "Enhancing the Safety of the Transportation of Oil". A brief overview of the bill's intent was presented by Rebecca Ponzio of the Washington Environmental Council. As drafted and if enacted, one direct consequence this legislation would have on our Board is to transfer rulemaking authority from our Board to the Department of Ecology with regard to oil tankers and tug escorts. The first hearing is tomorrow before the House Committee on Environment.

Pilot's Report of Marine Safety Occurrence: SPINNAKER SW, 11-25-13

Olympia Harbor Turning Basin	Non-responsive engine.	Near Miss	<u>Motion:</u> Mayer/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: SANTA ROBERTA, 12-4-13

Blair Waterway, Tacoma	Non-responsive engine.	Navigational Safety Concern	<u>Motion:</u> Mayer/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: KIND SEAS, 12-8-13

Temco Grain Terminal, Tacoma	Non-responsive engine.	Navigational Safety Concern	<u>Motion:</u> Mayer/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: FLIPPER, 12-14-13

Seattle Harbor	Non-responsive engine.	Navigational Safety Concern	<u>Motion:</u> Mayer/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *THESSALONIKI*, 12-17-13

Smith Cove East Anchorage, Seattle	Ship's anchor fouled in previously lost anchor on the bottom of this same anchorage area.	Navigational Safety Concern	<u>Motion</u> : Mayer/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: *SEA NEPTUNE*, 1-5-14

Elliott Bay Entrance, Seattle	Intermittent power delivery of the ship's engine.	Navigational Safety Concern	<u>Motion</u> : Mayer/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Incident: PS Pilot Emerson – *CMA CGM DALILA*, 12-1-13

Near Ediz Hook Light, Port Angeles	While transferring from the ship's ladder to the pilot boat the pilot lost his footing after landing on the deck, but held his grip on the handrail. A broken ladder rung caused him to jump rather than descend normally.	<u>Motion</u> : Adams/Marmol File as an Incident without damage, without injury and without pilot error, – Carried.
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Pilot's Report of Incident: GH Pilot D'Angelo, Trainee Surface – *CSAV RIO ILLAPEL*, 12-5-13

Terminal 2, Aberdeen	Commissioner Captain Don Mayer requested more time to complete his investigation.	Deferred until next regular Board meeting.
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Assessment of Need for Trainees in the Puget Sound Pilotage District. Commissioner Mayer presented a "Trainee Start Guide" showing projected dates for starting trainees into a training program. These projected dates were based on a December Retirement Survey conducted by PSP. Motion: Mayer/Davis – invite Captain Neil Kelleher to begin training as soon as possible – Carried. Motion: Mayer/Marmol – invite Captain Dave Henderson to begin training with Captain Kelleher even though his anticipated start date is not until June, 2014 – Carried with a vote of 4 in favor and 3 opposed.

Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as provided in WAC 363-116-065. Comments were made by PSP and PMSA noting historical and projected vessel traffic and pilot workload. Discussion ensued with regard to comparing types and duration of assignments – shifts and cancellations vs. a Zone VI job. Motion: Mayer/Marmol – continue this matter on the February agenda for "discussion and possible resolution" – Carried.

Committee Reports.

Trainee Evaluation Committee:

- The TEC met on January 17.
- Training Program progress was reviewed for the following 8 trainees: Captains White, Surface, Coleman, Galvin, Lichty, Jensen, Lowe and Carstensen.
- Commissioner Mayer proposed that the Board consider amending WAC 363-116-082 to reduce a new pilot's license limitations, using a formulaic approach, if he or she were a retired pilot returning to his or her previous pilotage district. Draft language was reviewed and ideas were exchanged. Motion: Mayer/Adams – draft and file a CR-101 to begin the rulemaking process – Carried.

With regard to pilot trainee Captain Eric Lichty, the TEC recommended that his Training Program Agreement be amended to include a new, Section 4 called "PPU Training". This was not entirely a unanimous recommendation by the TEC. Motion: Marmol/Davis – amend Captain Lichty's Training Program Agreement to include a new "*Section 4 – PPU Training*" after the Board has determined that he has successfully completed the three shipboard sections of his Training Program – Carried with a vote of 5 in favor and Commissioners Morrell and Kiley opposed. Another lengthy discussion followed regarding the details of implementation and funding. Motion: Hulsizer/Davis – add a new section to Captain Lichty's Training Program Agreement regarding PPU training requirements as drafted by the TEC, including further modifications by the Board – Carried. Motion: Marmol/Mayer – increase Captain Lichty's training stipend by \$2,400 effective today – Carried with a vote of 4 in favor and Commissioners Adams, Kiley and Morrell opposed. Motion: Hulsizer/Adams – end the \$2,400 stipend increase on January 31st – Carried.

On behalf of the Trainee Evaluation Committee (TEC) Commissioner Mayer reported that after a thorough review of Captain Lichty’s complete *Training Program* the TEC unanimously reports that he has successfully completed the first three shipboard sections of his Training Program, as detailed in its letter to the Board dated January 21, 2014, and recommends that he proceed to Section 4 - PPU Training - Carried. Motion: Mayer/Davis – upon the TEC’s recommendation, authorize Captain Eric Lichty to begin the specified PPU Training in accordance with his amended Training Program Agreement – Carried.

Legislative/WAC Committee: Work is progressing.

Tariff Policy Committee: After today’s Board meeting the TPC will meet to plan a roundtable discussion concerning tariff reform. PSP, PMSA and the Ports will be included in the process.

Activity Reports. Gary Nelson, representing Port of Grays Harbor, Captain Jonathan Ward, representing Puget Sound Pilots, and Captain Mike Moore, representing Pacific Merchant Shipping Association, offered current and projected statistical data as well as updates on current maritime events.

Correspondence Review. A request has been received for a fiscal note on House Bill 2347.

Legal Update. The Captain Nelson remanded Administrative Hearing will be held March 10-14 before ALJ Roberts in Seattle. The Captain Sweeney Tort Trial will begin on July 14.

BPC Staff Report. Commissioner Ned Kiley has been reappointed to the Board for a second term. Upon Commissioner Davis’ departure from the Board, we are left without a Vice Chairman. Motion: Kiley/Hulsizer – designate Commissioner Chuck Adams as the Vice Chairman – Carried.

Confirmation of Next Regular Meeting Dates. At the request of PSP the February meeting date was moved. Motion: Mayer/Morrell – move the next meeting date from February 18 to February 25 – Carried. Being that it is so close to the following meeting date, it is likely the March meeting will be canceled. Notice will be provided. At Staff’s request, a deadline of one week prior to a Board meeting, was set as a cutoff for receiving submittals of meeting materials for distribution to Board members.

Review of Pilot/Trainee Physical Examination Reports. Motion: Kiley/Mayer - accept the physicians’ reports for Captains D.G. Mackenzie, G.R. Wildes, W.M. Carley, W.W. Lowery, J.T. Kearns, M.J. Shuler, V.K. Justice and E.C. Klapperich for annual pilot license renewal – Carried. Motion: Mayer/Adams – affirm Chairman Dudley’s action on 1-13-14 to reinstate Captain G.D. Hurt’s license following his review of a satisfactory physician’s report – Carried.

There being no further business to come before the Board, Chairman Dudley adjourned the regular session Board meeting at 2:45 p.m.

Respectfully submitted,

Peggy Larson, Executive Director

Harry H. Dudley, Chairman

Norman W. Davis, Vice Chairman

Commissioner Elsie J. Hulsizer

Commissioner Charles F. Adams

Commissioner Edmund I. Kiley

Commissioner Donald W. Mayer

Commissioner Edmund Marmol

Commissioner Philip Morrell

Absent
Commissioner J. Grant Stewart