

Exh. MM-47
Docket TP-190976
Witness: Capt. Michael Moore

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
Captain Michael Moore
ON BEHALF OF
PACIFIC MERCHANT SHIPPING ASSOCIATION**

BPC Meeting Minutes September 21, 2017

July 13, 2020

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

September 21, 2017

Present:

Chair: Sheri Tonn Vice Chair: Ned Kiley

Commissioners: Phil Morrell (by phone), Don Mayer, Ed Marmol, Sara Thompson,
and Chuck Adams

Administration: Jaimie Bever, Shawna Erickson, Jolene Hamel

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

Gary Nelson, Mary Nelson: Port of Grays Harbor

Lou Paulsen: The Northwest Seaport Alliance

Mike Moore: Pacific Merchant Shipping Association

Stephen Cheney: United States Coast Guard

Mark Gleason: Gleason & Associates

Spencer Cohen: CAI

Carl Obermeier: BP Shipping (USA)

John Creighton: Port of Seattle

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 in the Agate Conference Room, 2901 Third Avenue, Seattle, Washington.

WAC 363-116-301: NEW REVENUE COLLECTION. The purpose of this new section WAC 363-116-301 New Revenue Collection is to define Engrossed Senate Bill 5096 conditions and directives. This language was adopted under emergency provisions on May 18, 2017. Engrossed Senate Bill 5096 stipulates certain conditions in order for the Board to receive a transfer of funds from the State Multimodal Transportation Account solely for self-insurance liability premium expenditures. The three stipulated conditions are 1) Puget Sound Pilots shall pay to the Board, from its tariffs, one hundred fifty thousand dollars annually on July 1, 2017, and July 1, 2018; 2) The Board shall maintain the Puget Sound Pilotage District Tariff at the rate which became effective on January 1, 2017; and 3) A self-insurance premium surcharge of sixteen dollars shall be added to each Puget Sound pilotage assignment on all vessels requiring pilotage in the Puget Sound Pilotage District. Oral testimony was provided by Mike Moore. The public hearing was closed by Chair Sheri Tonn 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.

Consideration of Preceding Hearing: WAC 363-116-301. All written and oral testimony was reviewed and considered by the Board.

- Motion: Thompson/Kiley – Adopt the new WAC language as proposed – Carried with opposition from Commissioners Marmol and Mayer.

Minutes. Motion: Marmol/Adams – approve the August 17, 2017 Minutes as written – Carried.

BPC Staff Report.

- Jolene Hamel was introduced and welcomed as the new Administrative Coordinator of the Board of Pilotage Commissioners.
- Sheri Tonn and Jaimie Bever met with Peter Schrappen, NW Marine Trade Association, Monique Webber, Pacific Yacht Management, and Scott Morris, Master M/Y Excellence to discuss the pilotage exemption process for yachts. The Board will be looking at implementing a new, more informative exemption petition. Board staff is reviewing the petition forms of other pilotage districts. The Board is also looking into potential on-line courses for Masters who are coming to the area for the first time as a possible alternative to taking a pilot.
- The Board received a public records request related to use of Smith Cove West and Yukon Harbor anchorages in Seattle. Available information was provided.

- A recent article in a maritime publication mentioned the USCG possibly dropping radar recertification renewal for licensed mariners in the future. Board Staff will monitor this development.
- Train-the-Trainer sessions will be offered September 28th and October 12th.
- Shawna Erickson gave a brief overview of statistical data for 2017, including new visual aid charts.
- The Board's 2016 Annual Report was submitted to the Legislature.

BPC Chair Report.

- Chair Tonn thanked Staff and the Board for their efforts on the Annual Report, and the Port of Grays Harbor for hosting the August 17, 2017 meeting.
- Staff requested information from the Commissioners regarding their thought process and criteria considered when making decisions regarding tariffs.
- The Board continues to search for liability insurance to cover not only the Board but the pilots while volunteering on behalf of the Board in the Training Program.
- The BPC website is being updated to include information regarding the upcoming exam. A full page has been dedicated to the pilotage exemption process as well.

Activity Reports. Lou Paulsen representing The Northwest Seaport Alliance; Eric vonBrandenfels and Linda Styrk representing Puget Sound Pilots; Gary Nelson representing the Port of Grays Harbor; and Mike Moore representing Pacific Merchant Shipping Association; offered current and projected statistical data as well as updates on current maritime activities. Stephen Cheney representing United States Coast Guard gave a brief summary of recent Marine Safety Bulletin released by the USCG regarding Notice of Arrival (NOA) Reporting and AIS Status.

Linda Styrk informed the Board that Puget Sound Pilots will be looking at replacing their existing Personal Piloting Units (PPU's), which are reaching the end of their useful life expectancy. The Board will look at providing the PPU's to the trainees directly as a part of the expense of the Training Program.

NEW BUSINESS

Approval of Pilot License Upgrade Program. Captain Bill Lowery is nearing completion of his fifth license year.

Motion: Mayer/Kiley - approve the license upgrade program for Captain Bill Lowery as drafted by the TEC – Carried.

Consideration of Statement of Policy Regarding the Definition and Responsibilities of a Supervising Pilot Under WAC 363-116-078. The Board reviewed draft language for a statement of policy that would define Supervising Pilots as volunteers of the Board. The purpose of this policy statement is to define the relationship of the Supervising Pilot to the Board. It will help mitigate the liability for the pilots while serving as volunteers of the Board, as well as protect the Board. In addition, this policy will provide clarity to insurance companies to help secure a policy.

Motion: Kiley/Adams – adopt the Statement of Policy as drafted – Carried.

Fatigue Management Update - Discussion Concerning Setting the Number of Pilots in the Puget Sound Pilotage District as Provided in WAC 363-116-065. Sheri Tonn and Jaimie Bever have been in contact with fatigue management and sleep expert Dr. Charles Czeisler, Harvard University, regarding the scope items for a review of the current fatigue management system in place in the Puget Sound Pilotage District. A draft of the scope of the review will be provided to Board at the October 19, 2017 meeting.

Joint Transportation Committee (JTC) Study Update. The Board reviewed a handout of the presentation given by the consultants to the JTC on September 14, 2017. Dr. Spencer Cohen of Community Attributes Inc. was present and provided a brief summary of the status of the study. The final report is due at the end of December with a presentation to the JTC scheduled for early January.

2017 Annual Tariff Hearing Preparation – Grays Harbor Pilotage District. In accordance with the timetable established for tariff document submission, the Grays Harbor 5-year Capital Spending Plan, unaudited 2016 Financial Statement (audited will be forthcoming), best available financial data through 7/31/17, and 2018 projections were reviewed. Q&A commenced regarding these submittals. The formal

2017 Tariff Proposal dated September 19, 2017 was also submitted. The filed CR-102 set a public hearing for October 19, 2017 at 10:00 a.m.

2017 Annual Tariff Hearing Preparation – Puget Sound Pilotage District. The Puget Sound Pilotage District Tariff is to remain as is until June 30, 2019, per legislative intent in the passage of Engrossed Senate Bill 5096. However, the effective dates of the tariff will need to be rolled over for the 2018 calendar year.

- Motion: Mayer/Kiley – file a CR-102 to set the 2018 date parameters of the Puget Sound Pilotage Tariff – Carried with opposition from Commissioner Marmol.

Consideration of Request for Vessel Exemption: Chair Tonn expressed concern over the number of interim exemption requests, specifically for vessels on the verge of arriving or that have already arrived without an exemption in place. The Board is discussing potential penalties for late notice arrivals.

Motor Yacht CKCLASS NAUTIQUE – 150', 386gt, Belize registry, Captain Egnazio DeLuca

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

Motor Yacht BOARDWALK – 164', 492gt, Cayman Islands registry, Captain Tristan Judson

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

Motor Yacht EVVIVA – 164', 492gt, Cayman Islands registry, Captain Kenneth Bracewell

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

Motor Yacht ELISA – 150', 456gt, Marshall Islands registry, Captain Jeff Hill

Motion: Mayer/Kiley – grant of an annual exemption renewal with the understanding that Staff will obtain a copy of the renewed master's license during the exemption period – Carried.

Motor Yacht MEA CULPA – 138', 302gt, Cayman Islands registry, Captain Christopher Grant

Motion: Mayer/Kiley – grant an annual exemption renewal – Carried.

Motor Yacht QUIVIRA – 116', 246gt, Marshall Islands registry, Captain Chris Twyman

Motion: Kiley/Adams - concur with Vice Chair's granting of an interim 3-month exemption – Carried.

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

Motion: Adams/Mayer – grant an annual exemption – Carried.

Pilot's Report of Marine Safety Occurrence: SIANGTAN, 8-16-17

Port Angeles, Pilot Station	A jacket cooling water pressure gauge sprung a leak and the engine needed to be shut down in order to replace it. The vessel transited to open water, away from the pilot boat boarding area. The repair was successful and the pilot disembarked the vessel.	<u>Motion:</u> Marmol/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: SANTA VISTA, 8-19-17

Aberdeen, Terminal 4B	The starting air system for the main engine was compromised. A third tug was called and the vessel was docked without further issue.	<u>Motion:</u> Marmol/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: HYUNDAI INTEGRAL, 8-31-17

Point Robinson, Buoy "TB"	The #2 cylinder start air valve needed to be replaced, as it was currently leaking. The vessel was anchored and the repair was made. The remainder of the transit was uneventful.	<u>Motion:</u> Marmol/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: EVER ULTRA, 9-7-17

Tacoma, Pierce County Terminal Berth B	While berthing the vessel, the tug became disabled due to two headlines getting caught in the tug's Voith units. One line was freed and the other cut. The mooring was safely completed by the remaining tugs without further issues.	<u>Motion:</u> Marmol/Kiley File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Incident: ALASKAN FRONTIER, 7-6-17

Ferndale, Cherry Point South Dock Approach	While the vessel was docking, the port rudder made contact with the anchor lines of a buoy on an oil spill containment boom resulting in the parting of the line.	<u>Motion:</u> Marmol/Kiley Incident will be kept open pending the final report – Carried.
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Committee Reports.

Trainee Evaluation Committee (TEC):

- The TEC met on September 19, 2017.
- Training Program progress was reviewed for all current trainees: Captains Hunter, Myers, Vestal, Kridler and Bendixen.
- Captains Vestal and Bendixen met with the TEC to review their training program status.
- Projected pilot retirements were reviewed – The TEC recommends that the next successful candidate from the 2016 exam be called in to the Training Program for a January 1, 2018 start.
 - Motion: Kiley/Thompson – invite Captain Travis McGrath to begin training as of January 1, 2018 – Carried.
- The TEC recommends that the Board post an announcement for the next exam.
 - Motion: Mayer/Marmol – Announce plans on the BPC website for a late 2018/early 2019 marine pilot exam – Carried.
- A Lessons Learned document and educational tug ride Trip Report were due to the Board for review at this meeting regarding an incident involving *M/V PORT PEGASUS*. The TEC did not receive anything from the pilot. The Board discussed the importance of the document and expressed the desire to work with the pilot.
 - Motion: Kiley/Thompson – the Board will send another letter to the pilot, with a 15-day deadline requesting status, offering extension options if needed, and letting the pilot know that failure to communicate with the Board could result in potential reprimands – Carried.

Legislative/WAC Committee:

- The committee will start focusing on the WAC sections related to the examination process in preparation for the upcoming marine pilot exam.

BPC/PSP Joint Diversity Committee (JDC):

- The JDC will meet again on October 2, 2017.
- The Board's 2017/2019 budget allotments, which included diversity initiatives, were approved by the Office of Financial Management (OFM).
- Jaimie Bever will attend the Women on the Water conference, sponsored by MARAD and hosted by the Great Lakes Maritime Academy in Traverse City, MI October 26th - 28th. JDC member, and retired Columbia River Bar pilot Deb Dempsey will be attending as well.
- Mark Gleason, Gleason & Associates, recommended the Pacific Marine Expo as a potential event to promote pilotage.

Review of Pilot/Trainee Physical Examination Reports.

Motion: Kiley/Marmol – accept the physicians' reports for Captains B.E. Lowe, J.L. Carstensen, J.R. Semler, and D.B. Soriano for annual pilot license renewal and Captains P.V. Hunter, R.A. Myers, and L.S. Vestal for trainee license renewal – Carried

Confirmation of Next Regular Meeting Dates.

 The next regular meeting dates are set for:

- October 19 – Grays Harbor Pilotage District Tariff Hearing
- November 9 – Puget Sound Pilotage District Tariff Hearing (effective dates only)
- December 14

Chair Tonn will be unavailable to attend the October 19th meeting. Vice Chair Kiley will chair the meeting.

There being no further business to come before the Board, Chair Tonn adjourned the regular session Board meeting at 1:25 p.m.

Respectfully submitted,

Jaimie C. Bever, Executive Director (Interim)

Sheri J. Tonn, Chair

Edmund I. Kiley, Vice Chair

Commissioner Charles F. Adams

Commissioner Philip Morrell

Absent
Commissioner J. Grant Stewart

Commissioner Donald W. Mayer

Commissioner Edmund Marmol

Absent
Commissioner Eleanor Kirtley

Commissioner Sara Thompson