

MEETING MINUTES

STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS

September 13, 2012

Present:

Chairman: Harry Dudley

Commissioners: Elsie Hulsizer, Chuck Adams, Ned Kiley, Pat Hannigan, Don Mayer, Grant Stewart

Administration: Shawna Erickson, Peggy Larson

Andy Coe, Ed Marmol, Mike Mendenhall, Ivan Carlson, Bill Sliker, Scott Anacker,
Pat Kelly and Walt Tabler: Puget Sound Pilots

Mike Moore, Jordan Royer, Vince Addington: Pacific Merchant Shipping Association

Mary Nelson: Port of Grays Harbor

Blair Smith: Ports America

Chip Boothe: Department of Ecology

Chris Reilly: attorney for Captain Scott Anacker

Peter Schrappen: Northwest Marine Trade Association

Fred Robinson: Carney, Badley, Spellman

Cy Butler, Scott Coleman: Public

PUBLIC HEARING

A public hearing of the Board of Pilotage Commissioners was convened at 9:35 a.m. by Chairman Harry Dudley in the Alki Conference Room at 2901 Third Avenue, Seattle, Washington.

WAC 363-116-360: Exempt Vessels. The proposed change to this rule regarding the tonnage limitation on foreign flagged yachts applying for a pilotage exemption is necessary due to the passage of Senate Bill 6171 which amended RCW 88.16.070 and became effective on June 7, 2012. The new rule will reflect the increase to the tonnage limitation from 500 to 750 gross tons (international). Proposed amendments to the application procedure, the fee structure and the petition form were considered. Also, a definition of "annual renewal" was discussed and a newly proposed revision was considered. Oral testimony was provided by Fred Robinson, Peter Schrappen and Captain Cy Butler. The public hearing was closed by Chairman Dudley at 9:55 a.m.

REGULAR MEETING

The regular meeting of the Board was convened at 9:55 a.m. by Chairman Harry Dudley.

Consideration of Preceding Hearing: WAC 363-116-360. All written and oral testimony was reviewed and considered by the Board. Motion: Hulsizer/Adams – adopt the new rule as proposed, including the newest revision in subsection (6) regarding the annual renewal – Carried. Motion: Hannigan/Adams – modify the petition form as necessary – Carried.

Minutes. The August 9, 2012 Minutes stand approved as written.

OLD BUSINESS

Pilot's Report of Incident: PS Pilot Scott Anacker – PORTLAND BAY, 7-26-12

Duwamish River, Seattle	Vessel made contact with GC barge #104 while transiting stern first up the waterway.	No injuries. Damage to vessel's stern plate. Barge lines parted.	Board investigator Captain Don Mayer presented a video display of the events of this incident. His findings were submitted in a written report to the Board.	<u>Motion:</u> Adams/Hannigan File as an Incident with damage and pilot error – Carried. <u>Motion:</u> Adams/Stewart Issue additional training to be developed by the TEC and approved by the Board, do not dispatch him on any stern-first Duwamish WW jobs until finished with his specified course of training – Carried.
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NEW BUSINESS

Approval of Pilot License Upgrade Programs: Captain Jim Kearns is nearing completion of his first license year and Captains Eric Klapperich and Gordon Wildes their fifth. Motion: Hannigan/Mayer - approve the license upgrade programs for these three captains as drafted - Carried.

Consideration of Request for Vessel Exemption:

Sailing Yacht TAMSEN – 172’, 463 gt, Cayman Islands registry, Captain John Zamir.

Motion: Hulsizer/Kiley – concur with Chair’s granting of a one-year exemption renewal – Carried.

Motor Yacht EL MIRAR II – 98’, 204 gt, British Virgin Islands registry, Captain John Wangelin.

Motion: Hulsizer/Kiley – concur with Chair’s granting of a three-month exemption – Carried.

Sailing Yacht DRUMBEAT – 159’, 361 gt, Cayman Islands registry, Captain Michel Personnic.

Motion: Hulsizer/Kiley – concur with Chair’s granting of a three-month exemption – Carried.

2012 Annual Tariff Hearings Preparation. Motion: Hannigan/Hulsizer – modify the previously approved PSPD tariff document submission timetable for purposes of rescheduling the Q&A on the PSP Financials and moving other submittals to later dates - Carried.

GHPD - In accordance with the timetable established for tariff document submission, a 2013 written tariff proposal from the Port of Grays Harbor has been submitted to the Board in addition to supplemental financial data through July 31, 2012. A CR-102 has been filed setting a public hearing for October 24, 2012 at 10:30 a.m.

PSPD – In accordance with the timetable established for tariff document submission, the Puget Sound Pilots’ 5-Year Capital Spending Plan was submitted and distributed on 9-6-12. Submitted today was supplemental unaudited 2012 revenue data through August 31 and expense data through July 31. Also submitted today was a letter dated 9-13-12 detailing PSP’s request for rule amendments to the current Puget Sound Pilotage District tariff. A letter dated 9-13-12 from the Pacific Merchant Shipping Association was also presented regarding their 2013 tariff proposal.

PSP’s written proposal calls for an across-the-board increase of 15% excluding the Transportation and Training Surcharge categories to which no change is applied; and the creation of a new tariff category, a Variable Expense Component, designed to raise up to \$5,235,000 of revenue to be levied by one or more charges of up to the following amounts:

- surcharge of 1.7% of the total other charges in the tariff; (1.7% corrected to 17% on 9-25-12)
- per assignment charge of \$865;
- draft charge of \$26.33 per foot;
- tonnage charge of \$.0172 per gross ton;
- LOA charge of \$1.09 per foot;
- beam charge of \$7.55 per foot;
- waterway charge of \$725.56. (to cover training and technology costs only)

PSP also requests a 5.5% increase to the British Columbia Direct Transit Charge. PSP is seeking across-the-board adjustments to the tariff and to any or all of the VEC charges enumerated above. In total, PSP is not seeking increases in excess of the overall 15% range.

PMSA countered the PSP proposal asking the Board to preserve the option to reduce the tariff up to 10%, including the British Columbia Direct Transit Charge and excluding the Transportation and Training Surcharge categories. They do not support the creation of a Variable Expense Component category.

Motion: Hannigan/Stewart - file a CR-102 reflecting adjustments to the current PSPD tariff as specified in both PSP’s and PMSA’s written requests for rule amendments dated 9-13-12, to be held at a public hearing set for 9:30 a.m. on November 15, 2012 - Carried. Again this year, the Board’s position is that by accepting PSP’s 9-13-12 letter containing their tariff proposal, the Board is not endorsing the acceptance of the new VEC category and the charges contained within.

Pilot’s Report of Marine Safety Occurrence: HORIZON ANCHORAGE, 8-4-12

North of TSS Buoy T	Equipment Malfunction.	Navigational Safety Concern	<u>Motion:</u> Kiley/Adams File as a Marine Safety Occurrence – Carried.
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Pilot’s Report of Marine Safety Occurrence Incident: PS Pilot Steve Moreno - MANOA, 8-25-12

East Waterway, Seattle	Forward spring line was sucked into the bow thruster during docking. The line had been cut and had fouled in the thruster.	<u>Motion:</u> Adams/Kiley File as an Incident with damage and no pilot error – Carried.
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Pilot's Report of Marine Safety Occurrence: COSCO YOKAHAMA, 8-29-12

Abeam Protection Island	Oil leak on the main engine.	Navigational Safety Concern	<u>Motion</u> : Kiley/Adams File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: DIAMOND OCEAN, 8-31-12

Approaching Tacoma Narrows Bridge, northbound	Gyro compass failure.	Navigational Safety Concern	<u>Motion</u> : Kiley/Adams File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Marine Safety Occurrence: DIAMOND OCEAN, 8-31-12

Elliott Bay, Seattle	Gyro compass failure.	Navigational Safety Concern	<u>Motion</u> : Kiley/Adams File as a Marine Safety Occurrence – Carried.
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Pilot's Report of Incident: PS Pilot Dan Shaffer – EVER URANUS, 8-11-12

Graymont Blair Waterway, Tacoma	Mooring line parted on a loaded limerock barge, at Graymont as the piloted vessel passed by.	<u>Motion</u> : Adams/Hulsizer File as an Incident with damage and no pilot error – Carried.
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Committee Reports.

Trainee Evaluation Committee:

- The TEC met on September 12
- The TEC met with all current trainees as a group and individually
- Captain Wildes presented a “focus sheet” to the TEC following his post-incident training course which will become a Board Safety Bulletin
- The Train-the-Trainer subcommittee of the TEC will meet on 9-18

Legislative/WAC Committee: No activity presently.

Tariff Policy Committee: Work is progressing.

Pilot Exam Committee:

- Motion: Hannigan/Kiley – approve the list of 20 applicants to sit for the 2012 Written Examination as reviewed and recommended by three members of the Exam Committee – Carried.

Activity Reports. Mary Nelson, representing Port of Grays Harbor, Captain Andy Coe, representing Puget Sound Pilots, and Captain Mike Moore, representing Pacific Merchant Shipping Association, presented current and projected statistical data as well as updates on current maritime events. Puget Sound Pilot, Captain Ed Marmol gave a follow-up presentation on Portable Pilot Units. Captain Coe announced that Puget Sound Pilots has amended its Operating Rule regarding the Comp Day System. Comp days earned on or after 9-1-12 by a pilot who then has an accrued balance of 60 or more comp days shall be referred to as a Timed Comp Day. Timed Comp Days must be used within one year of being earned. This amendment shall not affect or limit the use of comp days existing on 8-31-12 or comp days earned in the future by pilots then having fewer than 60 accrued comp days outstanding.

Legal Update. The Nelson and Sweeney cases are ongoing.

BPC Staff Report. Monthly piloting activity reports for August were distributed. Three commissioners' terms are expiring in December.

Commissioner Comments. Commissioner Hulsizer thanked Captain Coe for PSP's effort to address the pilot comp day issues.

Confirmation of Next Regular Meeting Dates. Future meeting dates are: October 24, November 15 and December 13. On October 24th the schedule is: 9:00 – Closed Session, 9:30 - Open Session regular Board meeting, 10:30 – Public Hearing on the Grays Harbor Pilotage District tariff, followed by the remainder of the regular Board meeting. The Board will hold a special meeting later this month in order to consider additional exam applications for approval. The date is uncertain at this time.

Review of Pilot/Trainee Physical Examination Reports. Motion: Hulsizer/Kiley - accept the physicians' reports for Captains E. Marmol, J.K. Ward, P.A. Giese and J.A. Shaffer for annual pilot license renewal - Carried. Captain R.F. McCurdy remains on medical leave.

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

Absent

Norman W. Davis, Acting Vice Chairman

Commissioner Elsie J. Hulsizer

Commissioner Charles F. Adams

Commissioner Edmund I. Kiley

Commissioner Patrick M. Hannigan

Commissioner Donald W. Mayer

Absent

Commissioner Philip Morrell

Commissioner J. Grant Stewart