

## **OREGON BOARD OF MARITIME PILOTS MINUTES #560**

The Oregon Board of Maritime Pilots met in regular session on March 23, 2023, at 10:30 a.m. by video/teleconference.

The Board representatives present included Chair Dan Retzlaff, Vice Chair Leslie Goss, Ken Anderson, Capt. Chris Farrell, Capt. Elroy Olson, Capt. George Wales, Assistant Attorney General Katharine DiSalle, Executive Director Tom Griffiths and Susan Johnson, Administrator. Yuki Danese and Fred Myer were unable to attend.

**APPROVAL OF MINUTES #559** - A **MOTION** by Capt. Farrell to approve the minutes of the January 19 meeting as submitted, was seconded Capt. Olson and **CARRIED** unanimously by roll-call vote.

### **PILOTS' REPORTS:**

**Capt. Jeremy Nielsen (Columbia River Pilots)** stated that he was currently in WA DC advocating for dredging dollars for the Army Corps. He announced that their senior vessel movement coordinator (dispatcher) Dan Butler, will be retiring on June 15 after 36 years of service. The LOADMAX water level discrepancies they reported at the last meeting have been resolved with the help of the Port of Portland and NW Rivers Forecast Center. New wind energy projects have resulted in an increase in vessels carrying wind energy components. Some of these components are loaded so high they obstruct views from the navigation bridge, creating significant safety issues. Regulations that exist regarding navigation and bridge visibility are being disregarded. Their concern led to the drafting a letter to the Coast Guard Pacific Area Commander, that was subsequently signed onto by the Puget Sound Pilots and the San Francisco Bar Pilots, asking them to enforce the existing regulations. He considered it appropriate for the Board to also send a letter making the same request. A new issue regards the use fuel rack stoppers (devices that physically restrict fuel supply to the engine) in an attempt to comply with new fuel emission standards that came out at the beginning of the year. Their use can cause engine failures and reduce maneuvering power. There is increased interest by the government to berth federal vessels (in a state of readiness) in the river on long-term contracts. The MSC Katie will be calling on T-6 on April 4. The container vessel is 1200 feet long and will be the longest vessel ever to enter the Columbia River. On April 12-14 they will be hosting the annual West Coast Pilot Conference in Vancouver.

**Capt. Dan Jordan (Columbia River Bar Pilots)** advised of two bar closures since the last meeting for a total of eight this winter. There was a near miss when the *Blue Akihabara* lost engines near Hammond on March 5. The vessel was anchored near the channel edge and then shifted to a safer location in Youngs Bay with two tugs. It was cleared to sail the next afternoon. They had safety meetings regarding transits of large container ships (including the 12,000 TEU ship arriving April 3); navigation bridge visibility issues; IMO emission standards leading some ships to limit their horsepower; and a scheduled MOB drill with the Coast Guard on April 20. There was also a crabber-towboat lane meeting on required AIS use. They will be participating in an Upward Bound program with the CRMM this summer – a program through the Dept. of Education to support participants from low-income families in preparation for college entrance.

**Capt. George Wales (Coos Bay Pilots)** reported that plans are in place to begin to rebuild the North Jetty. The current condition of the jetty is a significant safety issue.

#### **NEW BUSINESS:**

**Applications for Renewal of Certification as Training Organization – ORS 776.311** requires the Board to license at least one pilot organization on each pilotage ground. The Board promulgated rules under OAR 856-015-0001 Training Organizations describing the parameters for this certification. The Board last approved training organization certifications in 2018 which are valid for five years. Training organizations for the Columbia River Bar, Columbia-Willamette River, and Coos-Yaquina Bay pilotage grounds have submitted requests for renewal of certification as a training organization. Capt. Olson made a **MOTION** to approve the requests for renewal of certification. Ms. Goss provided a second to the motion, which **CARRIED** by roll-call vote.

**Request for Rulemaking – OAR 856-015-0005 Trainee & Apprentice General Application Requirements –** A request for rulemaking was received on behalf of all pilotage grounds to amend the rules to require background checks of trainee applicants. Counsel advised that the Board cannot lawfully adopt the rulemaking petition and recommended the Board deny it. There was discussion of directing the Rules Committee to explore the request further to at least address the concerns raised. Chair Retzlaff made a **MOTION** to move the rulemaking request to the Rules Committee. Ms. Goss provided a second to the motion which **CARRIED** by roll-call vote.

## **OLD BUSINESS:**

**Second Amended Notice of Proposed Setting of Special Fees: CRSOA Response; COLRIP Response; BP-14 Proposed Final Order** – Tabled for next meeting due to lack of a quorum for a rate-related decision.

**COLRIP Comments on Proposed Changes to OAR 856-015-0035** – The request is for time period flexibility for all license grades, rather than just a Grade “C” license as originally approved at the last meeting. Ms. DiSalle noted that the approved proposed amendment was made on a specific basis and immediate need. She recommended that the additional changes be submitted to the Rules Committee for deliberation. After further discussion and a tabled motion, it was agreed to send the proposed amendments to the Rules Committee.

## **STAFF REPORT:**

Board members received a Budget Report and Board Operations Fee collections summary through January 31, 2023; Q4 Fatigue Reports.

### Meetings –

- 2/8: Extraordinary Pilotage Committee
- 3/8: Extraordinary Pilotage Committee
- 3/8: Lower Columbia River Harbor Safety Committee Meeting

### Updates –

- Notices of Proposed Rulemaking filed 1/19 and 1/20
- Second Amended Notice of Proposed Setting of Special Fees issued 1/23
- Capt. C. Lieziert qualified for “B” License effective 1/30
- Capt. C. Barrett qualified for “A” License effective 2/17
- Capt. A. Widme qualified for “B” License effective 2/28
- 2022 Annual Report published

Mr. Griffiths added that he had attended a WA Pilotage Commission/WA DOE environmental impact statement scoping meeting resulting from legislation on towing vessels and tankers in Puget Sound.

## COMMITTEE REPORTS:

**Harbor Safety** – Mr. Griffiths reported that there was discussion about the locks; vessels carrying wind energy components; and Subchapter M federal regulations for towing vessels. There was a presentation from the EPA on the superfund and implementation of the clean-up plan. The Coast Guard MSU Portland change of command is scheduled for May 18. NOAA is continuing the phase out of paper charts by the end of 2024.

**Rules Review** – With no further business, the committee canceled its last scheduled meeting in March.

**Extraordinary Pilotage** – Mr. Griffiths advised that the committee has met twice and that this item continues to be a challenge. The next meeting is scheduled for April 18.

## PUBLIC COMMENT:

**Jeremy Nielsen** expressed his understanding of why the petition for rulemaking was denied and thanked the Board for having the Rules Committee look into the issue. He also wished to publicly thank Capt. Olson for faithfully fulfilling his duties on the Board.

## FINAL COMMENTS:

Ms. Goss proposed a resolution to be adopted recognizing Capt. Olson's service on the Board:

**Whereas** Captain Elroy Olson has served as a pilotage ground member of the Oregon Board of Maritime Pilots since December 2014; and

**Whereas** Captain Olson has cheerfully volunteered for and served on innumerable Board Committees including: the Ad Hoc Committee on Extraordinary Pilotage, the perpetual Rules Review Committee, various Complaint Committees, the CPD Committee, several Interview Committees, the Medical Oversight Committee, the Investigation Manual Committee, and the RFP for Independent Investigator Contract Committee; and

**Whereas** Captain Olson has also served as the Board member incident investigator and has investigated and reported to the Board making sound recommendations on 25 incidents; and

**Whereas** Captain Olson has contributed time, expertise and wisdom accrued both professionally and personally to the Board on many occasions in a cooperative, thoughtful, diligent manner, employing patience, humility, humor, and gratefulness to whomever he is working with on Board related business; and

**Whereas** Captain Olson's official term ended in December of last year, yet he graciously agreed to continue service until his replacement is appointed by the Governor; and

**Whereas** this is possibly the last full board meeting Captain Olson attends as a member of the Oregon Board of Maritime Pilots; therefore

**BE IT RESOLVED** that the Oregon Board of Maritime Pilots expresses its deep gratitude to Captain Elroy Olson for his lengthy, insightful, and stalwart service to the Board and the people of Oregon for the past eight years.

The resolution was adopted by roll-call vote.

There being no further business, the meeting adjourned at 11:35 a.m.

**NEXT MEETING DATE: May 11, 2023**

Respectfully submitted,

*Susan Johnson*

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Susan Johnson, Administrator



**License Renewals** - As submitted on the agenda, the following licenses are scheduled for renewal in March/April: On the Columbia and Willamette River pilotage ground – D.R. Bybee #171, F.R. Biederman #190, J.J. Nielsen #163, C.E. Williams #125, A.C. Smith #147, S.D. Hurn #126, B.E. Deaton #151, C.W. Lieziert #191, S.J. Verbeck #132, D.M. Johnson #172, P.D. Amos #111 and S.D. Harris #153. On the Columbia River Bar pilotage ground: P.A. Matteo #145, C.G. Nehring #140 and N.A. Christian #176.