

OREGON BOARD OF MARITIME PILOTS MINUTES #557

The Oregon Board of Maritime Pilots met in regular session on July 21, 2022 at 10:30 a.m. by video/teleconference.

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

APPROVAL OF MINUTES #556 - A **MOTION** by Capt. Olson to approve the minutes of the May 19 meeting as submitted, was seconded Capt. Farrell and **CARRIED** unanimously by roll-call vote.

PILOTS' REPORTS:

Capt. Jeremy Nielsen (Columbia River Pilots) announced receipt of retirement notices from Capt. Michael Balensifer and Capt. Elroy Olson, to be effective January 10, 2023. They have received notice that four military vessels will be homeported in the Columbia River, scheduled to arrive mid-September. They reported at the last meeting the need for real-time air gap sensors on the Longview Bridge, as they continue to see large air draft vessels in the river. On July 12, a vessel carrying windmills was bound for the Port of Vancouver. The windmill blades were stacked so high there was virtually no visibility from the vessel's bridge. For safety, they assigned two pilots to this job. However they are working with other parties to prevent this type of loading in the future. Dredging season is in full swing, with above average shoaling due to the high river levels. It's too soon to know if there will be draft restrictions or two stage transits this fall. Finally, they were happy to host Mr. Griffiths for a trip down the river on a small bulk carrier out of Terminal 6.

Capt. Dan Jordan (Columbia River Bar Pilots) noted that they had also obviously piloted the problematic windmill ship and have since learned more detail about it. This ship was issued a Letter of Dispensation by the Liberian Maritime Authority, and the American Bureau of Shipping approved it. They have reached out to the Coast Guard, ABS, Port of Vancouver and the agent. The Coast Guard has taken the lead in trying to put an end to this practice. He attended the International Pilots Association conference last month along with over 200 other pilots from 16 different countries. Topics of discussion included handling of very large ships; zero carbon emission goal by 2050; a new edition of the Bridge Procedures Guide; pilot transfer safety and training of new pilots and continuing professional development.

Capt. Farrell and two other pilots hosted 28 student interns in a professional development workshop on the maritime industry. Today they will also be hosting two maritime academy cadets who are sponsored by the Port of Vancouver. Lastly, their new helicopter is being outfitted in Philadelphia. It will be flown to Astoria and may arrive sometime next month. They anticipate putting it in service in September.

Capt. George Wales (Coos Bay Pilots) reported that they are still averaging four ships a month, and a Newport research vessel occasionally. There have not been any safety or COVID issues since the last Board meeting. The Port of Coos Bay is still moving ahead to try to secure grant money for a facility on the North Spit (container terminal to rail) and a few improvements to the channel. They also bought the old Georgia Pacific dock to set up as a break bulk terminal.

NEW BUSINESS:

Approval of Updated Ranked List of Trainee Candidates – Columbia Willamette River Pilotage Ground – The Board adopted rules that set a schedule to update the ranked list for when applicants accumulate optional points to improve their scores. This will be done three times about every six months from the time the initial ranked list is approved. The current ranked list is submitted for Board approval and the next available position will be offered to the first candidate on the list. Ms. Goss made a **MOTION** to approve the ranked list as presented effective July 21, 2022. Capt. Olson provided a second to the motion, which **CARRIED** unanimously by roll-call vote.

Annual CPD Reports – The Continuing Professional Development (CPD) surcharge component of the tariff is adjusted annually to reflect differences in the surcharge revenues versus the costs of CPD. The pilots are required to report to the Board at its first meeting after July 1 all expenditures in connection with CPD, and any excess or deficit in fees collected under the surcharge, up to and including June 30. This is simply a reporting mechanism and does not require action by the Board. Surcharges calculated for the next year are as follows: Columbia River Bar \$12.16; Columbia-Willamette River \$1.00; and Coos-Yaquina Bay \$92.73.

OLD BUSINESS:

Special Fees Single Issue Proceeding Notice – Mr. Griffiths reminded the Board that they are statutorily required to set fees for vessels in distress, extraordinary pilotage services and pilots being carried away unwillingly. A notice for a single-issue rate proceeding was issued after approval at the last Board meeting. Comments were received from the Columbia River Pilots and a request for hearing was received from the Columbia River Bar Pilots.

Mr. Griffiths noted that a comment was received on “reimbursement of the licensee or trainee to station” and whether actual expenses in addition to airfare were included – which the Board should address. He deferred to counsel to address other comments and requests that were made. Ms. DiSalle advised that the Board has three options: (1) do nothing and make no changes to the proposed notice and refer the matter to an ALJ for hearing; (2) issue an Amended Notice based on Coos Bay Pilots’ comments; (3) extend the comment period. Ms. Goss suggested the Board issue an Amended Notice to change the reimbursement fees to Coos Bay to include actual expenses in addition to dollar amount and airfare until return to Coos Bay and Yaquina Bay (Notice, page 6, item 3). Ms. DiSalle noted that detention is a separate issue. Ms. Goss also pointed out that under item 2. Extraordinary Pilotage Fees for each ground, item “i” conflicts with the proposed definition by rule for Extraordinary Pilotage Fees (the notice defers to the rule, and the proposed rule defers to the tariff). Ms. DiSalle suggested to drop the language in “i” and change the language in item “ii” to include “as defined by the Board by rule”, in case the Board would like to change the rule definition of Extraordinary Pilotage at a later time. Mr. Griffiths read a proposed amendment to have one paragraph for each pilotage ground under item 2. Extraordinary Pilotage Fees: “For navigation of a vessel that is not in distress but requires extraordinary pilotage, as defined by the Board, by rule, then an hourly rate will be assessed, based on the detention rate per the current, full rate order for this ground.” It was agreed to amend the language under item 3, page 6, from “airfare” to “actual expenses.” Ms. Goss made a **MOTION** to approve issuing an Amended Notice as discussed. Capt. Farrell provided a second to the motion, which **CARRIED** unanimously by roll-call vote. The Columbia River Bar Pilots’ request for hearing is no longer in play.

Comments on Proposed Rules – The Board approved a slate of rule amendments at the May meeting which were noticed to the public for comment on May 25. Comments were received from the Columbia River Pilots on OAR 856-016-0010(2), 856-016-0010(3) and 856-016-0010(5). Chair Retzlaff forwarded to comments to the Rules Committee to review and report a recommendation back to the Board.

INCIDENT REPORT:

Scarlet Island – The *Scarlet Island* is a 751-foot bulk carrier, which ran aground at Three Tree Point on 4/04/2022. Capt. Olson investigated the incident and submitted an investigation summary, which is incorporated as a part of this record. He provided a summary of the incident particulars and his investigation. The incident was caused by a mechanical failure of the Potentiometer at the steering helm on the bridge. He recommended the incident be closed with a finding of no pilot error. Capt. Farrell made a **MOTION** that the Board close the investigation with a finding of no pilot error. Ms. Goss provided a second to the motion, which **CARRIED** by roll-call vote. Capt. Olson abstained from the vote. Fred Myer left the meeting shortly after this vote.

STAFF REPORT:

Board members received a budget report and Board Operations Fee collections summary through 5/31/2022.

Meetings –

- 6/15: Met with Business Oregon's new Ports Program Policy Coordinator
- 6/22: Harbor Safety Executive Committee
- 6/29: Met with Representative Scharf, COLRIP and CRBP
- 7/01: Rules Committee
- 7/13: Harbor Safety General Membership Meeting

Updates –

- Notice of Proposed Rulemaking issued 5/25
- Capt. K. Haglund retired 6/29
- Quarterly tariff adjustment issued 7/15
- Mr. Griffiths took a ship ride with the Columbia River Pilots

COMMITTEE REPORTS:

Harbor Safety – The committee met on July 13, 2022. Updates:

- The COBALT program is scheduled this year for August 22-26.
- The HSC Chair attended the National Harbor Safety Conference in Boston.
- Navigation Committee – Ships with windmills are loading so high that pilots cannot see forward. The last ship required two pilots and the Coast Guard provided an escort. Also, an offshore wind energy proposal off WA coast has caused concern about crabber/towboat lanes. They're looking into establishing chartered safety fairways.
- The U.S. Coast Guard introduced new personnel to the area and provided division updates on vessel inspections, investigations (51) and emergency management and force readiness, upcoming drills, incident management, waterways management and facilities, and the Make Way program.
- NOAA will be surveying the river in late summer/fall to investigate areas of sediment.
- Presentations were given by:
 - Army Corps of Engineers – Reservoir System Overview
 - Bureau of Ocean Energy Management – Wind Energy Planning Offshore Oregon

The next meeting is scheduled for September 14.

Rules Review – Ms. Goss reported that the committee met on July 1, 2022 and welcomed new member Yuki Danese. She provided a report of the rules considered for amendment. The committee recommends the following new rules for Board consideration:

- OAR 856-010-0003 Definitions:
 - **Add** (22) “Distress” - For the purposes of ORS 776.115(5)(a), Distress means a situation wherein there is reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance.
 - **Add** (23) “Extraordinary Pilotage” – For the purposes of ORS 776.115(5)(a), Extraordinary Pilotage service means situations that the current, regular rate order for the ground at issue does not set.

Capt. Farrell made a **MOTION** to move to rulemaking the proposed new definitions to 856-010-0003 Definitions. Ms. Goss provided a second to the motion, which **CARRIED** unanimously by roll-call vote. The next meeting is scheduled for November 30, 2022.

PUBLIC COMMENT:

Todd Zilbert, Julie Weiss, and Dave Boyajian all echoed similar comments on finding the single issue proceeding notice interesting and looking forward to the amended notice.

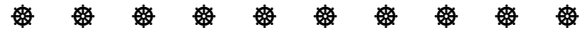
There being no further business, the meeting adjourned at 12:00 p.m.

NEXT MEETING DATE: September 15, 2022

Respectfully submitted,

Susan Johnson

Susan Johnson, Administrator



License Renewals - As submitted on the agenda, the following licenses are scheduled for renewal in August/September: On the Columbia and Willamette River pilotage ground – B.D. Culp #177, T.C. Patching #166, B.D. Sigfridson #183, C.M. Boyce #167 and D.C. Burrows #124. On the Columbia River Bar pilotage ground: J.C. Sohlberg #164 and W.P. Black #165. On the Coos/Yaquina Bay Bar pilotage grounds: G.R. Wales #157.

Approved as submitted, September 15, 2022, Minutes #558.

M/V SCARLET ISLAND INVESTIGATION REPORT

Incident Date: April 04, 2022

Reported By: Captain Elroy Olson

Subject: Investigation into the grounding of the M/V Scarlet Island

Pilot: Captain Michael S. Davis, State License No. 156

Vessel Particulars:

Name: Scarlet Island

Type: Bulk Carrier

LOA: 751' 03"

Beam: 105' 10"

Draft: 22'07"

IGRT: 42995

Year Built: 2014

IMO Number: 9687681

Port of Registry: Panama

Introduction:

On April 04, 2022, approximately 22:12 hours, the M/V Scarlet Island ran aground at Three Tree Point, on the Oregon side, just outside the maintained (dredged) channel after suffering steering failure 15.6 miles upstream of Astoria, River Mile 30.6.

Worked Performed:

- Interviewed Captain, Chief Engineer, 1st officer and Quarter Master on watch at the time of the incident.
- Interviewed Captain Michael Davis
- Reviewed TV 32
- Viewed VDR on board vessel
- Reviewed Mackay Marine work order reports

Incident Details:

On April 04, 2022, the M/V SCARLET ISLAND with a max draft of 22'7" was scheduled to shift from Rice Island Anchorage to Temco Kalama at 21:00 with Captain Michael Davis.

At 21:00 the vessel was underway from Rice Island Anchorage.

At 22:10.12 Capt. Davis orders a coarse change to port, 068 to 066.

At 22:10.22 A steering failure alarm activated, and the steering is stuck hard to Starboard.

At 22:10.42 Capt. Davis orders midship twice and orders switch to backup steering NFU (Non-Follow up steering).

At 22:11 Capt. Davis orders hard to port, switch to number 2 steering, and repeated hard to port and hard to port again.

At 22:11.15 Capt. Davis orders stop engine, switch to NFU, and repeated hard to port.

At 22:11.42 The alarm stopped, and steering is regained. Capt. Davis ordered slow ahead, half ahead, full ahead. Capt. Davis attempted to regain control to prevent grounding.

At 22:12.57 Captain Davis ordered slow ahead, stop engine, let go starboard anchor, as the ship slowly came to a stop in a soft grounding.

At 22:15.30 the crew had not yet dropped the starboard anchor.

At 22:17.12 Captain Davis orders hard to starboard, dead slow ahead.

At 22:19.57 The starboard anchor had still not been dropped and the vessel seems to have floated free.

At 22:20.57 Captain Davis ordered stop engine to prevent running over Rockland Lighted Buoy 26.

At 22:21.42 Capt. Davis ordered hard to port.

At 22:22.12 Captain Davis ordered hard to starboard, slow ahead, half ahead. At that time the vessel was again underway.

At 23:40 Capt. Davis took an Alcohol test on board and verified by the Master, that showed negative.

Captain Davis notified appropriate authorities by calling USCG, Colrip dispatcher, COLRIP President and also contacted tug companies for assistance. Two tugs were dispatched to assist if needed.

The crew sounded tanks and checked to make sure there was no oil leaking into the river. No leaks or damage found.

At 00:49 April 05, 2022, Capt. Davis was relieved by Captain Brian Sigfridson. The vessel continued to Temco Kalama and was all secure by 04:00.

Investigator's Comments:

In twelve minutes, the vessel lost steering, ran aground, refloated and was underway again.

In my opinion, the vessel refloated because of a strong ebb current on the starboard bow and 20 to 30 knots of wind on the starboard quarter forcing the vessel back toward the maintained dredged channel.

To keep the public, the environment and vessel safe, Capt. Davis' decision to proceed inbound rather than to remain anchored at the edge of the channel near a rocky shoal was the right decision

Captain Davis proceeded to Legacy Labs in Warrenton, Oregon for drug and alcohol testing, 03:10 April 05, 2022. All tests came back negative.

Based on repair reports, a faulty Potentiometer at the helm was replaced, which resolved the steering issue

The M/V SCARLRT ISLAND sailed on April 10 at 20:30 without further issues.

Cause of Incident:

The investigation revealed that this incident was caused by mechanical failure of the Potentiometer at the steering helm on the bridge. A contributing cause was the failure of the crew in the proper sequence for switching from FU (Follow up steering) to NFU (Non-Follow up steering) in an emergency. The crew's lack of training in an emergency is mentioned in the Mackay Marine work order.

Conclusion:

Captain Davis acted in a professional manor and did an outstanding job keeping the public, environment and the vessel safe.

Recommendation:

This incident should be closed with a finding of no Pilot error.

Submitted on July 21, 2022

Captain Elroy E. Olson