OREGON BOARD OF MARITIME PILOTS
MINUTES #522

The Oregon Board of Maritime Pilots met in regular session on May 17, 2018 at 10:30 a.m. in conference room 1-A of the Portland State Office Building.

The Board representatives present included Chair Gary Piercy, Vice Chair Leslie Goss, Kip Callahan, Capt. Chris Farrell, Capt. Elroy Olson, Dan Pippenger, Capt. George Wales, Assistant Attorney General Katharine Diselle, Marc Warren, Executive Director and Susan Johnson, Administrator.

APPROVAL OF MINUTES #521: The minutes from the March 15, 2018 meeting were approved as previously mailed.

Presentation – Lt. Theresa Bigay, USCG, accompanied by Chief Warrant Officer Patricia Murphy, gave a presentation on the collection and analytics of loss of propulsion data for vessels. There have been forty-one reported deep draft loss of propulsion casualties within the Columbia River system from 2015 to the present. It was noted that the bulk of loss of propulsion casualties occur within the commercial fishing fleet (4 deep draft vs. 31 CFF). Causal factors included: failures in the air start system/cylinder jackets, low sulfur fuel, equipment failures, and fuel system issues. Six of the loss of propulsion casualties resulted in groundings – the second most common cause of groundings being loss of steering. Lt. Bigay pointed out the difference between a loss of propulsion (reduction in vessel maneuverability) versus a reduction in propulsion (does not reduce maneuverability), which are not reportable. There have been no casualties related to low sulfur fuel since 2015.

PILOTS’ REPORTS:

- Capt. Steve Dobbins (Columbia River Pilots) reported that Capt. Olson made a presentation to a fourth grade class in Columbia City on piloting and commerce. Capt. McIntyre attended NOAA’s Hydrographic Survey committee meeting in Miami. She has two years left of a four-year commitment on the panel. NOAA is planning to survey the Columbia River anchorages in June.
- Capt. Amos attended a Columbia River Treaty informational meeting in Spokane as part of PNWA’s delegation to help represent navigation issues. The Rose Festival fleet will be composed of three Navy, two Canadian and two Coast Guard ships. Capt. Dobbins added that the river is at sixteen feet, however the increased water is not an issue for deep draft vessels.
But with increased flows comes increased sediments. The dredge Oregon is scheduled to begin dredging operations June 4.

- Capt. Dan Jordan (Columbia River Bar Pilots) advised that there have been a couple of pilot conferences. The West Coast Pilot Conference in Seattle had a panel discussion on difficulties in maneuvering large passenger ships. Norwegian Cruise Lines has recently contacted the Port of Astoria on the maximum vessel size to be able to dock there. The International Pilot Conference had a focus on pilot boarding safety, especially with ladders. He noted that when the USS Portland came to Oregon for its christening, its configuration was not conducive to pilot boardings and unboardings, with its angled sides. There were also discussions on helicopter transfers as well. Of note were helicopter accidents occurring in New York and Australia. In light of these accidents, Capt. Jordan stated the Bar Pilots would like to install floats on their helicopter. This will enhance safety, but operationally will make the helicopter heavier and only able to carry two pilots instead of three (at night).

- Capt. George Wales (Coos Bay Pilots) reported that Capt. Yates is not piloting due to an upcoming surgery. Capt. Woods is providing backup pilot service in the interim. The railroad bridge has had a structural failure. While the damage is being assessed and repaired, the pilots will be coordinating with the Port of Coos Bay on making transits through the bridge, which will mean a temporary stop to repair operations. The north jetty has been eroding away (loss of 450 feet to date) and is getting to the point where it could start restricting the time of tides when they can cross. A study is being conducted for future repair. The pilot boat North Bend will soon be dry-docked for maintenance and inspection. Applicant interviews have been scheduled for August 29 and 30.

**INCIDENT REPORT:** *M/V Antiparos MOB* – Mr. Warren advised that the *M/V Nenita* investigation will be going back to committee to address some inconsistencies and additional documentation, before being submitted to the Board with a final recommendation. The committee met and reviewed the Antiparos man-overboard investigation and recommendations from the Board’s independent investigator. The incident report and investigator recommendations are incorporated as a part of these minutes. It was noted that most of the recommendations were outside the jurisdiction of the Board simply because they dealt with the tugboat company involved. During discussion of the investigation, it was suggested that the pilots implement a policy of not sharing details of the incident with outside parties during the investigation. Counsel to the Board also suggested there could be statutory language introduced to give the Board confidentiality in their investigations.
The committee recommended that the Board send the Columbia River Pilots a letter asking them to review the report’s relevant safety recommendations and implement the ones that make sense; and to file the incident with no further action and no pilot error. Capt. Wales made a **Motion** to accept all the committee’s recommendations. Capt. Olson provided a second to the motion, which **Carried**.

**STAFF REPORT:**

**Q1 Fatigue Reports** – Board members received fatigue reports for the first quarter of this year. It was noted that there continue to be reductions in exceedances reported. Capt. Wales noted that with Capt. Yates not piloting, he will be paying greater attention to potential fatigue factors.

**Budget** – Board members received a budget report through March 31, 2018. 37.5% of the biennium has elapsed, with 26.99% of the budget limitation spent. Mr. Warren reported that the budget cycle for the 2019-21 biennium has begun. He advised that the line item budget limitations are only increased for inflation, which does not reflect actual spending. Within those line items is the DOJ (Dept. of Justice) legal fee limitation, which is less than half of what has actually been spent over the last five biennia. A policy option package has been developed to align the DOJ spending limitation with the amount actually spent. This does not effect on the overall budget limitation. Mr. Warren reported on the flat rate contract with DOJ, which went into effect at the end of 2017. He is currently looking at actual attorney time being billed versus the flat rate contract, and working with the budget analyst to determine the best program recommendation for the 2019-21 budget. A recommendation will be made at a future Board meeting on whether to opt out of the flat fee contract or continue with it based on continued data collection and spending rates for services.

**Policy Update** – The Board voted at the last meeting to adopt two policies on Delegation of Authority – one to give the Executive Director the authority to call Board meetings in the absence of the Chair, and one to the Rules Coordinator (Administrator) for final filing authority on rules approved for notice that receive neither public comment nor request for hearing.

**Staff Activities** –
- The Administrator has been coordinating Coos Bay applicant interviews.
- Rules reorganization which included renumbering and regrouping into new divisions was accomplished by the Rules Coordinator effective April 25, 2018.
- Staff organized and facilitated six committee meetings since the last Board meeting.
Senate confirmations for two prospective Board members (Heather Moats/Industry and Dan Retzlaff/Public) are scheduled for May 22, 2018.

COMMITTEE REPORTS:

Coos Bay Complaint Investigation – Committee Chair Callahan stated that the committee had met twice, on April 26 and May 15. He deferred to Mr. Warren to report the committee’s findings. Mr. Warren explained that prior to the first meeting an additional letter of complaint was received from Knutson Towboat on April 9. The committee reviewed the letter and incorporated into the ongoing investigation. The investigation into alleged violations of ORS 776.600 was opened at the first meeting. The committee reviewed all available information provided and a preliminary analysis provided by staff. Each allegation was reviewed independently with the following results:

- Allegations 1 & 2: Inbound transits of the M/V Cattleya – neither of these transits were found to have occurred and the corresponding allegations were dismissed.
- Allegation 3: Inbound transit of the M/V Orient Hope and the accusation that Capt. Wales was piloting the vessel which was being assisted by the M/V Blanco in which he has a financial interest. The committee determined to continue this investigation and requested documentation for their review.
- Allegation 4: Alleged violation of ORS 776.600 by Capt. Yates by substituting other pilots when Coos Bay Towboat is hired for ship assist. Investigation found Capt Yates to be following the law as written – finding of no violation.
- Allegation 5: Alleged violation of ORS 776.600 by Capt. Yates by receiving monetary gain from his ship assist company by substituting another pilot when he is supposed to be “on duty”. Investigation found no language of “on duty” or “duty” status in relation to ORS 776.600 – finding of no violation.
- Allegation 6: Coos Bay pilots are alleged to be colluding to operate an illegal monopoly in the ship assist business in Coos Bay. Discussion of jurisdiction revealed no legal authority for the Board to conduct broad, systemic investigations of monopolies or exclusionary business practices of legitimate businesses – complaint closed due to lack of jurisdiction.

At the second meeting the committee reviewed the final report of investigation into the outstanding Allegation 3 held over from the first meeting. The committee reviewed findings, recommendations and additional information provided to determine ownership and the actions of Capt. Wales in regard to the M/V Blanco during the transit of the M/V Orient Hope. A review of the law as written determined that the lack of defined terms in ORS 776.600 are problematic in determining if a violation of this statute occurred in this instance.
Without specific definitions of terms in the statute, it is difficult to rule in or rule out any particular vessel operating near any ship when a Coos Bay pilot is onboard that ship, as violating or not violating ORS 776.600. The committee made the following recommendation to the Board:

- Close the complaint and each element as stipulated by the findings of the committee;
- Direct the Rules Committee to open OAR 856-010-0003 Definitions, to clarify by rule terms not defined in statute; and
- Draft a letter to the Coos Bay Pilots advising them of the proposed rulemaking that may affect their business practices as related to ORS 776.600.

Ms. Goss made a MOTION to accept and implement the committee’s recommendations. Capt. Farrell provided a second to the motion, which CARRIED. Capt. Wales abstained from the vote.

**Harbor Safety** – The committee last met on May 9. Discussion items included 501(c)(4) incorporation status, finances, upcoming 2018 Harbor Safety Plan update, and an updated logo for the committee. There was a NOAA presentation on their Current Observation Project for the Columbia River, which is an oceanographic observation from outside the river mouth to Portland including the Willamette River. The project is intended to collect data to allow NOAA to update their Tide Current Tables.

**Rules Review** – The committee met on April 16. Ms. Goss reported the committee’s business at their last meeting and they have submitted four recommendations for the Board to consider today. She added that the committee will be scheduling a conference call in June to address the definitions previously discussed; and review proposed language for licensed training organizations and written training assessments. Capt. Wales made a MOTION that the Board approve and notice the amended language as recommended by the Rules Committee for the pilot trainee and apprentice selection and training program for the Columbia and Willamette River pilotage ground in OAR 856-015-0025, to clarify that interviews are examinations so that sections 4(d) and 14(c) read that during the interview examination by the Board “in every case at least one pilot from the Board licensed training organization for the Columbia and Willamette River pilotage ground shall be included as an interviewer”, and to limit the trainees choices to the Columbia and Willamette River pilotage ground. Mr. Pippenger provided a second to the motion, which CARRIED. Capt. Olson made a MOTION to approve and notice the amended language recommended by the Rules Committee for pilot trainees on the Coos Bay and Yaquina Bay Bar pilotage grounds at OAR 856-010-0026 to clarify that interviews are examinations so that section 9(c) reads that during the interview examination by the Board “in every case at least one pilot from the Board’s licensed training organization for the Coos Bay Bar and/or Yaquina Bay Bar pilotage ground shall be included as an interviewer.”
Ms. Goss made an amendment to the motion to incorporate the same language in the trainee selection rules for the Columbia River Bar pilotage ground (as had been previously discussed), which was accepted by Capt. Olson. Mr. Pippenger provided a second to the motion, which CARRIED. Mr. Callahan made a MOTION that the Board approve and notice the repeal of Meetings of the Board at OAR 856-010-0005, as public meetings laws is described in ORS Chapter 192. Mr. Pippenger provided a second to the motion, which CARRIED. Capt. Farrell made a MOTION to approve and notice the amended language addressing dollar amount thresholds for property damage in OAR 856-019-0001 section 1(f) to $75,000, and 856-019-0010 section 2(a)(A) to $200,000. Capt. Olson provided a second to the motion, which CARRIED. Ms. Goss announced that the committee is going to have a conference call on June 27 10:30 a.m., and will also be meeting on July 19 at 1:00 p.m. after the regular session Board meeting.

Tariff Review – Mr. Pippenger reported that the committee last met on March 26, where they carefully reviewed proposed rule language received from the Rules Committee. They made a number of edits for clarity and to be sure the requirements would support the intent of the review. The committee found that they were missing an analysis of the proposed rule’s financial impact. Estimates are being obtained to submit to the committee. The committee will meet again after tax season to finalize the language for the proposed rule and make a recommendation to the Board.

TOC – Mr. Piercy stated that the Transportation Oversight Committee met before the Board meeting. This committee meets at least twice annually to make recommendations to the Board for capital expenditures related to the Columbia River Bar Pilots’ transportation system. There was initial discussion about obtaining floats for the helicopter and upcoming repairs needed for the bank of the boathouse. The committee will meet again on June 29 to review financial information.

PUBLIC COMMENT: Bryan Knutson, Knutson Towboat – Mr. Knutson stated that last weekend they did not receive a pilot from the Coos Bay Pilots for an outbound vessel at their facility at K2 Exports. The main concern is efficiency since the port only receives about sixty ship calls per year. He went on to say that the pilots have changed the requirements in Coos Bay to 96 tons bollard pull outbound and 80 tons bollard pull inbound for tug assist boats (formerly 80 tons in and out). He noted that Coos Bay Towboat is doing ship work in Eureka, CA, with 31 tons bollard for the same size vessels. During discussion, Capt. Wales referenced a Goss & Associates study in 2011 on minimum requirements for tugboats, which was peer reviewed which found the recommended bollard pull 30% too low. Mr. Pippenger suggested, and it was agreed, to have Mr. Knutson provide his comments in writing to the Board.
The meeting adjourned at 11:55 a.m.

**NEXT MEETING DATE: July 19, 2018**

Respectfully submitted,

Susan Johnson

Susan Johnson, Administrator

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**License Renewals** - As submitted on the agenda, the following licenses are scheduled for renewal in May & June: On the Columbia and Willamette River pilotage ground – C.B Satalich #127, E.E. Olson #114, R.D. Gill #142, G.B. Howe #115, and M.R. Paulson #155.

Approved 7/19/2018, Minutes #523.
# OREGON BOARD OF MARITIME PILOTS

## Minutes #522 – May 17, 2018

**REPORT OF MARINE INCIDENT**

<table>
<thead>
<tr>
<th>1. Name of Vessel or Facility</th>
<th>2. Nationality</th>
<th>3. Type</th>
<th>4. Length</th>
<th>5. Breadth</th>
</tr>
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<tbody>
<tr>
<td>Boarding the M/V Antiperos</td>
<td>Liberian</td>
<td>Bulk</td>
<td>751 ft</td>
<td>106</td>
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<th></th>
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<tbody>
<tr>
<td>44252</td>
<td>2013</td>
<td>LSPO</td>
<td>Not Available</td>
<td>Not Available</td>
<td>Kalama Anchorage</td>
<td>November 16, 2016</td>
<td>2300</td>
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<table>
<thead>
<tr>
<th>14. Name, Address &amp; Telephone Number of Operating Company (Agent)</th>
<th>15. Name of Master or Person in Charge</th>
<th>16. Name of Person Reporting</th>
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<tbody>
<tr>
<td>SouthPort Agencies, Inc.</td>
<td>Not Available</td>
<td>Aaron Smith</td>
</tr>
<tr>
<td>PO BOX 1879</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kalama, WA 98625</td>
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<table>
<thead>
<tr>
<th>17. Casualty Elements</th>
<th>18. Conditions</th>
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<tbody>
<tr>
<td>□ Hoisting Material Released or Involved</td>
<td>A. Sea or River Conditions</td>
</tr>
<tr>
<td>□ Oil Spill-Estimated Amount</td>
<td>□ Clear</td>
</tr>
<tr>
<td>□ Grounding</td>
<td>□ Rain</td>
</tr>
<tr>
<td>□ Flooding: Swamping Without Sinking</td>
<td>□ Snow</td>
</tr>
<tr>
<td>□ Capsizing</td>
<td>□ Fog</td>
</tr>
<tr>
<td>□ Collision</td>
<td>□ Other (if any)</td>
</tr>
</tbody>
</table>

B. Weather C. Time D. Visibility

| □ Daylight | □ Good |
| □ Twilight | □ Fair |
| □ Night | □ Poor |

E. Distance (nautical miles)

F. Air Temperature

G. Wind Speed & Direction

H. Current Speed & Direction

I. Relevant Sounding Charts with Vessel Location

J. Soundings Taken (Groundings Only)

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**See attached statement**

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19. Navigation Information

| □ Moored Docked or Fixed | Speed |
| □ Anchored | □ Underway or Drifting | Course |
| Time of First Line | OR | Standby |
| Time of Last Line | F W E |

□ Inbound Time/Transit Began

□ Outbound Time/Transit Began

□ Shifting From

□ Berthing/Unberthing

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SEE NEXT PAGE FOR ADDITIONAL REPORTING INFORMATION
At 2300 hours, Wednesday November 16th, I attempted to board the M/V ANTIPAROS, which was at anchor in the Kalama anchorage, upper buoy 2. I was transported from shore aboard the Shaver tug DESCHUTES. The weather was overcast but calm and the decks were dry. I was wearing my normal work attire with light rain pants, lace up work shoes and a Sea Safe inflatable coat. I was wearing my backpack containing my laptop, radios and other pilot gear.

The attempted transfer took place off the top of the tug’s port push knee, which the tug crew said is 24 feet off the water, onto the ship’s starboard gangway, which had been lowered into position to receive me. As I stepped onto the gangway, the tug backed down and away from the ship. Something on the push knee hooked the safety net hanging under the gangway as the tug backed away from the ship. The gangway tilted to about a 45-degree angle and I was hanging onto one stanchion. As the tug continued to back away the gangway was pulled further away from the side of the ship. The gangway then came loose from the tug and violently shot up and back towards the ship, catapulting me up in the air. As I came back down I hit the gangway with the back of my right calf, which turned me upside down, and I descended the 24-26 feet upside down and backwards, into the water. I hit the water head first, missing the tug by a couple feet. My Sea Safe coat charged as soon as I hit the water. The tug’s wheel wash pushed me under the counter of the ship past the wheel and rudder. The river current carried me downstream. As I came out from under the ship’s transom, the ship’s crew dropped a life ring which landed about a foot from my left shoulder. I got a hold of it immediately.

The response from the tug crew was slow. The tug was 70-80 feet away and I swam toward it as we drifted down the river. The tug’s deck crew threw a life ring that landed 40 feet away. I continued swimming to the tug and finally got close enough they could throw me a life sling and pull me to the side of the tug. With the combination of loops and lines and the life sling, three crew members and my own assistance, I was finally pulled onboard the tug.
3. Recommendations

- The tug captain could attempt to communicate with the vessel to alert them to stand by for boarding. Language barriers and ship’s crew not maintaining a radio watch can make this difficult and it may be avoided just because it’s uncomfortable or rarely yields a positive result. This is not an issue with underway transfers (on the river) because there is a pilot aboard the ship.
- The tug should have positioned itself in a secure position against the vessel and then the deckhand could have directed the ship’s crew to lower the ladder to the optimum height and then assisted the pilot to board and remained in place until he was clear of the ladder.
- The pilot is the one at risk and he/she is also (generally) in a position to be a leader. They should take that opportunity to form a shared mental model (common term heard at Bridge Resource Management training) with the tug crew regarding the boarding, much as they should in their MPX (Master-Pilot exchange) or when discussing the berthing with the tug captains.
- Whether for their employees or passengers, all tugs and launches should carry MOB retrieval gear and drill with it. This should include a method of getting someone aboard who is unconscious. This method should be tested in real world conditions. **Basis 1C, 1I, 1N, 1O**
- The Lifesling is a great piece of equipment but on a boat with a crew of 2, one person will likely have to go into the water to assist the victim. If a boat has a device similar to a Jason’s Cradle, the MOB can be pulled into the cradle with a boat pole from the deck. The device Foss is evaluating that can use a pole to put a lifting device around the victim looks promising. **Basis: 1N, 1O**
- Shaver Transportation should not have received Capt. Smith’s Marine Incident Report that he submitted to the OBMP prior to the investigator interview.
- A pilot should manually activate a waterproof strobe light securely attached to the upper part of his person prior to attempting to board or disembark. **Basis: 1P**
- Pilots may want to investigate helmets. A person’s head sticks up higher than any other part of the body. A helmet with reflective material and a strobe light would be very helpful for finding a person in the water at night. You must first be located to be rescued. **Basis: 1M**
- Whenever possible, do not carry luggage (backpacks). Use a line to send the luggage to and from the launch.

Respectfully submitted,

Brad Dunn
Independent Investigator