

COLUMBIA RIVER PILOTS

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February 7, 2017

Mr. Eric Burnette, Executive Director
Oregon Board of Maritime Pilots
800 NE Oregon Street, Suite 507
Portland, OR 97232

By Email

Subject: House Bill 2695; Columbia River Pilots' Response to Your Letter of February 2

Dear Mr. Burnette,

Thank you for your February 2, 2017, letter to Capt. Elroy Olson requesting the Columbia River Pilots' assessment of the effects of HB 2695 on the Columbia- Willamette River Pilotage Ground. The Columbia River Pilots oppose the proposed legislation, and intend to present testimony at the hearing now scheduled for 8:00 a.m. on February 8, 2017.

The Columbia River Pilots believe that the time provided for a considered response to the proposed legislation and your request for input is too short. The proposed amendment to Oregon pilotage laws is significant in terms of safety and efficient flow of maritime commerce and demands careful evaluation. Any change to existing Oregon pilotage statute has impacts well beyond the narrow interests of the Bill's sponsors and those impacts should be thoroughly vetted. For example, to our knowledge, outreach on this legislation to critical regulatory partners such as the US Coast Guard and the State of Washington has yet to be performed by the Bill sponsors. COLRIP does not believe appropriate stakeholder involvement has been performed in the development and drafting of HB 2695.

The Legislative Assembly has expressed Oregon policy to be that "Only individuals who have experience and can demonstrate knowledge of currents, tides, soundings, bearings and distances of the shoals, rocks, bars, points of landings, lights and fog signals should direct a large vessel on certain waters of the state," including the Columbia River and Willamette River pilotage ground. ORS 776.035(2). The policy serves the vital State interests of both public safety and protection of the environment. Violation of the State pilotage laws incurs both civil and criminal penalties.

As you know, the State's regulation of pilotage is accompanied by Federal regulation of pilotage for U.S. registered vessels. In the United States there are two types of federal pilotage endorsements. One is an individual who holds a federal first class pilot's license with an endorsement for the geographic route in question, and the other is an "acting as" pilot. An

“acting as” pilot is a member of a vessel’s crew who satisfies the qualification requirements set forth at 46 CFR 5.812(b)(2) and (3).

These two kinds of federal pilotage set the minimum legal requirements for pilotage in the United States. They have never been considered to be adequate for pilotage in Oregon State waters regulated by the Oregon Board of Maritime Pilots. The requirements of 46 CFR 15.812(b) for “acting as” pilots on a vessel of not more than 1,600 tons are minimal at best:

- Master’s or mate’s credential;
- Age 21 or older;
- Able to show “current knowledge” of the waters to be navigated (see also 46 CFR 11.713);
- Evidence of completing at least four round trips in the geographic route while in the wheelhouse as watch stander or observer, at least one of which is at night.

The federal requirements for tank barges of not more than 10,000 tons are slightly more stringent: twelve round trips. However, under federal regulations, if a federal first-class pilot has not sailed a particular pilotage grounds within the past five years, his pilotage license is suspended until he or she “has made one re-familiarization round trip over that route” 46 CFR 11.713(a). Respectfully, one round trip every five years cannot possibly ensure adequate knowledge of the Columbia-Willamette River Pilotage Grounds.

This is scant experience compared to the years of training and hundreds of trips that State licensed pilots are required to meet prior to being qualified for a State license. There simply is no comparison in the local knowledge and experience between the two.

The Columbia River Pilots believe the best way to meet the goals of public safety, protection of the environment and efficient movement of maritime commerce is to ensure that all vessels subject to State pilotage regulation have State licensed pilots on board. Exemptions from this standard jeopardize these goals and introduce risk to a high consequence environment. There is no substitute for demonstrated local knowledge of the rivers and the hazards they present and for actual experience navigating them possessed by State licensed pilots. Vessel operators who are not intimately familiar with the pilotage grounds are simply not as safe as those same vessel operators would be with a State-licensed pilot advising them. This is true at every stage of a river transit:

- Negotiating anchorages
- Avoiding commercial and recreational fishing vessels

- Avoiding sailing and other recreational vessels
- Overtaking same bound vessels
- Meeting and passing opposite bound vessels
- Anchoring, and
- Berthing

Each stage presents specific risks and vessels navigated without State licensed pilots or by minimally qualified federally licensed pilots increase these risks across all stages of a vessel transit.

As recently as 2006, the Oregon Board of Maritime Pilots affirmatively confirmed this concern with the implementation of OAR 856-010 856-010-0060:

Compulsory Pilotage Vessel Exemptions

(1) On the Columbia River Bar, Coos Bay Bar and Yaquina Bay Bar pilotage grounds, the following vessels are exempt from compulsory pilotage:

- (a) Foreign fishing vessels not more than 100 feet or 250 gross tons international,
- (b) Recreational vessels not more than 100 feet in length.

(2) *On the Columbia-Willamette River pilotage grounds, there are no vessel exemptions east (upstream) of longitude 123 degrees, 44 minutes, 00 seconds west.* (emphasis added)

The goals of public safety, protection of the environment and efficient flow of all commerce are best served by requiring State-licensed pilots, and the Columbia River Pilots oppose any effort to reduce the current standards that achieve these goals. The Columbia River Pilots therefore oppose HB 2695.

Thank you for your attention.

Very truly yours,



Captain Rick D. Gill
President, Columbia River Pilots