

**STATE OF ALASKA  
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
DIVISION OF OCCUPATIONAL LICENSING  
BOARD OF MARINE PILOTS**

**MINUTES OF MEETING  
April 1-2, 1998**

**B**y the authority of AS 08.01.070(2), AS 08.62.030, and in compliance with the provisions of AS 44.62, Article 6, a meeting of the Board of Marine Pilots was held April 1-2, 1998, in Juneau, Alaska.

4/1/98

Examinations were conducted from 0830 - 1200 as listed below:

Captain James Stith - Yakutat  
- Sitka Sound  
Captain Gary Ogilvy - Nichols Passage/Metlakatla

Start Tape 1, Side A

**Agenda Item 1      Call to Order/Roll Call**

Chairman Bush called the meeting to order at 1345. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Jeff Bush - Commissioner's Designee  
Captain Pete Garay - Pilot Member  
Captain Michael Spence - Pilot Member  
Mr. Bob Berto - Agent/Vessel Manager Member  
Mr. Bernie Smith - Agent/Vessel Manager Member  
Ms. Barbara Huff Tuckness - Public Member  
Mr. Michael White - Public Member

Staff present were: Peter Christensen, MPC  
Mr. Ken Truitt, AAG

**Agenda Item 2      Review/Set Agenda**

The agenda was accepted as written with the following amendments:  
Agenda Item 15 "Business Items" was moved and renumbered as Item 8a;

Add Agenda Item 8b regarding the "M/V KUROSHIMA"; Add Agenda Item to allow for the presentation of the Southeast Alaska "Voluntary Waterway Guide" was added as Agenda Item 10a; An agenda item to allow for the Board's review of an amendment to SEAPA's Training program was added as Agenda Item 10b. Agenda Items 10a and 10b are intended to be inserted as the first two items on the Board's agenda for April 2, 1998.

On a motion made by Mr. Smith, seconded by Captain Spence and carried unanimously, it was

RESOLVED to approve the agenda as amended.

**Agenda Item 3**      **Review Agenda for Potential Conflicts of Interest and Declarations of Recusal.**

Mr. Berto referenced his standard disclosure regarding his interest in pilot stations. Chairman Bush referenced his standard response to that disclosure, that is, to request that Mr. Berto participate as a Board member in any discussion of pilot station issues.

**Agenda Item 4**      **Investigation/Litigation Update**

Ken Truitt addressed litigation in process. For the new Board members, Mr. Truitt gave the Board a short summary of the procedural history in the Renwick matter. Currently, Captain Renwick still has a case before the Supreme court. Mr. Truitt referred the Board to Ms. Horetski's letter in the Board packet that asks Mr. Renwick's counsel to determine Captain Renwick's desires regarding continuation of the Board's hearing in this matter.

The MPC related to the Board that the Proteus litigation is still in the discovery phase and that the plaintiff's counsel had completed their review of various background documents. The plaintiffs requested copies of roughly 8,000 pages of material which have since been provided.

The MPC also related that since the Board last met, no new investigations had been opened and no investigations had been closed.

**Agenda Item 5**      **Review/Approve Past Meeting Minutes**

The Board discussed whether any changes needed to be made to the minutes before their approval.

On a motion made by Mr. Smith, seconded by Ms. Huff Tuckness and carried unanimously, it was

RESOLVED to adopt the January 1998 minutes as presented.

**Agenda Item 6**      **Exam Results/License Approval/Endorsements**

The MPC reported to the Board that Captain Stith took and passed the Extension of Route Examination for Yakutat Bay.

On a motion made by Mr. Berto, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to grant Captain Stith an extension of route endorsement for Yakutat.

The MPC reported to the Board that Captain Ogilvy took and passed the Extension of Route Examination for Nichols Passage/Metlakatla.

On a motion made by Captain Spence, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to grant Captain Ogilvy an extension of route endorsement for Nichols Passage/Metlakatla.

**Agenda Item 7**      **Public Comment**

Captain Michael O'Hara - passed

Captain Robert Pawlowsky, of NOAA NOS, gave the Board a brief update regarding the status of various NOS projects including the project to approve a nationwide standard for electronic charting systems and upcoming survey efforts in Alaska.

Mr. Ken Castner, Cook Inlet RCAC, spoke regarding the RFP committee, the pilot performance monitoring sheets from the Brisbane Marine Pilots,

and the Board's extensive statutory authority. He promised to provide a paper he had written regarding the Board's broad authority to regulate state pilotage.

Captain Moreno spoke regarding the State of Washington's attempt to enforce its pilotage regulations by bringing suit against the M/V SEA TRADER. Captain Moreno also mentioned the M/V SEA TRADER's past Alaska pilotage violations. In the discussion of enforcement options that ensued, Mr. White mentioned that it was possible to have a State Trooper arrest a vessel for a pilotage violation if it occurs in the presence of the Trooper. The MPC stated that it is the Division's policy that violations of pilotage will be investigated and forwarded to the office of the District Attorney.

**Agenda Item 8**                      **Performance Monitoring Project**

End of Tape 1, Side A  
Begin Tape 1, Side B

The MPC presented the information that the Brisbane Pilot's forwarded in response to the Board's request. Mr. Smith was interested in whether the Brisbane pilots have any data regarding the checklist. It was requested that the MPC ask the Brisbane pilots if they have any historical information regarding the use of their form and whether they have any ideas for improvement. The MPC was also asked to get a copy of the checklist that the pilots in Long Beach, CA use. Mr. Berto volunteered to provide a copy of an FAA checklist. It was mentioned that information on ISO standards might be found on the internet pages of the APA, InterTanko, IMPA and/or The Nautical Institute. The MPC was also directed to develop a performance monitoring checklist for the Board's review at the next meeting. The MPC invited anyone who wanted to assist in the development of the checklist to submit their ideas. SEAPA noted that they had already submitted a sample checklist.

**Agenda Item 8a**                      **Business Items**

Report of BMP Budget and Legal Costs: The Board's FY98 costs and legal billings through January 1998 were presented by the MPC.

Draft Letter to Senator Stevens: The Board reviewed the letter Captain Spence volunteered to draft to Senator Steven's regarding the VoTech Simulator. The Board approved the letter with minor amendments subject to concurrence of other appropriate parties.

Correspondence: The MPC led the Board through the Correspondence contained under Tab 7 in the Board packet. The Board expressed interest in the newspaper coverage of the collision between the ALASKAN 1 and the HANJIN BARCELONA. Following the collision, a group of interested parties met to discuss issues related to the transit of shipping through Unimak Pass. None of the parties present at the meeting attended that meeting. It was requested that the MPC try to ascertain what was discussed or decided at that meeting.

Senator Drue Pearce  
joined the meeting.

Set April 1999 Meeting Date: The Board decided to put off any decision on this item until the next day (4/2/98).

**Agenda Item 8b**

**M/V KUROSHIMA**

The Board discussed measures that have been put in place since the grounding of the KUROSHIMA. Following the accident, the Coast Guard, industry and pilots agreed to meet and discuss what to do when a severe storm is forecast, including getting ships underway out of Dutch Harbor. Captain Garay stated that a severe storm recently passed through Dutch Harbor and the meeting that was to be held in such an event did not occur, nor were the ships ordered out to sea before the arrival of the storm. Instead, many of the ships left Dutch Harbor during the height of the storm. The Board reiterated their desire to have the KUROSHIMA's pilotage violation sent to the District Attorney's office for prosecution.

1530 Break  
End of Tape 1, Side B  
Begin Tape 2, Side A  
1542 Back on Record

**Agenda Item 9**

**Simulator Based Marine Pilot Performance Evaluation System**

Chairman Bush announced that the Board intended to review the RFP in executive session, to be followed by an executive session to conduct Captain Skovoth's exam review and that it was his intention to then recess for the day.

On a motion made by Captain Garay, seconded by Ms. Huff Tuckness and carried unanimously, it was

RESOLVED to enter executive session to review the draft RFP for the Board's simulator based pilot performance evaluation project.

1545 Off Record

1702 Recess                    The Board's review of the draft RFP took longer than expected and the Board decided to recess for the day. The Board agreed to resume the executive session for review of the RFP at 8:00 am the next morning.

**April 2, 1998**

0805 - 0830                    The Board resumed it's executive session to review the RFP.

0841 Back on Record        Chairman Bush called the meeting to order.

Members present constituting a quorum were:

- Mr. Jeff Bush                -     Commissioner's Designee
- Captain Spence             -     Pilot Member
- Mr. Bernie Smith          -     Agent/Vessel Manager Member
- Ms. Huff Tuckness        -     Public Member
- Mr. Michael White         -     Public Member

Staff present were:        -        Peter Christensen (MPC)

To avoid any further delay of CDR Elly's presentation, Chairman Bush stated that the Board would now hear Agenda Item 10a and then it was his intention to withdraw into executive session to consider Captain Skovoth's Shiphandling examination.

**Agenda Item 10a        Presentation of the "SE Alaska Voluntary Waterway Guide"**

Captain Garay rejoined the meeting.                CDR Eley, Commanding Officer of Marine Safety Office - Juneau, presented the 1998 Southeast Alaska Voluntary Waterway Guide and provided copies for those in attendance. In presenting the Guide, CDR Eley's comments paralleled his letter of introduction on the front inside cover of the Guide. He asked all interested parties to keep the Guide handy for reference and to make notes of things that need to be changed for next year's edition.

**Agenda Item 10        Review of Captain Skovoth's Shiphandling Examination**

On a motion made by Mr. Smith, seconded by Captain Spence and carried unanimously, it was

RESOLVED to enter executive session to review Captain Skovoth's Shiphandling examination.

0900 Off Record

0927 Back on record  
Mr. Berto rejoined the meeting.

The Board returned to public session.

On a motion made by Mr. White, seconded by Mr. Smith and carried unanimously, it was

RESOLVED to decline Captain Skovoth's request to continue his examination.

**Agenda Item 10b     Amendment of SEAPA's Training Program**

The MPC noted that he had passed out copies of the amendment to the Board and the audience yesterday. Captain Hans Antonsen presented the amendment to the Board. Captain Antonsen fielded several questions from the Board regarding the amendment.

On a motion made by Captain Spence, seconded by Captain Garay and carried unanimously, it was

RESOLVED to accept SEAPA's proposed amendment to their training program.

**Agenda Item 11     Public Comment on the Regulation Package**

Chairman Bush requested that persons presenting public comment please refrain from repeating any written comments previously submitted as the Board is already aware of those comments, having received copies of the written comments in the Board packets. Additionally, he stated that as he has done previously, he would allow the Board to ask questions of anyone in the audience as each draft regulation was considered by the Board during their work session.

The following persons gave oral comment before the Board concerning the draft regulation package: Mr. Castner regarding a process for handling training for new ports, the impact of the 60,000 GT endorsement for existing holders of 40,000 GT licenses, training requirements should not become a gateway for membership in organizations, and the requirement

End Tape 2, Side A  
Begin Tape 2, Side B

for State pilots to hold a Coast Guard license; Captain O'Hara regarding the 60,000 GT endorsement, and the definition of docking and undocking; Captain Hans Antonsen regarding 12 AAC 56.990(19), and various paragraphs of 12 AAC 56.028; Captain Tuttle regarding application of the 60,000 GT endorsement; Mr. Tom Rueter regarding 12 AAC 56.120(e); Captain Baldry regarding 12 AAC 56.028.

Two persons gave public testimony on issues unrelated to the draft regulation package. Captain Keever (CAL Maritime) wanted the Board to be aware of the academy as a regional pilotage asset for data regarding training, ship movements, and casualty information. Captain Moreno spoke regarding the joint industry, Coast Guard and pilot meetings that were agreed to be held before the arrival of severe storms in Dutch Harbor.

1047 Break  
1108 Back on Record.

**Agenda Item 12**      **Amendment/Adoption of the Regulation Package**

The Board recessed into an informal public work session as they worked through the regulation package section by section. the Board agreed to the following amendments:

End Tape 2, Side B  
Begin Tape 3, Side A

**12 AAC 56.011:** The Board decided that the requirement for a 60,000 GT endorsement should apply only to deputy marine pilots initially licensed after June 1, 1996. The Board was unsure if the application amendment belonged in 12 AAC 56.011 or 12 AAC 56.019. They left the placement of the application amendment (56.011 v 56.019), to the discretion of the Division's Regulations Specialist.

**12 AAC 56.028(a)(1):** change the word "enrolled" to "other".

**12 AAC 56.028(a)(1)(C):** add the word "Harbor" immediately following the word "Juneau".

**12 AAC 56.028(a)(1)(F)(vii):** delete "Coon Cove" and renumber.

**12 AAC 56.028(a)(2):** amend to read: "of the dockings, undockings, moorings, unmoorings, and anchorings required in (1) of this subsection,"



End Tape 3, Side A  
Begin Tape 3, Side B  
1210 Off Record  
1338 Back on Record

**12 AAC 56.028(a)(2)(A):** amend to read: “no more than 25 percent may be made on vessels not subject to the act;”

The Board recessed for lunch.

**12 AAC 56.029(3):** The Board also directed that this regulation should be amended with whatever conforming language was needed to implement the application amendment previously mentioned in 12 AAC 56.011.

**12 AAC 56.120(d):** amend the second sentence to read: “If reasonable effort has been made to offer safe and reliable transportation and the vessel, equipment, or personnel do not meet the minimum standards as set forth below, it shall be at the pilot’s discretion to utilize the transportation provided.

End Tape 3, Side B  
Begin Tape 4, Side A

**12 AAC 56.120(e):** amend the sentence to read:

The phrase “safe and reliable transportation”, when referring to a vessel engaged in the transportation of pilots, means a vessel that at least meets the following requirements:

- (1) licensed operator;
- (2) waterproof VHF, (other than pilot’s);
- (3) distress signals, (at least 3 parachute flares, 3 handheld flares, and 1 dye marker), in a waterproof case;
- (4) first aid kit;
- (5) spare fuel supply, (if the vessel is propelled by an outboard motor);
- (6) radar reflector;
- (7) tool kit;
- (8) engine kill switch;
- (9) survival suits;
- (10) flashlight;
- (11) anchor with 30 fathoms of line;
- (12) sound producing device;
- (13) pilot retrieval system;
- (14) high intensity strobe (required when pilot transfer is at night).”

**12 AAC 56.990:** During the discussion regarding changes to 12 AAC 56.990(10) and (31) the Board indicated that all the maneuvering definitions should include the requirement that the trainee perform the

maneuver while at the conn. Accordingly, conformance amendments were made to the definitions for anchoring, mooring, weighing anchor and unmooring, 12 AAC 56.990(2), (18), (32), and (34) respectively.

**12 AAC 56.990(2): amend as follows:**

(2) "anchoring" means the evolution of maneuvers made while at the conn to approach and anchor a vessel in an anchorage, beginning with the briefing of the maneuver to the training pilot and ending when the anchor set and the scope of chain deployed;

**12 AAC 56.990(10): amend as follows:**

(10) "docking" means the evolution of maneuvers made while at the conn to approach and secure a vessel at a berth, beginning with the briefing of the maneuver to the training pilot and ending when the last line is secured at the berth and

(A) in the Southeastern Region includes the approach from the navigation channel, anchorage, or mooring;

(B) in Southwestern and Western Regions includes the transit from the pilot station to the dock.

**12 AAC 56.990(18): amend as follows:**

(18) "mooring" means the evolution of maneuvers made while at the conn to approach and secure a vessel to a mooring buoy or buoys, beginning with the briefing of the maneuver to the training pilot and ending when the last line is secured.

**12 AAC 56.990(19): amend to read as follows:**

(19) "movement" means a docking or undocking, mooring or unmooring, a transit to or from a pilot station, coming alongside an anchored vessel or anchoring a vessel;

**12 AAC 56.990(31): amend as follows:**

(31) "undocking" means the evolution of maneuvers made while at the conn to depart a berth, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate and

(A) in the Southwestern and Western Regions includes the transit from the dock to the pilot station;

**12 AAC 56.990(32):** amend as follows:

(32) “unmooring” means the evolution of maneuvers made while at the conn to depart a mooring, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate;

**12 AAC 56.990(34):** amend as follows:

(34) “weighing anchor” means the evolution of maneuvers made while at the conn to depart an anchorage, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate.

The Board returned to regular session. Chairman Bush noted that the Board had considered the financial impact of the regulations under consideration.

On a motion made by Mr. Smith, seconded by Captain Spence and carried unanimously, it was

RESOLVED to adopt the regulation package as amended.

The Board requested that the MPC notify fishing companies operating in Western Alaska of the new regulations adopted by the Board regarding safe and reliable transportation of pilots in pilot boats as included in 12 AAC 56.120(d) and (e).

The Board noted several regulation projects that were probably outside the scope of the notice of the regulation package or could otherwise not be included in this regulation package. The Board requested the following regulation projects be noted for future consideration:

- (1) A regulation to require specific training requirements be met in order to advance to a 40,000 GT and a 60,000 GT license endorsement.

- (2) A regulation authorizing acceptance of, or requiring, simulator trips to meet specific training requirements. Tracy Arm was mentioned specifically.
- (3) A regulation authorizing acceptance of, or requiring, simulator trips to make up requirements waived under 12 AC 56.028(h).
- (4) A regulation to require all state licensed pilots to hold at all times a current Federal license at a level required in AS 08.62.093(b) and that includes a pilotage endorsement for the applicable State pilotage region. This amendment could possibly be placed in 12 AAC 56.960 "Duties of Pilots".
- (5) Review the definition of "movement" for possible further refinement.
- (6) A regulation that delineates the procedure for a pilot taking a ship into a port or area that he/she has not previously visited. It was noted that this requirement could also be implemented by stating how the issue will be addressed in each pilot organizations training standards.

**Agenda Item 8a Business Items - Revisited**

The Board set next years April meeting date for April 7-8, 1999.

**Agenda Item 13 National Maritime Incident Reporting System**

The MPC gave a brief summary of the Memorandum of Agreement between the U.S. Coast Guard (USCG) and the Maritime Administration to work on implementing a practical non-attribution National Maritime Incident Reporting System. The USCG public announcement also solicits volunteers to work on the project. The MPC invited anyone that had the time and interest to volunteer their services to the project.

**Agenda Item 14 Stump the Board**

The MPC led a discussion of 12 AAC 56.080(e) and how the Board intended it to be implemented. The requirement reads in part:

- (e) To renew a deputy marine pilot license, a deputy marine pilot shall comply with
- (1) . . . . ; and
  - (2) (c) of this section for each complete calendar year that the deputy marine pilot held a deputy marine pilot license. (emphasis added)

The issue revolves around the phrase “for each complete calendar year”. If read literally, the regulation (in some circumstances), could result in requiring twice the amount of service for renewal of a deputy marine pilot license as what is required for renewal of a marine pilot license. The Board determined that the phrase in question was written to differentiate between the renewal requirements that must be met by a deputy marine pilot who only held a deputy marine pilot license for at least one full year, versus one who has held a deputy marine pilot license for only part of one year. Obviously, if a deputy marine pilot has only held a deputy marine pilot license for only part of one year, it would be very difficult for that pilot to comply with section (c) which lists a requirement that is designed to be met over the course of two full years.

Thus, the regulation was written to exclude deputy marine pilots from having to meet section (c) if the deputy marine pilot had held the deputy marine pilot license for less than a year. Likewise, if at the time of renewal a deputy marine pilot had held a deputy marine pilot for at least one complete year, then the requirement of section (c) must be met. The Board decided that the regulation would not be interpreted to require a deputy marine pilot to meet the service requirement of section (c) twice, in the possible situation where at the time of renewal, a deputy marine pilot had held a license for two complete years.

End Tape 4, Side A  
Begin Tape 4, Side B

**Agenda Item 9**      **Marine Simulator Project Update** - Revisited

On a motion made by Mr. Smith, seconded by Captain Spence and carried unanimously, it was

RESOLVED to enter executive session to consider the draft RFP for the simulator based pilot performance evaluation project.

1455 Off Record  
Chairman Bush Departed  
1517 Back on Record

On a motion made by Mr. Smith, seconded by Captain Garay and carried unanimously, it was

RESOLVED to accept the recommendation of the RFP committee  
to notice the RFP as amended.

**Motion to Adjourn**

On a motion made by Captain Spence, seconded by Mr. Smith and carried  
unanimously, it was

RESOLVED to adjourn the meeting.

Respectfully submitted: \_\_\_\_\_  
Peter D. Christensen,  
Marine Pilot Coordinator

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Jeffrey W. Bush,  
Deputy Commissioner