

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

**MINUTES OF MEETING
April 4 - 5, 2001**

By the authority of AS 08.01.070(2), AS 08.62.030, and in compliance with the provisions of provisions of AS 44.62, Article 6, a meeting of the Board of Marine Pilots was held April 4 - 5, 2001, in 2001, in Juneau, Alaska.

04/04/01

Examinations were conducted on the morning of April 4, 2001 as follows:

Captain Sizemore – Deputy Marine Pilot Exam Region 1
Captain Hanson– Deputy Marine Pilot Exam Region 1
Captain Taylor– Deputy Marine Pilot Exam Region 2

Start Tape 1, Side A

Agenda Item 1 Call to Order/Roll Call

Chairman Bush called the meeting to order at 1335. 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 Tony Joslyn	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Mr. Bob Berto	-	Agent/Vessel Manager Member
Ms. Barbara Huff Tuckness	-	Public Member

Staff present was: Peter Christensen, (MPC)

Agenda Item 2 Review/Set Agenda

Chairman Bush announced that a committee composed of a pilot from each association in SE and the MPC would be formed to finish grading one of the

Region 1 exams and he proposed that activity to commence immediately following the conclusion of today's portion of the meeting. Consequently the exam results need to be moved to tomorrow morning. So, items 6 & 7 would be moved to tomorrow morning. Item 13 could be moved to today.

The hearing scheduled for tomorrow morning is postponed since a request has been received to have the hearing held by a hearing officer. The Board must still decide whether it will hear the hearing with the hearing officer or let the hearing officer hear it alone.

Captain Garay stated that his committee report is not ready since the committee has not yet met. He stated that he would like to have the committee meet that afternoon, consequently, he suggested moving Item 12 to tomorrow.

There was some discussion of when and if the bill signing (SB16) was still occurring.

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

RESOLVED to approve the agenda as amended.

Agenda Item 3

Declaration of Potential Conflicts of Interest/Recusals

Mr. Berto raised the issue of whether he should be recused regarding the upcoming hearings. However, since no hearing will be taking place at this meeting the issue was postponed until later.

Chairman Bush asked the MPC regarding prior AG guidance on the issue of "pilot" Board members participating in the exam and issuance of licenses. The MPC stated that his recollection of their advice was that in regions without competition there was no problem, and in regions with competition and if an applicant was from that region, then the "pilot" member should declare his possible recusal and the Chair should rule.

Agenda Item 4

Investigation/Litigation Update

The MPC updated the Board regarding the Renwick litigation. He noted that the Board's agenda included consideration of a proposed decision in the matter. He also pointed out that the Board book contains a copy of the decision in the case Proteus v. Alaska Board of Marine Pilots.

Regarding investigations, the MPC stated that none had been closed and that one new investigation had been opened since the last meeting of the Board in January 2001.

The Board requested that the MPC look into the possibility of providing to the Board abstracts of new investigation cases as they are opened.

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

The Board discussed whether any changes needed to be made to the January minutes before their approval. Chairman Bush pointed out a mistake on page three where his name was substituted for Captain Antonsen. He also noted a couple of typographical errors.

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

RESOLVED to approve the January 2001 minutes as amended.

Agenda Item 8 **Public Comment**

Captain Antonsen – introduced Paul Kirchner, Executive Director and General Counsel of the APA, and Captain Steve Brown, Regional Vice President of the Pacific States. Captain Brown is from the Columbia River Pilots.

Captain Grobschmit – informed the Board that AMP had successfully negotiated new contracts with some of its clients.

Agenda Item 9 **Renwick Decision**

Chairman Bush requested the MPC to give a procedural summary of the Renwick case. Following The MPC's summary the Board discussed the Hearing Officer's proposed decision. The Board's discussion centered predominantly on the meaning of "permanent" in the recommendation for "permanent revocation" of his license. Captain Garay also led a discussion regarding the costs of the "Renwick decision."

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

RESOLVED to adopt Option 1 of the hearing officer's proposed decision in its entirety.

Agenda Item 14 Business Items

The Board scheduled the summer teleconference for 1:30 on July 18, 2001. Exams will be scheduled that morning.

Chairman Bush announced that the Board had been advised by the Department of Law that there was some procedural question regarding the notice for the "at the conn" regulation. Accordingly, the proposed regulation will be re-noticed for written comment and up for adoption again at the

End Tape 1, Side A
Start Tape 1, Side B

Board's July meeting. Chairman Bush announced that the Board would not be taking oral comment on the proposed regulation this time around.

The application deadline for the July exams is May 21, 2001

The Board set next year's April meeting date for April 10-11, 2002 in Juneau.

The Board changed the October 2001 meeting to October 24 – 25, 2001 in Seward, AK.

The MPC briefly reviewed the Board's Budget Report contained in the Board book. The budget report led to a discussion of the number of outstanding pilot renewals, which led to a discussion of whether Region 4 should be recombined back into Region 3 since there is currently no one licensed to pilot in Region 4.

The MPC gave a brief overview of the correspondence contained in the Board packet. The MPC also addressed additional correspondence he handed out at the meeting:

- ◆ Copy of SEAPA's Public Noticed Pilotage Rates (2nd round)
- ◆ Industries' objection to those rates.
- ◆ Letter from SEAPA acknowledging receipt of industries' objection and promising a response.
- ◆ SEAPA's annual report.
- ◆ Comment from Robertson, Monagle & Eastaugh regarding "at the conn"
- ◆ Letter from the APA w/attachments regarding "at the conn"

- ◆ Letter from Keesal, Young & Logan regarding “at the conn”

The Board recessed for the day.

04/05//01

Chairman Bush opened the second day of the meeting by remembering Kris Geldaker of Cruise Line Agencies of Alaska who regularly attended Marine Pilot Board meetings and had unexpectedly passed away just two weeks prior to the meeting.

A moment of silence was observed in memory of Kris.

Call to Order/Roll Call

Chairman Bush called the meeting to order. 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 Tony Joslyn	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Ms. Barbara Huff Tuckness	-	Public Member

Staff present was: Peter Christensen, (MPC)

Absent: Mr. Berto

Agenda Item 6 & 7 Examination Results & Oral Examinations before the Board

The Board moved into executive session to conduct oral examinations of the successful candidates for Deputy Marine Pilot.

On a motion made by Mr. Thompson, seconded by Captain Joslyn and carried unanimously, it was

RESOLVED for the Board to enter executive session to conduct the oral examinations of the Deputy Marine Pilot license candidates.

The Board returned from Executive session.

Chairman Bush reminded everyone that the previously scheduled bill signing had been moved to tomorrow.

The MPC stated that Captain Hanson's application was complete except that he must still complete the required four years of his apprenticeship-training program.

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

RESOLVED to approve the issuance of a Deputy Marine Pilot license of not more than 25,000 GT to Captain Hanson upon the day after the anniversary of his fourth year in his apprenticeship program.

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

RESOLVED to approve the issuance of a Deputy Marine Pilot license of not more than 25,000 GT to Captain Taylor.

Agenda Item 10

SEAPA Rate Hearing

End Tape 1, Side B
Start Tape 2, Side A

Chairman Bush reiterated that ASA had submitted a written request that the hearing be held before the hearing officer. SEAPA has asked that the hearing be held before the Board. The Board discussed their preference.

During the discussion of this item Chairman Bush agreed that he would ask the State Ethic's officer to clarify the role of the vessel agents seated on the Board regarding their participation in rate hearings.

On a motion made by Captain Garay, seconded by Ms. Huff Tuckness and carried on a vote of five to one, it was

RESOLVED to hear the SEAPA hearing as a Board with a Hearing Officer as early as it can be arranged.

Agenda Item 11

Alaskan Marine Exchange

End Tape 2, Side A
Start Tape, 2, Side B

The executive director of the Alaskan Marine Exchange, Mr. Ed Page, Captain, USCG Retired, gave a Power-Point presentation of the newly established marine exchange to the Board. Mr. Paul Fuhs, President of the Marine Exchange Board of Directors was also in attendance and assisted in the presentation. Mr. Page handed out a brochure and a copy of the Board of Directors. A question and answer period and some discussion followed.

Agenda Item 12

Report from the Committee on the Review of ASA Letter

Captain Garay gave a short report of his committee's meeting. He stated that the committee does think that some progress can be made toward implementing a mandatory retirement age. It was suggested that other state mandatory retirement systems be researched for examples of other systems. Captain Garay stated that his sense of the committee's consensus was that the best chance of implementing a mandatory retirement age would be through a State regulation rather than through the associations themselves. Mr. Thompson mentioned that the committee realized that some sort of increased physical standards of performance will also be required in addition to a mandatory retirement age. It was suggested that a letter be written to the Department of Law regarding any issues, prohibitions or lack of authority to implement a mandatory retirement age.

Chairman Bush introduced two topics that arose during the oral examinations. The first is the use of Pilot Cards to assist the master/pilot conference. A pilot card from San Francisco was handed out to the Board as an example of what could be developed or used. SEAPA stated that they had just sent their pilot card to the printers and that they would provide one to the Board after they receive them from the printer.

The second topic was whether it would be worth amending the Board's regulations to allow a pilot that has not yet completed the federal pilotage requirement to begin some limited training in ports where the federal pilotage requirement had been met. Currently all Federal pilotage must be completed and the Core examination passed before beginning training to complete any of the State's training requirements. The purpose of implementing this change would be to increase the trainee's options towards completing the training requirements. The MPC was asked to draft a regulation amendment for review at the next Board meeting. Chairman Bush requested that all three regions review their exam question databases for appropriateness and accuracy. He stated that the exam question database needs to be increased and refined. For instance, more

multiple choice and true false questions would improve test administration and scoring.

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

RESOLVED to adjourn the meeting.

Respectfully submitted:

Peter D. Christensen,
Marine Pilot Coordinator

Approved this _____ day of _____, 2001.

Jeffrey W. Bush,
Deputy Commissioner