

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

**MINUTES OF MEETING
April 17 - 18, 2002**

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 17 –18, 2002, 2002, in Juneau, Alaska.

APRIL 17, 2002

Examinations were conducted on the morning of April 17, 2002 as follows:

Captain Seaberg – Deputy Marine Pilot Exam Region 1

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 Tony Joslyn	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Mr. Bob Berto	-	Agent/Vessel Manager Member
Ms. Barbara Huff Tuckness	-	Public Member
Mr. Jack Poulson	-	Public Member

Staff present was: Peter Christensen, (MPC)

Agenda Item 3 Declaration of Potential Conflicts of Interest/Recusals

No conflicts or recusals were declared.

Agenda Item 4 Investigation/Litigation Update

The MPC updated the Board regarding the Renwick litigation.

Regarding investigations, the MPC stated that no new investigations had been opened since the last meeting of the Board in October 2001.

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

The Board discussed whether any changes needed to be made to the January 2002 minutes before their approval. One typographical error was noted on page 9.

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

RESOLVED to approve the January 2002 minutes as amended.

Agenda Item 2 **Review/Set Agenda**
(Agenda item 2 was missed and taken out of order)

Chairman Bush requested that Item 12 be renumbered as Item 14A.

The MPC suggested adding consideration of the APC Hearing Stipulation to the agenda. It was added as Item 14B.

It was requested that additional public comment be added to the agenda for the morning of January 31, 2002.

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

RESOLVED to approve the agenda as amended.

Agenda Item 6 **Business Items**

The MPC briefly reviewed the Board's Budget Report contained in the Board book.

The MPC gave a brief overview of the correspondence contained in the Board packet.

The Board scheduled the April 2003 Board meeting for April 16 - 17, 2003 in Juneau, Alaska.

The MPC reminded the Board of its next scheduled meeting and the associated examination deadline.

Following a short discussion, the Board set July 17, 2002 at 1300 as the date for its summer teleconference.

Agenda Item 7 **Examination Results**

The MPC announced the results of Captain Seaberg's examination. Captain Seaberg passed the Local Knowledge Examination for Region 1 with a score of 97%.

Agenda Item 8 **Oral Examinations before the Board**

The Board moved into executive session to conduct Captain Seaberg's oral examination.

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

RESOLVED for the Board to enter executive session to conduct Captain Seaberg's oral examinations.

1405 Entered Executive Session
1420 Returned from Executive Session, Board recess until 1445

Agenda Item 9 **Authorize Issuance of License – as necessary**

The MPC stated that he had reviewed Captain Seaberg's application for a Region 1 Deputy Marine license and found it complete. He noted that Captain Seaberg had successfully completed the Region 1 Local Knowledge examination and oral examination this morning. Accordingly he recommended that the Board authorize issuance of a Region 1 Deputy Marine Pilot license of not more than 25,000 GT to Captain Seaberg.

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

RESOLVED to approve the issuance to Captain Seaberg of a Region 1, Deputy Marine Pilot license of not more than 25,000 GT.

The MPC stated that he had reviewed Captain Siegel's application for a Region 2 Marine license and a VLCC endorsement and found it complete. Accordingly he recommended that the Board authorize issuance of a Region 2 Marine Pilot license with a VLCC endorsement to Captain Siegel.

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

RESOLVED to approve the issuance to Captain Siegel of a Region 2, Marine Pilot license with a VLCC endorsement.

The MPC stated that he had reviewed Captain Backen's and Captain Anthony's application for a Region 3 Marine Pilot license and found it complete. Accordingly he recommended that the Board authorize issuance of a Region 3 Marine Pilot license to Captain Backen and Captain Anthony.

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

RESOLVED to approve the issuance to Captain Backen and Captain Anthony of Region 3, Marine Pilot licenses.

Agenda Item 10

U.S. Customs – Mr. Dan Holland via Teleconference

(Inspector Mahn attempted to call into the Board meeting but the front desk was unable to transfer the call. Since it was involved with other business at the time the Board opted not to return the call at that time.)

Pilot ID Card

This item was not on the agenda, but Chairman Bush asked the MPC to give a short status report on the project while waiting for the call from Customs. The MPC circulated an example of the type of card that the Department of Labor had agreed to make for the pilots and various formats were discussed.

Agenda Item 11

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

Public Comment

Captain Didier – explained the history and purpose behind the proposed “retirement” regulation.

Captain Grobschmit – elaborated on the proposed “retirement” regulation submitted to authorize a pilot retirement plan.

Mr. Kyle – stated that ASA did not yet have a position on the proposed regulation, but he had a strong aversion to the Board approving to notice the regulation at the current meeting. He asked that it be considered for notice at the Board’s next meeting. Chairman Bush indicated his strong preference that any proposed retirement regulation also address mandatory retirement, training funds, and continuing education.

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

(The rest of the tape between this point and the Board’s recess for the day was inadvertently recorded over. The beginning of Tape 2, Side A now carries 8 minutes of audio that would have been the beginning of Tape 3, Side A if it was correctly placed.)

Mr. Thompson made a motion to table further discussion of the proposed “retirement” regulation. The motion was not seconded and was later withdrawn.

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

RESOLVED to consider the proposed “retirement” regulation at the July meeting.

Agenda Item 12

Proposed Change to Bylaws & Operating Rule

(Was moved and renumbered as Agenda Item 14B.)

1630

The Board recessed for the day.

APRIL 18, 2002

Agenda Item 13 Call to Order/Roll Call

Chairman Bush called the meeting to order at 0837. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Jeff Bush	-	Commissioner's Designee
Captain Tony Joslyn	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Mr. Bob Berto	-	Agent/Vessel Manager Member
Mr. Jack Poulson	-	Public Member

Staff present was: Peter Christensen, (MPC)

Not Present: Ms. Barbara Huff Tuckness

Agenda Item 14 Oral Comment on 'Noticed' Regulations

Captain Collins – representing SEAPA, presented SEAPA's proposed changes to the proposed regulation package noticed 3/6/02.

Captain Fleury – representing ACP, appeared before the Board to present ACP's proposed changes to the proposed regulation package noticed 3/6/02.

MPC – presented some transition language he had drafted and a table comparison of the currently required requirements to the maneuvers required in the proposed changes to 12 AAC 56.028(a).

Captain Antonsen – commented on the proposed regulation package noticed 3/6/02.

Captain Spence – commented on the value of training conducted on enrolled vessels.

Captain Tillion - representing SWAPA, appeared before the Board to request that the Board consider amending the Training Pilot requirements.

Public comment closed at 1003.

Agenda Item 14B **Proposed Stipulation between ACP and ASA re ACP's 2001 Proposed Cargo Rate**

Captain Gray and Mr. Monkman presented the stipulation reached between ACP and ASA.

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

RESOLVED (in accordance with the negotiated stipulation) to find the pending rates noticed by ACP as unreasonable, thus allowing ACP to renotice their rates to implement the remainder of the stipulated agreement.

(The Board noted that the determination of unreasonableness was not based upon the merits of the rates but rather solely to allow the parties to implement their negotiated agreement.)

Agenda Item 14A **Proposed Changes to Bylaws and Operating Rules**

The Board invited Mr. Monkman, counsel to ACP, and Captain Gray to explain the proposed changes to ACP's Bylaws, Operating Rules, & Training Program.

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

RESOLVED to approve ACP's proposed changes to Bylaws IX.

The Board declined to take action on Operating Rule 13.

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

RESOLVED to approve ACP's Training Plan amendments.

Captain Hannuksela explained his association's changes to their apprenticeship program.

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

RESOLVED to approve AMP's Apprenticeship Program.

Agenda Item 17 Board Action on 'Noticed' Regulations

The Board decided to take this agenda item out of order before items 15 and 16.

The Board first addressed the regulations noticed December 21, 2001. The Board noted that at the January meeting they had already made some changes to these regulations.

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

RESOLVED to adopt the regulation package noticed December 21, 2001, as amended at the previous meeting and with the addition of the transition language provided by the MPC with the exception of the amended language provided for 12 AAC 56.025(j).

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

RESOLVED to adopt the MPC's version of 56.025(j) presented on his sheet of transition language.

The Board then turned to a page by page review of the regulation package noticed March 6, 2002. The following changes were noted to the version of the proposed regulation under Tab Six:

Page 1

No changes.

Page 2

12 AAC 56.026(a)(2) shall read: "possess a valid Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for at least one area within the pilotage region in which the training will occur, except in the Southeastern Alaska Region an applicant shall have Federal first class pilotage without tonnage restrictions except for Yakutat, Klawock and the Port of Hollis."

(“Port of Hollis” needs to be consistent throughout. Changing “Region One” to “Southeastern Alaska Region” needs to be corrected throughout.)

Page 3

12 AAC 56.027(a)(1) should read: “executed while the applicant held a United States Coast Guard license as first class pilot of vessels of any gross tons upon the waters in which the maneuver was carried out; except in the Southeastern Alaska Region, prior to performing supervised maneuvers, an applicant shall have First Class Federal Pilotage without tonnage restrictions for the entire region except Yakutat, Klawock, and the Port of Hollis.”

12 AAC 56.028(a) - the added phrase “all of” was deleted.

It was decided that the maneuvers at the cruise ship ports in 12 AAC 56.028(a)(1)(A), (B) and (C) will be left at eight required.

Page 4

12 AAC 56.028(a)(1)(E) The word “additional” will be added, 10 additional dockings and 10 additional undockings.

12 AAC 56.028(a)(1)(E) the proposed change of no more than three dockings and three undockings at anyone port was changed to four and four.

The repeal of 12 AAC 56.028(a)(1)(E)(viii) was retracted.

Page 5

12 AAC 56.028(a)(1)(G) was moved back to eight anchorings.

Page 6

No changes

Page 7

12 AAC 56.028(a)(4) changes from 22 to 20.

Page 8

Reformat the snow passage requirement as its own requirement (12 AAC 56.028(a)(6)) requiring 9 passages as outlined.

Page 9

No changes.

Page 10

12 AAC 56.029(1) was changed so that the new language read: “except in the Southeastern Alaska Region where the applicant’s Coast Guard license may omit federal pilotage for Klawock and the Port of Hollis;”

Page 11

The MPC’s suggested text for 12 AAC 56.031(a) was accepted except that the Board directed that he work with the division’s regulation specialist to try and add a repealer to the old portion of the regulation.

Page 12

No changes occur to 12 AAC 56.068.

Page 13

No changes, except the obvious deletion of the second paragraph.

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

RESOLVED to adopt the version of the regulations under tab 6 as amended during discussion.

Agenda Item 16 **Draft Letter of Interest – Simulator Project**

The MPC presented his draft letter and enclosures. Following discussion, the Board agreed that when the committee approved the letter for distribution it could be sent out without further review by the Board.

Agenda Item 15 **Report from Region 3 Committee**

Chairman Bush attempted to summarize the Region 3 committee meetings. The committee felt that the primary issue in Region 3 was retention of pilots and whether in future years there would be enough pilots remaining in Region 3 to handle the work load. The association told the committee that they were taking appropriate actions to ensure that enough pilots would be present in the future. Eventually, the committee disbanded without making any specific proposals although Chairman Bush asked everyone to consider ways that retention of pilots in Region 3 could be increased. Captain Hannuksela told the Board that since AMP

has created their apprenticeship program, they have had no lack of pilotage candidates.

The MPC reminded Chairman Bush that the Board had tabled a motion concerning a proposed regulation at the last meeting that was to be addressed at this meeting.

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

RESOLVED to retable the motion until the next meeting.

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

RESOLVED to adjourn the meeting.

Respectfully submitted:

Peter D. Christensen,
Marine Pilot Coordinator

Approved this _____ day of _____, 2002.

Jeffrey W. Bush,
Deputy Commissioner