

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

**MINUTES OF MEETING
July 1, 2003**

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 July 1, 2003, via via teleconference.

July 1, 2003

Start Tape 1, Side A

Agenda Item 1 Call to Order/Roll Call

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

Members present constituting a quorum were:

Mr. Al Clough	- Commissioner's Designee	- Juneau SOB
Captain Tony Joslyn	- Pilot Member	- Valdez
Mr. Les Cronk	- Agent Member	- LIO Ketchikan
Mr. Robert Arts	- Agent Member	- ALAMAR Office
Mr. Jack Poulson	- Public Member	- Juneau SOB
Ms. Barbara Huff Tuckness	- Public Member	- SWAPA Office

Members absent:

Captain Dave Anderson	- Pilot Member	- working
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Staff present was: Peter Christensen, MPC

Guests present at the LIO and other sites are noted below:

LIO Ketchikan – Mr. Cronk, Mr. Berto, Mr. Axleson

SEAPA Office – Captain Didier, Captain Jones

Juneau SOB – Mr. Clough; Mr. Poulson; Captain Collins; Captain Winter;
Captain Styrk; Mr. Bush; Mr. Kyle.

Valdez – Captain Joslyn; Captain Scally

Homer – Ms. Huff Tuckness; Captain Ward

ALAMAR Office – Mr. Arts

Dutch Harbor – Captain Garay

Agenda Item 2 **Review/Set Agenda**

The MPC proposed moving item agenda items 6 & 7 forward to accommodate Captain Styrk's departure for his flight.

Mr. Clough requested whether there were any objections to moving agenda items 6 & 7 to follow item number 3 in the agenda. Hearing no objections, it was

RESOLVED to approve the agenda as amended.

Agenda Item 3 **Declaration of Potential Conflicts of Interest/Recusals**

No conflicts or recusals were declared.
(This item was addressed during a lull in discussing agenda item 2)

Agenda Item 6 **Exam Results/Oral Exam**

The MPC related that Captain Styrk had taken and passed the Region 1 Local Knowledge Examination and was in all other respects qualified to be licensed.

Captain Styrk related his marine career to the Board and responded to the Board's questions.

Agenda Item 7 This agenda item number was skipped on the agenda.

Agenda Item 8 License Endorsements/Approval

The MPC reviewed Captain Styrk's qualifications for a deputy marine pilot license and recommended that the Board authorize the issuance of a Deputy Marine Pilot license of not more than 25,000 gross tons.

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

RESOLVED to issue Captain Styrk a Deputy Marine Pilot license of not more than 25,000 gross tons.

The MPC stated that Captain Desautel, Captain Ward and Captain Adkinson had each applied for a Training Pilot endorsement and that with the new training pilot regulation change just in effective they all now qualified.

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

RESOLVED to issue training pilot endorsements to Captain Desautel, Captain Ward and Captain Adkison.

The MPC stated that he had received a letter from SEAPA requesting that Captain Gray be issued a training pilot endorsement. However, he had not received a letter from Captain Gray himself requesting the endorsement. Captain Collins clarified that the SEAPA letter was initiated by an internal request from Captain Gray.

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

RESOLVED to issue training pilot endorsements to Captain Gray.

Agenda Item 4 Business Items

The MPC requested clarification on whether the forthcoming October meeting date (10/22-23) would still work for all Board members. At least one Board member had a conflict. There was also concern that the meeting was scheduled during the same week as the AFN convention, thus complicating airline and hotel reservations. Another conflict was mentioned during the week before 10/15-16.

On a motion made by Mr. Arts, seconded by Mr. Cronk and carried unanimously, it was

RESOLVED to move the October meeting date to the 29th and 30th.

The MPC announced that new Statute and Regulations pamphlets were being mailed to all licensees.

Agenda Item 5 **Public Comment**

Captain Collins thanked the department and the MPC for the Marine Pilot ID's and stated that they were working well.

Mr. Kyle reminded the Board that ASA had submitted a letter to the Board back in January or June of 1999 regarding the need to draft some regulations to address the vagaries in the rate hearing process. He noted that ASA was once again facing those issues and that he planned to draft a new letter to the Board regarding their concerns.

Mr. Bush representing ASPA gave a short progress report on the activities of the retirement committee. He stated that the committee had held two meetings to date, planned more in the future and were moving toward a full formal presentation to the Board in October, hopefully with a consensus opinion. He then quickly summarized the discussions to date and the options being considered and noted that the pilots had received an actuarial model from an actuarial that they had hired.

Captain Collins mentioned that SEAPA had received a request from a cruise line requesting that a pilot no longer be dispatched to their vessels, but that SEAPA had not yet received a written letter to that effect. In recognition of that request SEAPA noted that under 12 AAC 56.310(c)(4)(E) the association had a responsibility to bring to the attention to the Board any credible information regarding a member of the organization that may require the Board to act under AS 08.62.150 – 08.62.155. Without getting into specifics, Captain Collins wanted to know what the Board would consider credible information under this regulation?

A discussion between the Board and Captain Collins ensued. The consensus of the

Board was that credible information would have to be in writing and since this issue had not been formally brought to the Board with written evidence that no further action was necessary at this time.

Agenda Item 9 **Use of Excluded Areas when issuing Deputy Marine Pilot and/or Marine Pilot Licenses to pilots that lack the full Federal pilot endorsements for their area.**

The MPC opened the discussion by briefing the Board on the past history of licensing requirements for pilots holding federal pilotage exclusions.

Captain Winter noted that the creation of 12 AAC 56.068(b) allowed the substitution of comparable trips to meet the requirement for areas that could not be obtained on their federal license and that those substitution trips were listed in 12 AAC 56.031(a)(2). The argument was made that if the trips in 12 AAC 56.031(a)(2) were sufficient to overcome the licensing requirement for a full Marine Pilot license, then the same trips should be sufficient to remove pilotage exclusions on a Deputy Marine Pilot license.

The Board concluded that if a Deputy Marine Pilot completes the requirements of 12 AAC 546.031(a)(2) for the area in which s/he has Federal pilotage exclusion, then the exclusion may be removed.

Agenda Item 10 **Yachts**

Captain Winter began the discussion by listing some of his experiences with yachts this summer and listed several issues that had surfaced regarding yachts, especially the yachts that entered illegally without a pilotage exemption. Captain Winter requested that the Board take action against the yachts violating the act, especially the M/Y LADY LOLA. He also requested that the Board begin a regulatory project to address some of the issues that have come up this summer.

A lengthy discussion ensued regarding the issues, enforcement and the need for new regulations.

Mr. Brower addressed the Board regarding the available enforcement options to enforce the new statute.

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

RESOLVED to move against the M/Y LADY LOLA with both criminal and civil penalties to enforce the new exemption statute.

Ms. Huff Tuckness announced that she had to leave for the airport.

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

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

RESOLVED to form a pilotage exemption regulation committee of Mr. Poulson, Captain Winter, Mr. Cronk, Mr. Brower and the MPC.

Following the formation of the committee the discussion regarding yachts continued.

The MPC asked how the Board wanted to deal with the provision of the statute that would be effective July 6th that would require yachts to submit their application for a pilotage exemption 30 days in advance?

Following discussion, the Board decided to delay enforcement of the 30 day advance requirement until the 2004 season since there had been so little time to inform yachts of the new law following its passage by the legislature.

Agenda Item 11

Adjourn

Hearing no objections Mr. Clough adjourned the meeting.

Respectfully submitted:

Peter D. Christensen
Marine Pilot Coordinator

Approved this _____ day of _____, 2004.

Al Clough
Chairman, Marine Pilot Board