

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

BOARD OF MARINE PILOTS

MINUTES OF TELECONFERENCE

August 21, 1997

By 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 teleconference meeting of the Board of Marine Pilots was held August 21, 1997.

8/21/97

The Marine Pilot Coordinator (MPC), with the assistance of Captain Spence and Chairman Bush, administered examinations from 0800 - 1200 as listed below:

T. Backen	-	Core
R. Ward	-	Region 2 Local Knowledge
V. Adkison	-	Region 2 Local Knowledge
K. Rathgeber	-	Klawock

Begin Tape 1, Side A

Agenda Item 1 Call to Order/Roll Call

Chairman Bush called the meeting to order at 1340. The MPC conducted roll call.

Members present constituting a quorum were:

Mr. Bush	-	Commissioner's Designee	(Juneau SOB)
Captain Spence	-	Pilot Member	(Juneau SOB)
Captain Garay	-	Pilot Member	(Kalama, WA)
Mr. Berto	-	Agent/Vessel Manager	(Anchorage LIO)
Mr. Smith	-	Agent/Vessel Manager	(Anchorage LIO)
Ms. Huff Tuckness	-	Public Member	(Anchorage LIO)

Staff present were:	Peter Christensen, (MPC)	(Juneau SOB)
	Ken Truitt, (AG)	(Juneau SOB)

Guests present at each LIO site are noted below:

LIO Ketchikan - Kris Geldecker, Captain Picton, Captain George, Captain MacPherson.

LIO Sitka - Captain Tuttle, Captain Pullin & Captain Luck.

SOB Juneau - Captain Ward, Captain Adkison, Captain Collins, Captain Antonsen, Captain Kellogg, Captain Anderson, Richard Monkman, Kate Tesar & Dan Habeger.

LIO Anchorage - Captain O'Hara.

Dutch Harbor - Captain Moreno, Rick Kniazowski & Andrew Murphy.

Atka - Joe Kyle

Agenda Item 2

Review/Set Agenda

The agenda was accepted as written with the following amendment. Captain Spence requested that Agenda Item 8 be addressed as pickup points in general. Chairman Bush accepted the amendment.

On a motion made by Mr. Smith, seconded by Captain Garay 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.

Ken Truit requested members to identify agenda items with which they may have a conflict of interest and to disclose the nature of that conflict.

Captain Spence declared that he expected to recluse himself from Agenda Item 10.

Mr. Berto made his (normal) disclosure regarding issues that may impact pilot boat operations. Chairman Bush pointed out that Agenda Item 8 was a non-action item and that he agreed that Mr. Berto could participate as a Board member in the discussion of Agenda Item 8.

Agenda Item 4 **Investigation/Litigation Update**

The MPC related that two new investigations have been opened and none had been closed since the last meeting of the Board.

Ken Truitt addressed litigation in process. The Superior Court ruled in the SEAPA/BOARD rate case. The court ruled in favor of the Board on all points of the case. SEAPA has preserved their right to appeal this case. The Board has agreed to extend the deadline for the filing of that appeal. It is now due sometime in September.

The MPC updated the Board on the Proteus litigation. We are now entering the Discovery phase in this litigation. We have not yet received a request for discovery, but we are researching issues and compiling documents regarding issues that require further investigation, and that very well may show up in a discovery request from the plaintiffs.

In the Renwick case we have received the record back from the Supreme Court via Superior Court. The MPC will forward the records to the Boards Administrative Hearing Officer for further action as appropriate.

Chairman Bush inquired whether the Board was being billed for the Proteus suit. The MPC stated that he believed that the Board had not been billed for the defense of this case. The spreadsheet did show a couple of charges for M/V STAR PRINCESS related matters.

Ken Truitt - Departed Meeting

Agenda Item 5 **Oral Examinations**

Oral examinations are conducted in executive session. For the public's convenience, Chairman Bush postponed Agenda Item 5 and 6 till the end of the meeting.

Agenda Item 7 **Public Comment**

Captain Kellogg: Use of the Kingsmill pick up point has been successful this summer. No one has missed a transfer and the weather has been acceptable. The transfer platforms have worked well, safety is not being compromised at Kingsmill. Regarding Captain George's letter to the Board, SEAPA has cooperated with Captain George in getting him two Tracy Arm trips. On another topic, does the ACP training program require the maneuvers performed by a pilot qualifying under 12 AAC 56.030 to be done under the supervision of a training pilot? SEAPA has taken this approach with their trainees that are under the old system. ACP's answer was yes.

Captain Collins: SEAPA supports a pilot station in southern Chatham Strait. SEAPA is against weakening or changing, (except where absolutely necessary), any training requirements in Region 1. Due to competition in Region 1, training requirements and renewal requirements are weaker in Region 1 than any other region. Agreed in part with Captain Baldry's letter and felt other parts were inaccurate. SEAPA does not have a shortage of pilots. In August SEAPA has 79 extra pilot days available, in July 141 days were available, and in June 121 days were available. These figures do not take into account any use of SEAPA's contract pilots. Pilots now are much better trained than when he got his original license. The current training program is going in the right direction. Following questions from Captain Spence, Captain Collins stated that SEAPA would support replacing Point Retreat Pilot Station or Point McCartney Pilot Station with the establishment of a pilot station in Chatham Strait. Cape Spencer Pilot Station could be used on a year round basis if the pilot boat was upgraded. If Cape Spencer Pilot Station is used year round, cargo vessels going to Skagway would have to board two pilots, Haines might be reachable with just one. On another issue, SEAPA is using the entry/exit with one pilot allowance to the maximum extent possible this year. The SEAPA membership is split over whether the 8 hour runs, (or 8 hours plus runs), that result from this practice are a good idea.

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

Captain O'Hara: Captain O'Hara agreed with Captain Collins that weakening or changing the training requirements should be avoided at all costs. The NTSB report points out that the previous training standards were inadequate. In the interest of saving some time, Captain O'Hara recommends that Captain Spence, Captain Collins and Mr. Berto get together to discuss the pilot station issue and come back to the Board with a recommendation. In PWS, industry and the RCAC are considering changing the traffic patterns by removing a dog leg in the traffic lanes

from Bligh Reef to Hinchbrook. This will require the pilot station to move approximately 10 miles south towards Naked Island, from its present position. The Oil Spill Task Force is recommending a near miss reporting system. If the Board is going to consider a near miss reporting system, extensive public comment should be solicited and taken on the subject.

Agenda Item 8 Pickup Points/ Pilot Stations

Chairman Bush began the discussion by presenting the following: Pick up points as a concept don't make much sense. Pilot stations should exist at the entry of every body of water. The regulation that allows pick up points should be removed. Pick up points that make sense should be formalized into pilot stations.

Captain Spence stated that he felt that the Board should now notice a draft regulation to get the process started.

Mr. Smith recommended that a committee be formed to sit down and work out a proposal.

Mr. Berto said he would be willing to work on such a committee and recommended that the MPC join them.

Captain Garay suggested that the committee examine all the issues regarding pilot stations such as transportation, location, weather, and sea states.

Chairman Bush stated that this issue will be resolved by next season.

Mr. Monkman also recommended the formation of a committee.

Chairman Bush polled members and formed a committee of Mr. Berto, Captain Kellogg, Captain Spence and the MPC to look at this issue.

1451 Break - Off Record
1510 Back On record.

Agenda Item 9 New Regulations in Effect

The MPC announced that the regulations the Board submitted to the Department of Law had been signed by the Lieutenant Governor and they became effective August 11, 1997. The MPC will mail out copies of the new regulations to every license holder and the associations. An updated reprint of our statute and regulation book has been requested.

Agenda Item 10 ACP - Revised Training Program

Following a few questions from the Board that were answered by Captain MacPherson, a vote was taken.

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

RESOLVED to approve the ACP Training Program (revised 7/16/97) as submitted.

Agenda Item 11 Region 1 Training Issue

Chairman Bush opened the discussion by stating that his inclusion of this item on the agenda by no means meant that he had any intention weakening or changing the current training regulations, or even considering such a change. He said there were two questions to be considered. How are we going to get trainees access to routes needed for training? He also asked people to consider whether the Board should get into the area of trainees and how to pay trainees in a training program. The MPC explained that Captain George has two problems achieving the requirements for training. ACP does not have any vessels transitting Tracy Arm this year and dockings alongside the ore dock in Skagway are difficult to obtain since the ore ships are no longer sailing from Skagway. The MPC explained further that he did not expect resolution of this problem during this meeting nor any real degree of public comment. The agenda item was intended to be the Boards introduction to a potenetial future issue that meay need to be addressed.

Captain Collins commented that he has never advocated having a system where you can't get there from here, however, by taking an economic loss on a couple of ships, SEAPA was able to retain the ability to accomplish all Region 1 training objectives except a night docking at the Skagway ore dock. He said the challenge for the Board will be to address this problem without penalizing SEAPA for it's initiative in providing training platforms

for its trainees. To better understand whether there is a need to fund trainees, SEAPA is now requesting their trainees to record the amount of money they are spending in the training program.

Captain Spence thanked SEAPA for their cooperation in helping Captain George to date. He then added that unless the mine reopens and the ore ships return, that the Skagway ore dock will probably be on the Board's next meeting agenda. He suggested that since the Broadway dock is only 300' away from the ore dock, that the Board might consider including the

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

Broadway dock as meeting the requirement for the dockings at the ore Dock.

Mr. Berto pointed out that although the regulation is not specific, he believed that it was intended to provide a trainee with cargo ship dockings not cruise ship dockings at a cargo pier. He agreed that pilots are better trained now and he also does not want to see the training standards weakened. He pointed out that industry puts forth a tremendous amount of cooperation for training of pilots that often seems to be overlooked. They allow training to take place on their vessels, they provide room and board for the trainees, as well as charter aircraft flights.

Mr. Smith suggested that perhaps the Region 1 training issues could be solved in a similar manner as Region 2's recently were.

Captain MacPherson seconded that opinion and stated that the dockings at the Broadway dock should be sufficient to substitute for the ore dock dockings.

Chairman Bush stated that there are two issues involved. The first is correcting training requirements for areas that have had a change in vessel traffic. The second issue is unique to Region 1. The situation where one association has all the training platforms for a particular required training. He noted that it looked like some progress was being made to resolve these issues, but that ultimately some sort of a solution would have to be found.

Agenda Item 12

**James F. Drahos Public Service Award/
Pro Rata Refund of License Fees in Event of Death**

The MPC recommended that the Board establish a Public Service Award to honor the memory of Captain Drahos. The proposed award would recognize someone who has contributed noteworthy public service in the marine field. He also made the Board aware of a regulation which will become effective September 11, 1997 that will allow a pro rata refund of a licensing fee or renewal fee in the event of the death of the license holder. Although this regulation applies to all personnel licensed by the Division of Occupational Licensing, it was brought about by the unfortunate death of Captain Drahos. The Board's reaction was favorable and the MPC was asked to develop a set of criteria for selection of the award recipients.

Agenda Item 13

Fatigue

Chairman Bush opened the discussion by noting that he put this issue on the agenda because he keeps hearing fatigue mentioned and he wanted to provide an opportunity for the issue to be discussed. A general discussion regarding the issue of fatigue ensued.

Captain Spence reminded everyone that the NTSB mentioned fatigue in their report re the grounding of the M/V STAR PRINCESS.

Captain O'Hara commented that in Region 2 dispatch of pilots is controlled by the individual pilot. If he/she feels that a particular transit will be a fatigue problem they can bring a second pilot to split the work load. He said so far industry has not objected to this process.

Captain Collins replied that in Southeast Alaska the second pilot would be provided at the cost of the Association and that those costs were not insignificant.

Captain O'Hara asked if Region 1 pilots could refuse dispatch to a job.

Captain Spence replied that in Region 1 a pilot could refuse to dispatch due to fatigue or any other reason, but that the pilot would not receive pay for that day.

Captain Collins added that the industry in Southeast Alaska is not willing to pay for a second pilot unless the regulations require it and Southeast Alaska is the only region in which the eight hour rule exists. He also brought up one of the fatigue issues mentioned by Captain Baldry in his letter. Pilot fatigue brought about through poor rest attained aboard the ships because the pilot's cabin is located in a very noisy area of the ship such as over the shafts or next to the loudspeaker system.

Chairman Bush interjected that it might be worthwhile to form a committee as Captain Spence suggested earlier. Volunteers were solicited. The committee formed contained: Captain Spence, Captain Kellogg, Captain O'Hara, Captain Garay & Joe Kyle. The committee was asked to present a report to the Board at the next meeting. Captain Spence was asked to coordinate the committee.

Agenda Item 14. Business Items

Budget Report: The MPC presented the budget report to the Board.

AG Billings: The MPC presented a spreadsheet detailing the billings received from the Department of Law for FY 97.

The MPC reminded the Board and public that the next meeting of the Board would be held October 29-30, 1997 at the Captain Cook Hotel, in Anchorage Alaska, with examinations occurring October 29th. The deadline for submission of applications for examination is August 29, 1997. The MPC encouraged anyone who needed to submit an application to do so by the deadline.

The MPC stated that he would be mailing out a copy of the NTSB report to the Board and the Associations. He stated that he will also be mailing out to every licensee a copy of the new regulations in effect along with the Quarterly report of the Oil Spill Task Force mentioned by Captain O'Hara

which deals extensively with their recommendations regarding pilots and pilotage.

Agenda Item 5 **Oral Exams**

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

RESOLVED for the Board to enter into executive session for the purpose of conducting oral examinations.

1620 Off the Record
1655 Back on the Record

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

Captain Terrence Backen passed the Deputy Marine Pilot Core examination. He will receive a letter stating his attainment of trainee status from the MPC.

Captain Rathgeber passed an extension of route examination for Klawock. The MPC recommended that she receive an extension of route for Klawock.

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

RESOLVED to issue Captain Rathgeber an extension of route for Klawock.

Captain Ward passed the Icy Bay and Region 2 Local Knowledge examinations. The MPC recommended that he be licensed as a Deputy Marine Pilot for Region 2, including Icy Bay.

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

RESOLVED to license Captain Ronald Ward as a Deputy Marine Pilot for Region 2, including Icy Bay.

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

Captain Adkison passed the Region 2 Local Knowledge examination. The MPC recommended that he be licensed as a Deputy Marine Pilot for Region 2.

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

RESOLVED to license Captain Vernon Adkson as a Deputy Marine Pilot for Region 2.

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

Off Record - 1705

RESOLVED to adjourn the meeting.

Respectfully submitted: _____
Peter D. Christensen,
Marine Pilot Coordinator

Approved this _____ day of _____, 1997.

Jeffrey W. Bush,
Deputy Commissioner