

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

**MINUTES OF MEETING
January 27-28, 1999**

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 meeting of the Board of Marine Pilots was held held January 27-28, 1999, in Anchorage, Alaska.

1/27/99

Examinations were conducted from 0830 - 1200 as listed below:

Captain Anthony – Region 3 Local Knowledge
Captain Seigel – Region 2 Local Knowledge
Captain Johnson – Yakutat Bay
Captain George – Yakutat Bay
Captain Ogilvy – Yakutat Bay

Start Tape 1, Side A

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

Mr. Smith called the meeting to order at 1335. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

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 was: Peter Christensen, (MPC)

Members absent: Mr. Jeff Bush - Commissioner's Designee

Mr. Smith served as Acting Chair in Mr. Bush's absence.

Agenda Item 2 **Review/Set Agenda**

The MPC recommended that an item be added to the agenda regarding a request received from Captain Jones under 12 AAC 56.028(e). The Acting Chair decided to add the item as Agenda Item 10a.

On a motion made by Mr. Berto, 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.**

The MPC led the Board through the Ethic Act information included under Tab 1 of the board packet.

Captain Spence stated that based upon his understanding that the ACP rate hearing was settled he did not anticipate a conflict with Agenda Item 14.

Mr. Smith stated that unless Chairman Bush ruled otherwise tomorrow, he did not intend to recuse himself from Agenda Item 15. Likewise, Mr. Berto also stated that he did not feel that he needed to recuse himself from Agenda Item 15.

Acting Chairman Smith stated that these potential conflicts might be revisited once Mr. Bush is able to join the meeting.

The MPC was unable to place a teleconference call to include Assistant AG Truitt in the Board's discussion of Agenda Items 3 and 4.

Recess 1348
On record 1353

When the difficulties with the phone could not be readily resolved, the Acting Chair decided to move on with the agenda and the Board would return to Agenda Items 3 and 4 when the phone problem was corrected.

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

The Board discussed whether any changes needed to be made to the October minutes before their approval. Changes were noted on pages 1 and 9.

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

RESOLVED to adopt the October 1998 minutes as amended.

The Board then discussed whether any changes needed to be made to the December minutes before their approval. No changes were noted.

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

RESOLVED to adopt the December 1998 minutes as presented.

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

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

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

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

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

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

RESOLVED to grant Captain George 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 Yakutat Bay.

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

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

The MPC reported to the Board that Captain Rathgeber had applied to upgrade her license to unlimited and that upon her anniversary date of May 29, 1999 she will have qualified in all respects for the upgrade.

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

RESOLVED to upgrade Captain Rathgeber's license to unlimited effective 5/29/99.

The MPC reported to the Board that Captain Tuttle had applied to upgrade his license to unlimited and that upon his anniversary date of April 24, 1999 he will have qualified in all respects for the upgrade.

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

RESOLVED to upgrade Captain Tuttle's license to unlimited effective 4/24/99.

The MPC reported to the Board that Captain Anthony had taken and passed the Region 3 Local Knowledge Examination and that Captain Siegel had taken and passed the Region 2 Local Knowledge Examination and they were both now ready for the oral examination.

Agenda Item 7

Oral Examinations – Executive Session

1409 On a motion made by Captain Spence, seconded by Mr. Berto and carried unanimously, it was

RESOLVED to enter executive session to conduct Captain Anthony's and Captain Siegel's oral examinations.

1444 On a motion made by Mr. Berto, seconded by Ms. Huff and carried unanimously, it was

RESOLVED to return to public session.

Chairman Bush
Joined the Board

Agenda Item 3

Review Agenda for Potential Conflicts of Interest and Declarations of Recusal - continued

Mr. Truitt joined the Board via telephone

Following Chairman Bush's arrival, Mr. Truitt was reached by phone and the Board again went through the recusal process. Mr. Truitt called for any voluntary recusals or statements of potential conflicts. Mr. Smith stated that he did not believe he needed to be recused from the SWAPA hearing. Mr. Berto joined in stating that he had similar circumstances in that his firm contracts for pilotage services for the clients they represent. Following discussion, Mr. Truitt ruled that since Mr. Smith's company would be directly subject to the rate increase, Mr. Smith did indeed have a conflict under the Ethics Act and would have to be recused. He stated that under the Act, Mr. Berto's circumstances were much more conjectural and that he would not be required to be recused.

In response to a question from the MPC, Mr. Truitt stated that as far as the DOL was concerned, if any potential conflict, recusal (voluntary or otherwise) or any other declaration regarding the ethical position of a Board member was made on the record, it did not need to be also recorded on a form.

In a response to a question from the Chair, Mr. Truitt stated that since he had been asked to rule on Mr. Smith's and Mr. Berto's potential conflicts, it was no longer necessary for the Chair to rule on the issues.

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

Agenda Item 4

Investigation/Litigation Update

When Mr. Truitt and the Board concluded the recusal issues, they turned to pending litigation.

Mr. Truitt reported that the Skovoth matter was complete since his time to appeal the Board's decision was complete. Mr. Truitt also mentioned the new Supreme Court ruling in the Renwick case. He then went on to discuss the Board's options in completing the hearing in the Renwick matter.

The MPC added that the Proteus litigation is still in the discovery phase. The plaintiff's counsel continues to attempt to depose some of the parties

they have identified from their review of the documents that were produced to them during discovery.

The MPC related that no new investigations had been opened and none Had been closed since the last meeting of the Board.

In response to a question from Captain Garay, the MPC stated that he had been asked to follow up on the status of the M/V KUROSHIMA case and that he had been unsuccessful in obtaining any response. Mr. Truitt agreed to touch base with Ms. Parkes in the Anchorage DA's office to see if he could learn the status of the case.

The phone connection with Mr. Truitt ended.

Agenda Item 8 **License Approvals**

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

RESOLVED to approve the issuance of a Deputy Marine Pilot license to Captain Michael Anthony.

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

RESOLVED to approve the issuance of a Deputy Marine Pilot license to Captain Richard Siegel.

Agenda Item 9 **Public Comment**

Captain Kellogg – commented upon the draft performance evaluation regulation and the simulation based evaluation program contract regarding the “state observer” mentioned as attending the “Sea Trials” during the evaluation of the contract

Captain Baken – introduced the members of ACP in attendance. He also drew the Board's attention to ACP's letter regarding the 60,000 gross ton license endorsement and their letter regarding the yacht issue. He also commented upon the draft pilot performance regulation and Mr.

Monkman's letter that proposed an additional regulation defining "pilotage services" as used in the statutory limitation of liability. Captain Baken mentioned that ACP and SEAPA had agreed to meet to seek a letter of agreement to address pilot shortages aboard vessels due to weather and other unforeseen circumstances.

Captain MacPherson – stated his concerns regarding the draft regulation implementing the 60,000 gross ton endorsement.

Captain Rathgeber – addressed the Board regarding ACP's position on the yacht issue. ACP is not in favor of changing the current statute.

Captain O'Hara – notified the Board that since he has been elected as president of SWAPA this year, he has asked Captain Murphy to take over as representative of SWAPA who will be following the simulator based pilot performance evaluation project. Captain O'Hara also commented that the 60,000 gross ton license must be differentiated from the VLCC license endorsement. Captain O'Hara stated that if the negotiations between SWAPA and ASA did not result in a settlement, he had concerns with Mr. Berto's participation in SWAPA's rate hearing.

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

Captain Didier – spoke regarding the proposed draft regulation regarding a 60,000 gross ton license endorsement. He requested that the Board act on the draft regulations so that they might be implemented in the near future.

Mr. Castner – stated that the Cook Inlet RCAC feels that competency needs to be proved on the next level of ships before a license is issued for that level. Individuals should not be given a license to operate ships of a size that they have not trained upon or for a geographic area in which they have not been trained. He reported that he took part in the performance monitoring teleconference. He announced that he had some funding to attend the "sea trials" of the simulator based evaluation project and he was interested in possibly attending as a state observer. Mr. Castner commented on the draft regulation regarding substituting simulator transits for transits waived by the Board. He also commented that the Board needed to start writing a regulation to require State licensed pilots to attend the simulator based pilot performance evaluation, and that as soon as the Board implemented such a regulation he would quit attending these meetings.

Captain Collins – commented on the draft regulation regarding the 60,000 gross ton license endorsement.

Captain Ward - commented on how the draft regulation regarding the 60,000 gross ton license endorsement would affect deputy marine pilots in Region 2.

Mr. Cox - introduced the new permanent President of the Northwest CruiseShip Association, Mr. John Hansen.

1634 Break
1644 On Record
End Tape 2, Side A
Begin Tape 2, Side B

Agenda Item 10

Marine Simulator Project Update

The MPC reported to the Board that a contract was signed with RTM Star Center and that they had begun work under the contract. He also outlined a letter from RTM Star Center regarding the reduction in the charge for pilots participating in the simulator-based evaluation and training. The MPC also noted the potential reductions in cost to pilots for the evaluation and training provided by RTM Star Center's if 75% or 100% of State licensed pilots are required to attend during the three years that the Center has a sole source provider. Chairman Bush suggested that the Board have some draft regulations to review at their next meeting regarding the implementation of the requirement to attend the simulator based pilot performance evaluation and training. Chairman Bush also recommended that the pilot associations be allowed to review and comment on the draft regulations before the meeting. Captain Spence asked that the MPC tell the contractor that it will be very difficult to hold the "Sea Trials" between May and October.

Agenda Item 10a

Captain Jone's Request Under 12 AAC 56.028(e)

The MPC related Captain Jones' request and the results of his survey of the traffic that was available to fulfill the requirement. The MPC's review of the available traffic showed that there was more than enough traffic in the region to allow completion of the requirement. However, the MPC did make two suggestions to the Board. He stated that the Board might want to consider amending 12 AAC 56.028(a)(1)(F) because as it is currently written it will be very difficult for trainee's to comply with its

requirements. He also suggested that the Board consider amending 12 AAC 56.028(e) to take into account that in Region 1, unlike the other regions, available movements are split between two associations. The MPC pointed out that when doing the survey and analysis required in 12 AAC 56.028(e) for Region 1, it takes the presence of twice as much traffic for a particular movement as it does in either of the other two regions. Mr. Smith stated that he would welcome any draft regulation amendments from either association in Region 1.

Agenda Item 11 **Part 2 of the Regulation Project**

This agenda item was rescheduled for the next day following ACP's and SWAPA's hearings.

Agenda Item 12 **SWAPA / ASA Prehearing Conference**

The Board conducted a prehearing conference with both parties. Captain O'Hara, Captain Eliassen and Captain Wright represented the Southwest Alaska Pilots' Association (SWAPA), and Mr. Kyle represented the Alaska Steamship Association (ASA).

Recess
End Tape 2 Side B

The Board recessed for the day.

1/28/99

Start Tape 3, Side A
Agenda Item 13

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 Garay	-	Pilot Member
Captain Spence	-	Pilot Member
Mr. Bob Berto	-	Vessel Agent

Mr. Bernie Smith - Vessel Manager
Ms. Huff Tuckness - Public Member
Mr. Michael White - Public Member

Staff present was: - Peter Christensen (MPC)

Agenda Item 14 **Rate Hearing - ACP**

Chairman Bush opened the hearing by asking both parties if they still intended to have the Board find the noticed rates “unreasonable” for the sole purpose of facilitating the implementation of the rates subsequently agreed upon by both parties. Captain Baken for ACP and Mr. Kyle of ASA both affirmed that they still wished to proceed in that manner.

Chairman Bush asked if any member cared to make a motion. Mr. Smith made a motion to find ACP’s rates unreasonable for the sole purpose of noticing the new negotiated rates. Captain Garay seconded the motion.

After some discussion regarding Board member involvement, Chairman Bush suggested that Captain Spence recuse himself from voting on the motion because he is a member of ACP. Chairman Bush also suggested that Mr. Berto should recuse himself because he indirectly participated in the negotiation of the new rates subsequently agreed to by the parties. Both members recused themselves.

Mr. White suggested that since the Board seems to be balanced in its makeup, if a Board member has to be recused, perhaps someone else from the same constituency could be appointed by the Board to serve on that agenda item. Chairman Bush noted that it is not done on other Boards but said that he was willing to ask the Governor’s office whether alternates could be appointed to step in such situations.

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

RESOLVED to find ACP’s rates unreasonable for the sole purpose of noticing the new negotiated rates.

Copies of a draft decision & order for the ACP hearing were distributed to the Board for review.

Agenda Item 15 **Rate Hearing - SWAPA**

SWAPA announced that they had withdrawn their response to ASA's complaint, thus negating the need to hold a hearing. Chairman Bush noted that if the response was withdrawn, then the objection would stand and the noticed rate is then void. SWAPA was cautioned that if they followed this course of action they would not be able to re-notice any other rates for the 1999 calendar year. The effective rates in Region 2 for 1999 would be those that were in effect in 1998.

Recess

Back on Record

Chairman Bush asked representatives from both parties to come forward. Captain Eliassen, representing SWAPA, formally stated that in accordance with a written agreement that had been signed that morning, SWAPA was withdrawing its response to ASA's objection and SWAPA did not intend to notice any changes to their rates for calendar year 1999. Mr. Kyle, representing ASA, stated that he was in agreement with Captain Eliassen. Chairman Bush stated that in that case the Board did not need to take any action in the matter.

Agenda Item 11 **Part 2 of the Regulation Project**

The Board briefly discussed the proposed draft regulations and the public comment that they had received on the prior day. Chairman Bush stated that it was his intention to go back to the original proposal to implement the 60,000 gross ton license endorsement rather than the one that generated so much comment the day before. He then called for any additional public comment on the draft regulations before the Board.

Mr. Kyle drew the Board's attention to his memorandum to the MPC regarding the need for regulations to further define the rate setting process established in AS 08.62.046. Chairman Bush suggested that Mr. Kyle put together a group to work on a draft regulation proposal.

Captain Collins stated that he was in favor of regulations that would better define the rate setting statute.

Captain Dundas commented on why AMP filed their rate earlier than usual last year and that AMP does not have any problem with developing regulations to clarify and amplify AS 08.62.046.

Captain MacPherson took exception with the portion of Mr. Kyle's memorandum that recommended that pilot associations should state why they want new rates when they notice the new rates.

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

Captain Didier spoke in favor of the original 60,000 gross ton license endorsement proposal.

The MPC summarized the changes that the draft regulations under tab three had undergone, and why these regulations were withdrawn from the regulation package that went into effect January 23, 1999. The Board then further discussed the proposed regulations.

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

RESOLVED to adopt the draft regulations 12 AAC 56.011, 56.019 and 56.029 as amended by the Board.

The proposed regulations 12 AAC 56.011, 56.019 and 56.029(9), as amended by the Board, read as follows:

12 AAC 56.011 is amended by adding a new paragraph to read:

(7) 60,000 gross ton endorsement -- authorizing a deputy marine pilot to pilot vessels of 60,000 gross tons or less.

12 AAC 56 is amended by adding a new section to read:

12 AAC 56.019. QUALIFICATIONS FOR 60,000 GROSS TON ENDORSEMENT. To qualify for an endorsement to pilot vessels of 60,000 gross tons or less, a deputy marine pilot must have held an endorsement as a deputy marine pilot on vessels of not more than 40,000 gross tons for a period of at least one year and, and while holding a deputy

marine pilot license of not more than 40,000 gross tons have performed at least 60 days of vessel movements onboard vessels requiring a state licensed marine pilot.

12 AAC 56.029 is amended by adding a new paragraph to read:

(9) effective March 31, 2000, show that the applicant has held a valid deputy marine pilot endorsement to pilot vessels of 60,000 gross tons or less for at least one year.

The Board next undertook the review of the proposed changes to 12 AAC 56.080 and 56.083.

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

RESOLVED to adopt the draft regulations 12 AAC 56.080 & 56.083 as amended by the Board.

The proposed amendments to 12 AAC 56.080, and 56.083, as amended by the Board, read as follows:

12 AAC 56.080(b) is amended by adding a new subsections to read:

(b) To renew a marine pilot license, a marine pilot shall

(7) provide a copy of pilot performance monitorings received in accordance with 12 AAC 56.083(c), commencing with the licensing period that begins January 1, 2001.

12 AAC 56.080(e) is amended to read:

(e) To renew a deputy marine pilot license, a deputy marine pilot shall comply with

(1) the requirements for marine pilot renewal set out in AS 08.62.120 and (b)(1)-(b)(5) and (b)(7) of this section; and

12 AAC 56.083 is amended by adding a new subsection to read:

(c) A deputy marine pilot or marine pilot must receive a pilot performance monitoring with at least a satisfactory rating each calendar year in which the pilot engages in piloting vessels for 30 days or more. A pilot performance monitoring shall be conducted

(1) by a marine pilot holding a training pilot endorsement issued under 12 AAC 56.016 for the region in which the pilot being monitored is licensed;

(2) in accordance with a board approved training program of a recognized marine pilot organization in the pilotage region in which the pilot being monitored is licensed;

(3) by the monitor observing the pilot's performance and documenting the performance for each item on the monitoring form. The monitoring form shall be approved by the board and shall include the following criteria:

(A) a pre-planning conference during which route planning, deviation from planned route, docking and undocking maneuvers, tides, currents, and weather are discussed;

(B) ship handling skills;

(C) local knowledge;

(D) BRM skills; and

(E) decision making;

(4) by the monitor holding a debriefing conference with the pilot that includes a discussion of the pilot's observed performance.

(d) A marine pilot or deputy marine pilot attending a board approved simulator based pilot performance evaluation shall deliver to the facility's person in charge of training, copies of all pilot performance monitorings received in the last four years.

Next, the Board reviewed the proposed changes to 12 AAC 56.120(e).

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

RESOLVED to adopt the draft regulation 12 AAC 56.120(e) as amended by the Board.

The proposed amendment to 12 AAC 56.120, as amended by the Board, reads as follows:

12 AAC 56.120 is amended by adding a new subsection to read:

(e) Before a trial pilot station established under (b)(2) of this section may be used, it must be preliminarily approved by the marine pilot coordinator. A trial pilot station that has been preliminarily approved by the marine pilot coordinator will remain valid unless the Board disapproves the trial pilot station for further use. The board will approve the trial station for notice as an established pilot station if it determines that the trial station accommodates a newly established port, trade, or route and is in the public interest. The board will disapprove the trial station for further use if the board determines that the trial station is not necessary or not in the public interest.

The Board next turned to the draft regulation proposed by Mr. Monkman in his letter to the Board.

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

RESOLVED to adopt Mr. Monkman's draft regulation defining pilotage services as used in AS 08.62.165, and as amended by the Board.

The proposed draft regulation to define "pilotage services", as amended by the Board, reads as follows:

12 AAC 56.990 is amended by adding a new paragraph that reads:

(35) "pilotage services" under AS 08.62.165(a) includes supervision, evaluation and pilot performance monitoring of a trainee, apprentice, deputy marine pilot or marine pilot by a marine pilot holding a training pilot endorsement issued under 12 AAC 56.016.

Begin Tape 4, Side A Following that action the Board turned to some draft regulations that the Board had previously adopted for notice with the intent to see whether they could be included in Part 2 of the previous regulation package which was pending before the Board for readoption. The Board decided that the draft regulations previously presented and adopted for notice to amend 12 AAC 56.028(h) and 12 AAC 56.031 could not be included in the currently pending regulation package and would have to be handled separately.

The Board then reviewed a draft regulation to define “vessel movements”.

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

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

RESOLVED to adopt the proposed draft regulation defining “vessel movements” as amended by the Board.

The proposed draft regulation to define “vessel movements”, as amended by the Board, reads as follows:

12 AAC 56.990 is amended by adding a new paragraph that reads:

(36) “vessel movements” as used in 12 AAC 56.018, 56.019 and 56.029 includes movements performed as the pilot on duty, or movements performed while supervised and documented by a training pilot.

The Board stated its belief that the regulation amendments to define “pilotage services” and “vessel movements” are covered by the notice issued for the previous regulation package and that both definitions needed to be included in Part 2 of the regulation package that is currently pending implementation.

Following a discussion, the board declined to take any action on the remaining proposed amendments to 12 AAC 56.026(c) and 12 AAC 56.027(b).

Agenda Item 16 Call To Order/Roll Call

1136 Recess
1155 On Record

This agenda item was unnecessary since the Board chose to take a short recess then continue working straight through without taking a lunch.

Agenda Item 17 **Update - NOAA Surveying Plans for 1999**

Captain Pawlowski distributed a handout titled "NOAA Charting and Hydrographic Surveying Plans for Alaska". He elaborated on the bullets contained in the handout and fielded the Board's questions. He also related that he would soon be retiring.

On behalf of the Board, Chairman Bush extended his sincere thanks and gratitude to Captain Pawlowski for his efforts to improve the quantity and quality of hydrographic surveys of the Alaskan waters.

Agenda Item 18 **Status of Renewal Process**

End Tape 4, Side B
Begin Tape 5, Side A

The MPC updated the Board on the status of marine pilot renewals for the current renewal period. He also drew the Board's attention to two letters in the Board packet's correspondence section under Tab 8, that were received from pilots who were unable to renew their license due to the implementation of 12 AAC 56.080(f).

Captain Webb wrote one of the letters. Captain Stith had authored the other. Captain Kellogg spoke regarding Captain Stith's situation.

Agenda Item 19 **New Regulations Effective 1/23/99**

The MPC informed the Board that effective January 23, 1999, most of the regulations that the Board had adopted back in April of 1998 had gone into effect. A copy of the new regulations that just went into effect were included in the Board packet under Tab #6.

Returning to an earlier topic, Mr. Smith stated that he was disappointed that the qualifications for the 60,000 gross ton regulation the Board adopted did not include any requirements for work or dockings above the current license level. He requested that the Board take another look at this issue at the Board's next meeting in April.

Chairman Bush suggested that the associations, particularly the two associations that had so many comments on the proposed changes presented at this meeting, should submit their ideas to the MPC so a draft regulation can be presented at the April meeting.

Agenda Item 21 Business Items

Agenda Item 21 was taken out of sequence in order to allow the Board's teleconference with Senator Pearce's office to occur following the noon lunch hour. The MPC presented the Board's legal costs and overall expenses to date in FY99.

Correspondence: The MPC led the Board through the Correspondence contained under Tab 8 in the Board packet.

The next item to be reviewed was a memorandum from Captain Spence to the Board that requested seven specific reports from the new quarterly report database. Following some discussion, Captain Spence withdrew his requests numbered 4, 6 and 7 in the memorandum. Reports number 3 and 5 were amended to require a separate report for each license tonnage interval.

The Board set July 15 at 1330 for a summer teleconference with exams to be held that morning.

Set January 1999 Meeting Date: The Board set January 26-27, 2000 as the date for the January 2000 Board meeting and they changed the meeting location to Juneau.

The MPC reminded the Board and everyone present that the date of the April Board meeting had been moved to April 14-15, 1999 at that it would be held at the Westmark Baranof Hotel, Gastineau Room.

Agenda Item 18 Status of Renewal Process – revisited

With Captain Stith present, the Board returned to this agenda item to allow Captain Stith to address the Board. Following some discussion, the Board stated that they were prohibited by regulation from renewing Captain Stith's unlimited marine pilot license. The Board went on to state that they would consider Captain Stith's application for a Deputy Marine Pilot license, providing that he could document meeting all the training requirements for a deputy marine pilot license of that tonnage level.

Legislative Audit's Sunset Audit of the BMP

Senator Pearce's
Staff joined meeting
via teleconference

The MPC led the Board through the two recommendations contained in the Sunset Audit along with a general outline of the report. Chairman Bush stated that it was his belief that the Board did not want to offer or request any legislation at this time, other than the bill already presented to extend the Board of Marine Pilots termination date. None of the Board members stated any disagreement with that position.

Captain Garay stated that he was unhappy that the audit did not deal more with the difficulty in getting unlicensed activity prosecuted. He especially cited the M/V KUROSHIMA and its subsequent grounding and pollution in Captains Bay, Alaska. Mr. Smith suggested that perhaps Chairman Bush should write a letter to the District Attorney's office to inquire on the status of that case. Chairman Bush said that he would be happy to do that, if necessary, depending on what Mr. Truitt is able to find out.

Ken Castner stated briefly that he was contacted twice during the audit for comment and he was satisfied that he had ample opportunity to provide his views.

Captain Atkinson commented that he feels that a movement has ten times the training value when he is working within the tonnage limitation of his license and he has the entire responsibility for the safe movement of the ship, rather than a similar movement performed under the supervision of a training pilot.

Captain Pawlowski introduced Steve Boardman to the Board. Mr. Boardman is the new head of policy and planning in the Alaska district and also performs as the congressional liaison. Ms. Huff requested that the Board receive a report on the status of the M/V KUROSHIMA case at the Board's next meeting.

Captain Garay requested that the Board be given a copy of the Coast Guard casualty report on the M/V KUROSHIMA.

On a motion made by Mr. Smith, seconded by Mr. Berto 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