

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

**MINUTES OF MEETING
April 5 - 6, 2000**

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 April 5 - 6, 2000, in Anchorage, Alaska.

4/5//00

No examinations were scheduled or administered.

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 Michael Spence	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member

Staff present was: Peter Christensen, (MPC)

Members absent:

Mr. Bob Berto	-	Agent/Vessel Manager Member
Ms. Barbara Huff Tuckness	-	Public Member

Agenda Item 2 Review/Set Agenda

Chairman Bush proposed that Captain Bob Pawlowski be allowed to make a short presentation at 1345 and that a proposal calling for pilots to report ship discharges be added for discussion at 1400.

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

RESOLVED to approve the agenda as amended.

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

Mr. Ken Truitt, Assistant Attorney General, joined the Board via speakerphone.

Mr. Truitt called for any announcements of potential conflicts of interest or recusal. No conflicts were disclosed.

Agenda Item 4 **Investigation/Litigation Update**

Mr. Truitt gave an update of the Proteus litigation. He stated that the discovery phase of the litigation was scheduled to close soon, however we may request an extension since the plaintiffs have not responded to our discovery request. Despite the fact that discovery is not yet complete, the plaintiffs have filed their first pre-trial motion requesting summary judgement.

The MPC updated the Board regarding the Renwick litigation. Last November's hearing was postponed when it was discovered that Captain Renwick would not be in attendance. Following a status conference held in January, a hearing date of May 31 - June 2, 2000 was set.

Regarding investigations, the MPC stated that none had been closed and that one new investigation had been 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. Corrections to the minutes were noted on pages two and nine.

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

RESOLVED to approve the January 2000 minutes as amended.

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

The MPC reported to the Board that applications for upgrade to Marine Pilot were received from Captain Desautel and Captain Didier. Captain Desautel had also applied for a VLCC endorsement.

The MPC stated that Captain Desautel's application was complete and that he had accomplished all the required training for the upgrade to Marine Pilot and for the VLCC endorsement.

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

RESOLVED to approve the upgrade of Captain Desautel's license to Marine Pilot effective on the one-year anniversary of his 60,000 gross ton endorsement.

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

RESOLVED to approve the issuance of a VLCC endorsement upon Captain Desautel's Marine Pilot license when it is issued.

The MPC stated that Captain Didier's application was complete and that he had accomplished all the required training for the upgrade to Marine Pilot.

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

RESOLVED to approve the upgrade of Captain Didier's license to Marine Pilot effective on the one-year anniversary of his 60,000 gross ton endorsement.

Agenda Item 7

Public Comment

Captain O'Hara – requested that in light of the recent grounding of the M/V PAC SUN, the Board should write a letter to the NOAA Office of Coast Survey requesting a hydrographic survey of Icy Bay. The Board agreed to do so. Also took issue with the content of the Core examination, especially the radar plot and ship handling portion of the exam.

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

Agenda Item 8 **Examinations – Proposed Regulation**

End Tape 1, Side A Captain Spence outlined his draft proposed regulation. The Board
Start Tape 1, Side B proceeded to discuss the draft and asked for comment from the assembled
public.

The consensus of the Board was that Chairman Bush would smooth the draft and send it out to the pilot associations for comment before the next meeting.

15 minute break

Agenda Item 9 **Updates**

Electronic Quarterly reports: The MPC stated that progress was being made, but that no reports were available since the database is incomplete. Captain Spence reiterated that data from the quarterly report database could provide valuable insight into issues before the Board and that the project needs to be completed.

Examination Database: The MPC related the progress that had been made to date in compiling the examination database. Captain Spence stated that this project was also beneficial and that it needed to be completed. The Chair asked whether both projects could be completed by the October meeting and the MPC replied that yes they could be accomplished by then.

Simulator Based Evaluation: The MPC provided a short overview of the current project of the project. It was decided that the selection committee would try to meet via teleconference, hopefully the following week, to discuss final acceptance of the program developed by RTM STAR Center under the Board's/DCED's contract.

End Tape 1, Side B Pilot Availability Committee: Captain Garay presented his committees'
Begin Tape 2, Side A report and the draft language they had come up with to amend the current
regulations contained in 12 AAC 56.205.

After some deliberation the draft regulation was amended slightly by the Board.

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

RESOLVED to notice for public comment the proposed change to 12 AAC 56.205 as amended.

This concluded the day's agenda. Since it was too early to recess, the Chair decided to take up some of the business items in Agenda Item 14.

Agenda Item 14 **Business Items**

The Board scheduled the summer teleconference for June 28, 2000.

Chairman Bush briefly discussed the Division's pending budget crisis and its possible outcomes.

The MPC briefly reviewed the Board's Budget Report and Legal Costs 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 2001 Board meeting for April 11-12, 2001 in Juneau, Alaska.

The Board discussed where to hold the October meeting and directed the MPC to investigate the cost and availability of holding the October meeting in Ketchikan, AK. The MPC was also asked to move the Board's October meeting dates to a date that would not conflict with the classes being held that month at RTM STAR Center.

1605

The Board recessed for the day.

April 6, 2000

Chairman Bush called the meeting to order at 0848.

Members present constituting a quorum were:

Mr. Jeff Bush - Commissioner's Designee
Captain Pete Garay - Pilot Member
Captain Michael Spence - Pilot Member
Mr. Jeff Thompson - Agent/Vessel Manager Member
Ms. Barbara Huff Tuckness - Public Member

Staff present was: Peter Christensen, (MPC)

Members absent:

Mr. Bob Berto - Agent/Vessel Manager Member

Before Public comment began, Chairman Bush gave Captain Garay an opportunity to introduce his idea of licensing agents. Captain Garay outlined his idea and briefly discussed the contents of his written proposal contained under Tab 3 of the Board packet.

Agenda Item 10

Public Comment

The following persons commented during the public comment period:

Captain O'Hara – spoke in support of the proposed vessel agent regulation.

Captain Grobschmit – discussed the M/V JACHA/MABAH incident and referenced his enclosed letter.

Captain Baken – spoke in support of the proposed vessel agent regulation.

Captain H. Antonsen – spoke regarding Marine Safety Task Force “Voluntary Waterway Guide” and the input that the task force gave on the Gravina Access Study. He also spoke in support of the proposed vessel agent regulation.

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

Mr. Kyle – stated that industry would have liked to work with Captain Garay on his vessel agent proposal.

Captain Collins - spoke in support of the proposed vessel agent regulation.

Mr. Reuter - spoke in opposition of the proposed vessel agent regulation.

End Tape 2, Side B
Start Tape 3, Side A
End Tape 3, Side A
Start Tape 3, Side B

Mr. Cronk - spoke in opposition of the proposed vessel agent regulation.

Mr. Laney - spoke in opposition of the proposed vessel agent regulation.

Captain Tom Colby – spoke regarding the Marine Safety Committee in Valdez. The committee is co-chaired by the USCG and SERVS.

Captain Didier – spoke in support of the proposed vessel agent regulation.

Agenda Item 11

Proposed regulation of Vessel Agents

The Board then discussed the proposal to license vessel agents. For the Board's edification Mr. Thompson read aloud several definitions of vessel agents. After some discussion, it was decided to establish a committee to look into the idea.

Break

Agenda Item 12

Gravina Access Project

(A recorder problem resulted in part of the consultant introductions not being recorded.)

End Tape 3, Side B
Start Tape 4, Side A

A group of consultants gave a PowerPoint presentation of the current status and issues under consideration in the Gravina Access Project.

Lunch Break

1320 Back on record

Agenda Item 13

Hawk Inlet Pilot Station

Susan McGarrigan (Greens Creek Mining Co.) presented the companies concerns regarding the closure of the Hawk Inlet Pilot Station. She requested the Board reconsider its action to delete the Hawk Inlet pilot Station.

End Tape 4, Side A
Start Tape 4, Side B

Captain Pawlowski addressed the Board concerning several items of interest. He announced that he has applied for the vacant public seat on the Board. He briefed the Board on the potential of a new port to be built at Port MacKenzie in upper Cook Inlet. Captain Pawlowski is now working for Racal Pelagos in the field of emerging technologies.

Following Captain Pawlowski's presentation the Board returned to the topic of the proposed regulation of vessel agents. Chairman Bush pointed out to the Board that he has discussed the issue with the AG's office and that they share his concern that the Board currently does not have statutory authority to license and discipline vessel agents. Following a discussion amongst the Board, Chairman Bush established a committee to investigate the proposal. Mr. Thompson was appointed as Chair of the committee and Captain Garay was included as a member. Chairman Bush directed that the proposed regulation of vessel agents be placed on the agenda for the June meeting.

Chairman Bush asked SEAPA/ACP attendees of the Cruiseship/ADEC Task Group to introduce the proposed draft regulation 12 AAC 56.960(m) to the task group as a concept proposal and relay to the Board their thoughts on the matter.

The Board then moved to the topic of the draft letter response to the APA.

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

RESOLVED to send the draft response to APA as a letter from the Board.

The MPC was directed to try and schedule the October meeting between Dania classes.

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

Tape Off

RESOLVED to adjourn the meeting.

Respectfully submitted:

Peter D. Christensen,
Marine Pilot Coordinator

Approved this _____ day of _____, 2000.

Jeffrey W. Bush,
Deputy Commissioner