

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

**MINUTES OF MEETING  
October 25-26, 2000**

**B**y 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 October October 25-26, 2000, in Ketchikan, Alaska.

**10/25/00**

Start Tape 1, Side A

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

Chairman Bush called the meeting to order at 1342. 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
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Mr. Bob Berto	-	Agent/Vessel Manager Member
Ms. Huff Tuckness	-	Public Member

Staff present: Peter Christensen, (MPC)

**Agenda Item 2      Review/Set Agenda**

The agenda was amended by reordering agenda item 13 as item 9a, and creating agenda item 9b to consider authorizing a Training Pilot endorsement to Captain Larry Pullin.

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

RESOLVED to approve the agenda as amended.

**Agenda Item 3      Potential Conflicts of Interest and Declarations of Recusal**

No personal conflicts or declarations of recusal were declared.

**Agenda Item 4**      **Investigation/Litigation Update**

The MPC updated the Board regarding on-going litigation.

The Proteus litigation has proceeded to the motion stage. Both sides have submitted motions requesting summary judgment, and the Department of Law has submitted a reply to the plaintiff's motion for summary judgment. The court will hear oral argument in support of the motions in early November.

In the matter of Captain Renwick, a hearing was held before the Hearing Officer in September 2000. The Department has not yet received the Hearing Officer's decision

The MPC announced that no new investigations had been opened since the last meeting.

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

The Board considered the July teleconference minutes for approval. One typographical error was noted regarding the motion on agenda item 10 of the minutes. In the motion, the phrase "amendment to ACP's Bylaws" should be changed to "Regional Cooperative Dispatch Agreement".

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

RESOLVED to adopt the June 2000 teleconference minutes as corrected.

**Agenda Item 6**      **Update – Examination Database**

The MPC reported to the Board that the Region 1 and 3 databases are complete, although the Region 3 database needed more questions. The MPC reported that just that morning he had received the edited questions from Region 2 for entry into the database. Chairman Bush once again reminded the associations to generate more examination questions.

**Agenda Item 7**      **Update – Electronic Quarterly Reports**

The MPC reported that all the pilots associations have submitted their quarterly reports in electronic format. The MPC reported that he is currently using Excel for the database because it eliminates importing the data into FileMakerPro and it is easier to use.

**Agenda Item 8**      **Dania Schedule & Assignment Process**

Chairman Bush noted that the immediate slots for Dania had been filled. The MPC asked everyone to review the spreadsheet and to let him know if there were any problems. Chairman Bush reiterated the cautionary note contained in the MPC's memorandum regarding Dania classes being left unfilled leading to some individual(s) possibly not getting the course in time for the 2003 renewal.

**Agenda Item 9**      **Revisions to Training Programs, Operating Rules, and Bylaws**

Captain Hans Antonsen reviewed SEAPA's proposed changes to its Training Program for the Board. The changes were made in an effort to clarify the intent of the existing training program.

The Board discussed its role in approving Training Plans, Bylaws and Operating Rules. Chairman Bush directed the MPC to deliver the current copy of each association's Training Program, Operating Rules, and Bylaws to the AG for their review.

The Board then took public comment regarding SEAPA's proposed changes to its Training Program. Public comment was heard from Captain Mark Sizemore, Captain Joan Sizemore. Captain Garay asked Captain Joan Sizemore to hold her comments until he had an opportunity to review her letter to the Board.

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

RESOLVED to table SEAPA's proposed amendments to its Training Program.

Captain Hans Antonsen addressed the Board to explain SEAPA's proposed changes to its Association Bylaws.

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

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

RESOLVED to approve SEAPA's proposed amendments to its Association's Bylaws.

Captain Baken addressed the Board to explain ACP's proposed changes to its Operating Rules.

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

RESOLVED to approve ACP's proposed amendment to Operating Rule 2 C.

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

RESOLVED to approve ACP's proposed amendment to Operating Rule 4 C.

Captain Baken addressed the Board to explain ACP's rewritten Training Program.

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

RESOLVED to approve ACP's rewrite of its Training Program.

The MPC explained the history behind the recommendation of the Ombudsman that is addressed in the Director of Occupational Licensing memorandum dated June 20, 2000. The Board then discussed the issue.

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

RESOLVED to amend our renewal and original license applications to concur with the Ombudsman recommendation.

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

Break

Chairman Bush put forward a suggestion to amend the agenda by moving Agenda Item 15 to today. There was no objection to the proposal.

**Agenda Item 9a**

**Committee Report on Agent Licensing Proposal**

Mr. Thompson reviewed the committee's progress thus far. The committee has held three meetings via teleconference. The committee has proposed three regulations regarding vessel agents. Regarding the third regulation the committee has three questions that they wish to have answered by a State AG.

The Board then considered the committee's report and the proposed regulations. The MPC was directed to place the issue on the January agenda.

**Agenda Item 9b      Training Pilot Endorsement for Captain Pullen**

The MPC explained that SEAPA had submitted a request for Captain Pullen to be issued an endorsement as a Training Pilot.

The MPC explained the requirements for a training pilot license and that he had reviewed Captain Pullen's file and found that Captain Pullen satisfied the requirements. Accordingly, he recommended that the Board approve the issuance of a Training Pilot endorsement to Captain Pullen.

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

RESOLVED to approve the issuance of a Training Pilot endorsement to Captain Pullen's State Pilot license.

**Agenda Item 15      Business Items**

The MPC presented reports of the Board's budget to date.

The MPC briefly reviewed the correspondence contained in the packet including notices of proposed changes to pilotage rates from ACP, SWAPA, and AMP.

The Board agreed to set October 17 - 18, 2001 (Wed - Thur) as the October 2001 meeting date. The Board did not set a location for the October meeting.

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

The Board decided that the location for the January meeting with examinations would be January 24-27, 2001, in Anchorage. The deadline to submit applications for the examination was announced as November 27, 2000.

The Board changed the April meeting date to April 4-5, 2001 in Juneau.

The Board recessed for the day.

**October 26, 2000** Board Members Present Constituting a Quorum:

Chairman Bush	-	Commissioner's Designee
Captain Garay	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Mr. Bob Berto	-	Agent/Vessel Manager Member
Ms. Huff Tuckness	-	Public Member

Staff present: Peter Christensen, (MPC)

**Agenda Item 10** **Public Comment**

The public was asked to try and hold their comments to three minutes. In addition the public was assured that they would be allowed input as each addition agenda item is addressed.

Public comment was given by:

Captain Didier – spoke regarding azipod training he initiated with RTM STAR Center.

Captain O'Hara – stated SWAPA's position on several of the regulation proposals and discussed the Polar Tanker training at RTM STAR Center.

Captain Case Deelstra – spoke in opposition of several of the proposed regulations and spoke at length on how the master and crew interact with the pilot on the bridge.

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

Captain Kaare Bakke – spoke in opposition to several of the proposed regulations.

Captain Grobschmit – AMP does not support the “port to port” proposed regulation and discussed when pilots have the conn in Region 3.

Ms. McGarrigan – asked the Board to reconsider its decision to delete the pilot station at Hawk Inlet.

Mr. Rueter – requested the standard for the publicly noticing new pilotage rates, and commented on several of the proposed regulations for Region 3.

Captain Bennett – offered a rebuttal of much of the testimony given by industry regarding master/pilot relationships and the duration of watches.

**Agenda Item 11**

**ASA Proposed Regulatory Changes**

Mr. Kyle commented on several of the proposed regulations, presented the proposals for regulatory change contained in ASA's letter and responded to questions from the Board. The ASA letter included proposals regarding Target Incomes, Marine Pilots becoming State Employees, Rate Proposers, Points of Dispatch, Require Pilots to be Alaska Residents, Mandatory Retirement, Physical Standards for Pilots, Investigatory Authority for the Marine Pilot Coordinator, Increase Industry and Pilot Seats on the BMP to Three, Require Pilots to Report Violations of State/Federal Statutes, and Regulations by other Pilots, Pilots Availability for Dispatch.

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

The Board briefly discussed several of the various changes proposed. Chairman Bush called for any additional public testimony regarding the ASA letter.

On behalf of all pilot associations, Captain Grobschmit gave a response to the changes proposed in the ASA letter. A written copy of his testimony was presented to the Board.

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

The Board then discussed the best way to take up the issues raised in ASA's letter. In consultation with the Board, Chairman Bush outlined the following: Items (a) – (d) could be lumped together. Item (e) is illegal and not worth pursuing. Items (f) & (g) should be referred to the MPC for further research. Chairman Bush stated that he would work with the MPC to develop item (h). Chairman Bush asked that item (i) and (j) be put on January's agenda. Regarding item (k) the MPC was asked to see if pilot demand figures can be generated from the quarterly report database.

**Lunch Recess**

Chairman Bush asked that the committee that dealt with the agent licensing proposal undertake the first four issues outlined in the ASA letter. He asked that Captain Garay chair that committee for the committee's work on that issue. Mr. Thompson was identified as the vice-chair.

**Agenda Item 11a**      **SEAPA Training Program Changes Revisited Related Dispute with Captain Sizemore**

Chairman Bush invited the Board to tell him if they thought he was wrong, when he stated that he did not believe that the specific dispute between Captain Sizemore and SEAPA was an issue that the Board could resolve. He went on to say that there are issues raised by that dispute that are appropriate for the Board such as changes to an association's training program as was before at that time. No member of the Board spoke in disagreement with his stated position..

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

Captain Sizemore addressed the Board regarding her objection to SEAPA's proposed changes to its training program. The Board then asked Captain Sizemore several questions to clarify her position.

Next, Captain Collins addressed the Board regarding SEAPA's proposed changes to its training program.

The Board discussed the proposed changes among themselves.

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

RESOLVED to approve the proposed changes to SEAPA's training program and amendment of the last sentence in paragraph 12 of Part II by deleting the first part of the sentence through the word "however".

**Agenda Item 12**      **Regulation Proposals for Consideration**

End Tape 5, Side A  
Start Tape 5, Side B

Captain Collins - presented to the Board SEAPA's proposed changes to 12 AAC 56.960(b) & (c), the so-called six hour rule.

Mr. Kris Geldecker - presented data to the Board from 280+ transits in S.E. Alaska. He stated that the data showed that there were two entries over eight hours last summer, the longest of which was eight hours and thirteen minutes. The data was taken from three transits: Cape Spencer to Skagway, Cape Spencer to Juneau, and Pt Cornwallis to Juneau.  
Captain Graham Burton - spoke in opposition to the proposed six hour rule.

Ms. Susan McGarrigan - spoke in opposition to the proposed six hour rule. She stated that it would increase shipping costs to Green Creek Mining.



Captain Porter - spoke in support of the proposed six hour rule.

End Tape 5, Side B  
Start Tape 6, Side A

Mr. Les Cronk - spoke in opposition to the proposed six hour rule.

Captain Didier - spoke in support of the proposed six hour rule.

Captain Kellogg - spoke in support of the proposed six hour rule.

Captain Baken - presented a spread sheet of all the cargo jobs that they've had to Hawk Inlet (4) and Hoonah (3). ACP policy is now to send two pilots on every job that goes to Hoonah and Hawk Inlet.

Captain O'Hara - stated that SWAPA could wait till January to revisit their proposed changes to 12 AAC 56.028(b)(1)(C) & (D). Without objection Chairman Bush stated that the proposal was tabled.

Captain Anthony - presented AMP's proposed change to 12 AAC 56.028(c)(2)(A) - (E).

The Board then reviewed the proposed change to 12 AAC 56.028(A)(1)(F).

The MPC - presented Captain Luck's proposed corrections to 12 AAC 56.110.

Captain Grobschmit - presented AMP's proposal to amend the general rule for compulsory pilotage and the established boundaries of Region 3.

#### **Agenda Item 14**

#### **STCW/Fed License Renewal Impact on State License Renewal**

End Tape 6, Side A  
Start Tape 6, Side B

Captain Lorigan, Commanding Officer of Marine Safety Office Juneau, addressed the Board to discuss the Coast Guard's implementation of STCW. He answered several questions from the public in attendance.

In the interest of moving the regulation package forward, Captain Antonsen stated that SEAPA was willing to drop from consideration for public notice their proposal for the six hour rule.

A motion was made by Captain Garay and seconded by Ms. Huff Tuckness to include the proposed vessel agent regulations 12 AAC 56.985(a) & (b) in the package for public notice.

Chairman Bush ruled that the motion was not in order at that time.

Chairman Bush then invited additional public comment on the proposed “pilot at the conn” regulation.

Captain H. Antonsen - spoke in support of the proposed “pilot at the conn” regulation and fielded several questions from the Board.

Captain Tom Colby of Alaska Tanker Co. - addressed the possible unintended consequences of the proposed “pilot at the conn” regulation.

Captain Porter - spoke in favor of the proposed “pilot at the conn” regulation.

Captain Didier - spoke in favor of the proposed “pilot at the conn” regulation.

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

RESOLVED to notice the proposed changes to the following regulations: 12 AAC 56.028(b)(1)(C) & (D); 12 AAC 56.028(c)(2)(A)-(G); 12 AAC 56.028(a)(1)(F); 12 AAC 56.110; 12 AAC 56.090 & .100.

On a motion made by Captain Garay, seconded by Ms. Huff Tuckness and carried by a 3-2 vote, it was

Resolved to notice the proposed vessel agent regulations 12 AAC 56.985(a) & (b).

On a motion made by Captain Garay, seconded by Ms. Huff Tuckness and carried by a 3-2 vote, it was

RESOLVED to notice the proposed changes to the following regulations: 12 AAC 56.960(a) and 12 AAC 56.990(a)(35) and to drop the phrase "to facilitate training" from the propose language of 56.960(a).

End Tape 6, Side B  
Start Tape 7, Side A

Due to concerns expressed by some Board members, Chairman Bush asked if there would be strong objection to moving the location of the January Board meeting to Juneau instead of Anchorage. No objection was noted.

**Motion to Adjourn**

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

RESOLVED to adjourn the meeting.

Tape Off

Respectfully submitted:

Peter D. Christensen,  
Marine Pilot Coordinator

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Jeffrey W. Bush,  
Deputy Commissioner