

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

**MINUTES OF TELECONFERENCE MEETING
July 17, 2001**

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 July 17, 2001, via teleconference with public sites located at Ketchikan LIO, Juneau SOB, Anchorage LIO.

Start Tape 1, Side A
Agenda Item 1

Call to Order/Roll Call

Chairman Bush called the meeting to order at 1340. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Bush	- Commissioner's Rep	(Juneau SOB)
Captain Garay	- Pilot Member	(Juneau SOB)
Captain Joslyn	- Pilot Member	(Juneau SOB)
Mr. Thompson	- Agent Member	(Juneau SOB)
Mr. Berto	- Agent Member	(Juneau SOB)
Mr. Poulson	- Public Member	(Juneau SOB)
Ms. Huff Tuckness	- Public Member	(Anchorage)

Staff present: Mr. Christensen, MPC	(Juneau SOB)
Mr. Truitt, AAG	(Juneau SOB)

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

LIO Ketchikan – No one present.

Juneau SOB – Captain H. Antonsen, Captain Collins, Captain Baken, Captain J. Sizemore, Captain M. Sizemore, Captain Luck, Captain Entenmann, Mr. Kyle, Mr. Monkman, CDR Ohnstad, USCG

LIO Anchorage - Captain Hutmacher, USCG, LT Hamilton, USCG

Valdez – Captain Colby, Mr. Nielsen

Dutch Harbor – Captain Grobschmit

Colorado – Mr. Blasco

Agenda Item 2 **Review/Set Agenda**

The MPC stated that the Alaska Marine Pilots wished to withdraw their proposed Bylaws, Articles of Association and their proposed Training Program from the agenda. He also stated that he wished to add consideration of a training pilot endorsement for Captain Picton. On a motion made by Mr. Berto, seconded by Mr. Thompson 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.**

No conflicts or declarations of recusal were stated or noted. Chairman Bush pointed out to the Board the materials in the Board packet regarding ethics.

Agenda Item 4 **Review/Approval of Prior Meeting Minutes**

Chairman Bush had noted several typographical errors in the draft April minutes and decided to delay their review and approval until the October meeting.

Agenda Item 5 **Investigation/Litigation Update**

Mr. Truitt noted that the Renwick hearing was complete, but a notice of appeal has been received last week.

Regarding investigations the MPC stated that he was unable to prepare a list of open and closed investigations for the Board, but that he would provide them at the October meeting. He also stated that he had not opened any new cases and he has closed five or six cases that have not yet been approved.

Agenda Item 6 **Budget Report**

The MPC presented the budget report and the legal costs report.

Agenda Item 7 Next BMP Meeting

It was noted that the next Board meeting was scheduled for October 24-25, 2001 in Seward, AK. The exam application deadline is August 27, 2001.

Agenda Item 8 Public Comment

Juneau – None

Anchorage – None

Ketchikan - None

Dutch Harbor –None

Mr. Blasco in Colorado asked whether all the Board members had received the comments submitted regarding the “at-the-conn” regulatory proposal. If the Board was in receipt of the submitted comments, he wondered whether the Board had been given enough time to adequately read and digest the comments.

Chairman Bush asked whether each of the Board members had received the package of comments. Each stated that they had. Chairman Bush stated that he would inquire whether everyone had enough time to review the material when the Board got to that agenda item.

Agenda Item 9 Exam Results

The MPC stated that Captain Sizemore and Captain Entenmann had both taken and passed the Deputy Marine Pilot examination for their region with scores of 96% and 97% respectively.

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

RESOLVED for the Board to enter executive session to administer the oral examinations to the applicants.

Agenda Item 10 Oral Examinations

The Board held oral examinations for Captain Entenmann and Captain Sizemore while in executive session. Upon conclusion of the oral examinations, the Board returned to public session and took a ten-minute recess.

Agenda Item 11 License Endorsement / Approval

The MPC stated that he had received an application from Captain Sizemore, that she had completed the training and successfully completed the exam today. He recommended that the Board authorize the issuance of a Deputy Marine Pilot license of not more than 25,000 GT.

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

RESOLVED to authorize the issuance of a Deputy Marine Pilot license of not more than 25,000 GT to Captain Sizemore.

The MPC stated that he had received an application from Captain Entenmann, that he had completed the training and successfully completed the exam today. He recommended that the Board authorize the issuance of a Deputy Marine Pilot license of not more than 25,000 GT.

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

RESOLVED to authorize the issuance of a Deputy Marine Pilot license of not more than 25,000 GT to Captain Entenmann.

The MPC stated that Captain Richard Murphy had applied for a license upgrade to Marine Pilot, and that the application was complete. He recommended that the Board authorize the issuance of a Marine Pilot license.

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

RESOLVED to authorize the issuance of a Marine Pilot license to Captain Murphy.

The MPC stated that Captain George had applied for a license upgrade to Marine Pilot, and that the application was complete with the exception of the time (one year) required to hold a 60,000 GT endorsement. He recommended that the Board

authorize the issuance of a Marine Pilot license to Captain George upon the one-year anniversary date of his current 60,000 GT endorsement.

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

RESOLVED to authorize the issuance of a Marine Pilot license to Captain George on his one-year anniversary date of his current 60,000 GT endorsement.

The MPC stated that Captain Kellogg had applied for a Training Pilot endorsement on his Marine Pilot license, and that he would meet the requisite criteria on the five-year anniversary of holding his Marine Pilot license. He recommended that the Board authorize the issuance of the endorsement on the five-year anniversary of Captain Kellogg's Marine Pilot license.

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

RESOLVED to authorize the issuance of a Training Pilot endorsement to Captain Kellogg's license upon the five-year anniversary of his holding his Marine Pilot license.

The MPC stated that Captain Picton had applied for a Training Pilot endorsement on his Marine Pilot license, and that he would meet the requisite criteria on August 12, 2001. He recommended that the Board authorize the issuance of the endorsement effective August 12, 2001.

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

RESOLVED to authorize the issuance of a Training Pilot endorsement to Captain Picton's license effective August 12, 2001.

Agenda Item 12 **Submitted for Approval: AMP Bylaws**

Withdrawn

Agenda Item 13 Proposed Regulation for Adoption – “At-the-Conn”

Chairman Bush reviewed the procedural history of the proposed regulation for the Board and the public. He confirmed that the new written comment received by the comment deadline had been distributed to the Board and that the record before the Board consisted of all the written comments received in the first and second notice periods.

Mr. Thompson and Mr. Berto both noted that they had not had sufficient time to review the new comments. The MPC noted that the comment deadline was 5:00 p.m. yesterday, so it was difficult to get the 89 page record of comment distributed to all Board members in a timely manner. Given the circumstances of the late delivery, Chairman Bush led a discussion on whether the Board wanted to proceed to discuss the proposed regulation. After listening to comment from the Board, Chairman Bush determined that the Board could discuss the proposed regulation and related issues that day, but he stated that he would not move forward on the adoption of the regulation unless all Board members agreed.

The Board proceeded to discuss possible amendments to the proposed regulation.

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

Captain Garay proposed the following language that was received from the Coast Guard:

(a) A pilot shall be on duty, at the conn, piloting the vessel at all times when the vessel is in transit or maneuvering in compulsory pilotage waters. A pilot at the conn may only be relieved for cause by the vessel’s master or the officer in charge of the navigational watch when the master is absent from the bridge. The pilot may voluntarily relinquish the conn to a ship’s officer, but may reassume the conn at any time.

He proposed that the definition of “for cause” be the same as that which the Board adopted at its January meeting. That is:

(35) “for cause” means incompetence, incapacitation, intoxication, negligence, the ship is standing into danger, or in all needs of great necessity.

Mr. Thompson recommended that the Board amend the proposed language to language taken from written comment received from Mr. Dan Grausz on page three of his letter to Mr. West dated July 12, 2001.

“In addition, we would have accepted a definition of “employ” such as:

“permitting the pilot, while the vessel is in mandatory pilotage waters, to either be at the conn or assisting the master or navigation officer in the navigation of the vessel. If the pilot is assisting the master or navigation officer rather than being at the conn, then (1) the pilot must be permitted to participate in all onboard bridge management discussions related to vessel movements while in mandatory pilotage waters; (2) the pilot’s input regarding the designation of track lines in mandatory pilotage waters shall be solicited and given due consideration; and (3) if the master of the vessel refuses to follow the advice of the pilot, such refusal shall be duly noted in the vessel’s log book.”

Mr. Berto recommended that the Board amend the proposed language to the following taken from a written comment received from Princess Cruise Line, Captain David Brown’s letter of July 12, 2001.

“The pilot shall be on duty piloting the vessel at all times when the vessel is in transit or maneuvering in compulsory pilotage waters. The pilot at the conn may only be relieved by mutual consent with the vessel’s master or at any time that the vessel’s master or his representative has concern for the safety of the ship, passenger’s and crew.”

The Board discussed the various proposals as outlined above.

On a motion made by Captain Garay, seconded by Captain Joslyn and carried by a vote of five to two, it was

RESOLVED to accept the language above proposed by Captain Garay as an amendment to the noticed language.

The Board discussed the language proposed by Mr. Thompson.

On a motion made by Mr. Thompson, seconded by Mr. Berto and defeated by a vote of five to two, it was

RESOLVED to not accept the language above proposed by Mr. Thompson as an amendment to the noticed language.

The Board discussed the language proposed by Mr. Berto.

Start Tape 2, Side A

On a motion made by Mr. Berto, seconded by Mr. Thompson and defeated by a vote of five to two, it was

RESOLVED to not accept the language above proposed by Mr. Berto as an amendment to the noticed language.

More discussion followed.

Captain Garay made a motion to vote on adoption. In other words a vote to require a vote.

Captain Joslyn made a motion to adopt the amended language the Board voted to amend the propose regulation.

Captain Joslyn withdrew his motion.

The Board took a five minute recess.

Chairman Bush stated that he would entertained a motion to adopt the proposed language and another motion to table the motion to adopt until the October meeting. Chairman Bush ruled that Captain Garay's motion was a request for a straw vote and as such it was procedurally invalid.

Captain Joslyn made a motion, seconded by Captain Garay, to adopt the proposed regulation as amended by the Board's vote earlier today.

Mr. Thompson made a motion, to table the Captain Joslyn's adoption motion until the Board's October meeting.

On a motion made by Mr. Thompson, seconded by Ms. Huff Tuckness and carried by a vote of five to two, it was

RESOLVED to table Captain Joslyn's motion to adopt the proposed regulation as amended by the Board's vote earlier today, until the October Board meeting.

Motion to Adjourn

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

RESOLVED to adjourn the meeting.

Respectfully submitted:

Peter D. Christensen,
Marine Pilot Coordinator

Approved this _____ day of _____, 2001.

Jeffrey W. Bush,
Deputy Commissioner, DCED