

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

**MINUTES OF MEETING
October 24 - 25, 2001**

By 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 24 - 25, 2001, in Seward, Alaska.

10/24/01

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. Jeff Bush	-	Commissioner's Designee
Captain Pete Garay	-	Pilot Member
Captain Tony Joslyn	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Mr. Bob Berto	-	Agent/Vessel Manager Member
Ms. Barbara Huff Tuckness	-	Public Member
Mr. Jack Poulson	-	Public Member

Staff present was: Peter Christensen, (MPC)

Agenda Item 2 Review/Set Agenda

Chairman Bush proposed that two additional draft regulations be considered with the other draft regulations included in Tab 3 of the Board packets.

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

RESOLVED to approve the agenda as amended.

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

Chairman Bush asked all Board members to declare any potential conflicts of interest in light of the agenda before the Board. No potential conflicts of interest were declared.

Agenda Item 4 **Investigation/Litigation Update**

The MPC updated the Board regarding the Renwick litigation.

Regarding investigations, the MPC noted that one additional investigation had been opened since the last Board meeting.

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

The Board discussed whether any changes needed to be made to the April and July meeting minutes before their approval. Chairman Bush pointed out that the draft July meeting minutes had a mistake in the header. No other problems were noted.

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

RESOLVED to approve the April 2001 minutes.

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

RESOLVED to approve the July 2001 minutes as amended.

Agenda Item 6 **Dania Assignments for 2002 Dates**

The MPC requested that a representative from each pilot association meet with him sometime during this two-day meeting to arrange the participants for the 2002 courses at Dania.

Agenda Item 7 **Pilots and Maritime Security**

Captain Garay briefed the Board on two issues regarding maritime security. His first suggestion was to have the Board write a letter to the U.S. Custom Service requesting that they brief the Board on the procedures currently in place for vessels clearing Customs in western Alaska.

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

A motion was made by Captain Garay, and seconded by Ms. Huff Tuckness to have the Board write a letter to the U.S. Customs Service to request that they explain the system or procedures currently in place for a vessel to clear customs in western Alaska. The motion was subsequently tabled.

Captain Garay also suggested that the Board consider making the U.S. Coast Guard an ex-officio member of the Board. A discussion followed that included public comment.

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

RESOLVED to investigate the possibility of including the U.S. Coast Guard as an ex-officio member of the Alaska Marine Pilot Board.

A third security issue was introduced requesting that the Board consider issuance of picture identification to all State licensed marine pilots. After some discussion and public comment, a motion was introduced.

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

RESOLVED to look into the creation and issuance of official photographic identification for all State licensed marine pilots.

Agenda Item 8 **Revisions to Training Programs, Articles and Bylaws**

Captain Grobschmit outlined in general terms the intent of the changes to the Alaska Marine Pilot's (AMP) Articles of Association, Bylaws, and Training Program before the Board. The Board reviewed the changes as proposed by AMP.

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

RESOLVED to approve AMP's Articles of Association.

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

RESOLVED to approve AMP's Bylaws.

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

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

RESOLVED to approve AMP's Training Program.

Since the Board reached the end of the day's agenda before its scheduled time of adjournment, it decided to take up agenda items 14 and 15 before adjourning for the day.

Agenda Item 14

Business Items

The MPC led the Board through the Board's Budget Report and the correspondence included in the Board Packet. The Board tentatively set October 23 – 24, 2002 for the Board's October meeting in 2002.

The MPC reminded the Board that January's meeting would occur at the Captain Cook Hotel in Anchorage, on January 30 – 31, 2002. He noted that the application deadline for the January exams is December 3, 2001.

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

RESOLVED to enter executive session to hear the investigative report presented by the MPC.

Agenda Item 15

Investigation Report

The MPC presented the investigative report to the Board while in executive session. The Board came back on the record at 1700 to exit the executive session and recess for the day.

10/25//01

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 Pete Garay	-	Pilot Member
Captain Tony Joslyn	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Mr. Berto	-	Agent/Vessel Manager Member
Ms. Barbara Huff Tuckness	-	Public Member
Mr. Jack Poulson	-	Public Member

Staff present was: Peter Christensen, (MPC)

Agenda Item 9 (Due to typographical error, no agenda item was listed as Agenda Item 9)

Agenda Item 10 **Public Comment**

The following people came before the Board to give public testimony:

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

- Kirby Day - regarding the impacts of the events of September 11, 2001 on Princess Cruise Lines business.
- Bill Sharp - regarding the impacts of the events of September 11, 2001 on Holland America/ Windstar Cruise Lines.
- LCDR Doug Baird - regarding new charts available from NOAA and future areas of survey.
- Mr. Kyle - regarding the status of current proposed pilotage rate increases noticed for 2002.
- Captain Grobschmit – regarding the status of his association's membership.

Before the Board moved on to Agenda Item 11, Chairman Bush returned the Board to the previously tabled motion regarding the letter request to U.S. Customs. The Board proceeded to discuss the proposed letter and took public comment on the issue.

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

On a motion made by Captain Garay, seconded by Ms. Huff Tuckness and carried on a vote of six to one, it was

RESOLVED to send a letter to U.S. Customs to invite them to explain their clearance and security procedures in Alaska with a copy to other appropriate Federal agencies.

Agenda Item 11 **Proposed Regulatory Changes**

Captain Collins and Captain Kellogg presented SEAPA's proposed regulation amendment to increase the tonnage steps of deputy marine pilot licenses. The Board took public comment on the proposal and discussed the matter.

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

RESOLVED to notice the proposed regulation to increase the deputy marine pilot license tonnage increments.

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

Chairman Bush introduced a proposed regulation amendment to delete Region 4 as a recognized pilotage region and incorporate its territory into Region 3. The Board proceeded to take public comment and discuss the proposal.

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

RESOLVED to notice the proposed regulation amendments to delete Region 4 and incorporate the former territory of Region 4 into Region 3.

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The Board then recessed to take a tour through the Alaska Vocational Technical Center's (AVTEC) marine simulator and then break for lunch.

Agenda Item 12 Tour of Alaska Vocational Technical Center Simulator

The Board and public in attendance (approximately 30 persons) were given a guided tour through the AVTEC marine simulator.

Lunch

Agenda Item 11 Proposed Regulatory Changes (continued)

When the Board reconvened after lunch, Captain Collins and Captain Kellogg presented SEAPA's proposed regulation to facilitate and regulate the transfer of marine pilots from one region to another. The Board listened to public comment on the issue and proceeded to discuss the proposal amongst themselves.

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

RESOLVED to notice the proposed regulation to facilitate and regulate the transfer of marine pilots from one region to another.

The Board requested that the pilot associations bring to the January Board meeting their proposed changes to their training programs to identify and implement the training requirements for marine pilots that transfer into their region.

Agenda Item 13 Proposed Regulation – (At-the-Conn)

The proposed regulation that was the subject of the tabled motion for adoption from the July teleconference read as follows:

12 AAC 56.960(a) is amended to read:

(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.

12 AAC 56.990(a) is amended and a new subsection is added to read:

(a) Unless the context indicates otherwise, in this chapter

(35) “for cause” means incompetence, incapacitation,

intoxication, negligence, the ship is standing into danger, or in all

needs of great necessity.

(e) As used in AS 08.62.160 “employ” means that the pilot is at the conn.

Chairman Bush opened the discussion by noting that the public comment period was closed and that the Board could not take further public comment on this issue. He went on to inform the Board of a potential definitional problem with the language of the proposed regulation amendments as stated in the tabled motion. He suggested that the definition of “for cause” be amended to read:

12 AAC 56.990(a)

(35) “for cause” means due to incompetence or misconduct;

A short discussion by the Board followed.

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

RESOLVED to amend the draft language of the tabled motion as suggested above by Chairman Bush.

The Board proceeded to discuss the proposed regulation amendments to implement the “at-the conn” requirement.

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

RESOLVED to adopt the “at-the-conn” regulation as proposed in the tabled motion, the definition of “for cause” as amended and the definition of “employ” as proposed in the tabled motion.

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

Chairman Bush announced that he had requested that the January meeting agenda include a discussion of the process to be used in determining which facility/facilities will offer the training and performance evaluation currently provided by RTM STAR Center.

Meeting Adjournment

On a motion made by Ms. Huff Tuckness, 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 _____, 2002.

Jeffrey W. Bush,
Deputy Commissioner