

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

**MINUTES OF MEETING
January 30 – 31, 2002**

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 January 30 – 31, 2002, in Anchorage, Alaska.

JANUARY 30, 2002

Examinations were conducted on the morning of January 30, 2002 as follows:

Captain Vose – Deputy Marine Pilot Exam Region 1

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 Tony Joslyn	-	Pilot Member
Mr. Jeff Thompson	-	Agent/Vessel Manager Member
Mr. Bob Berto	-	Agent/Vessel Manager Member
Mr. Jack Poulson	-	Public Member

Staff present was: Peter Christensen, (MPC)

Members absent:

Ms. Barbara Huff Tuckness - Public Member

Agenda Item 2 **Review/Set Agenda**

It was requested that additional public comment be added to the agenda for the morning of January 31, 2002.

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

RESOLVED to approve the agenda as amended.

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

No conflicts or recusals were declared.

Agenda Item 4 **Investigation/Litigation Update**

The MPC updated the Board regarding the Renwick litigation. He also mentioned that ACP's rate hearing is scheduled before the hearing officer next month and that SEAPA's rate hearing will be scheduled for the April Board meeting.

Regarding investigations, the MPC stated that one new investigation had been opened since the last meeting of the Board in October 2001.

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

The Board discussed whether any changes needed to be made to the October 2001 minutes before their approval. One typographical error was noted on page 6.

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

RESOLVED to approve the October2001 minutes as amended.

Agenda Item 6 **Business Items**

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 January 2003 Board meeting for January 22 – 23, 2003 in Anchorage, Alaska.

The Board was asked to hold the April meeting a day later, moving it to Thursday/Friday April 11 – 12, 2002. The Board directed the MPC to investigate the availability of meeting space to accommodate the request.

Agenda Item 7 **Proposed Changes to Bylaws and Operating Rules**

The Board invited Captain Tillion of SWAPA to explain the proposed changes to their Bylaws.

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

RESOLVED to approve SWAPA's proposed changes to their Bylaws.

The Board invited Captain Gray of ACP to explain the proposed changes to their Bylaws and Operating Rules.

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

RESOLVED to approve ACP's proposed changes to their Bylaws.

Agenda Item 8 **Examination Results**

The MPC announced the results of Captain Vose's examination. Captain Vose passed the Local Knowledge Examination for Region 1 with a score of 97%.

Agenda Item 9 Oral Examinations before the Board

The Board moved into executive session to conduct Captain Vose's oral examination.

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

RESOLVED for the Board to enter executive session to conduct Captain Vose's oral examinations.

1408 Entered Executive Session
1430 Returned from Executive Session, Board recess until 1445

Agenda Item 10 Authorize Issuance of License – as necessary

The MPC stated that he had reviewed Captain Vose's application for a Region 1 Deputy Marine license and found it complete. He noted that Captain Vose had successfully completed the Region 1 Local Knowledge examination and oral examination this morning. Accordingly he recommended that the Board authorize issuance of a Region 1 Deputy Marine Pilot license of not more than 25,000 GT to Captain Vose.

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

RESOLVED to approve the issuance to Captain Vose of a Region 1, Deputy Marine Pilot license of not more than 25,000 GT.

Agenda Item 11 Public Comment

Captain Baken – Chairman of the Marine Safety Task Force briefed the Board on the results of the Task Force's meeting that occurred that morning.

Captain Hutmacher – congratulated Captain Vose on his new license. He also addressed an incident in Western Alaska where a pilot allegedly carried a weapon aboard a ship and stated that the U.S. Coast Guard had authorized him to do so. Captain Hutmacher stated that whether a pilot carried a weapon on a ship or facility was up to the pilot and the ship

or facility, however, in no case would the U.S. Coast be authorizing the carriage of weapons by pilots.

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

Lieutenant Commander Baird – addressed the Board regarding the NOAA Coast Pilot publication. He noted that there is only one Coast Pilot publication currently approved by NOAA and that the NOAA approved version is the only Coast Pilot publication that satisfies the U.S. Coast Guard carriage requirement. A commercial firm has been authorized to reprint the Coast Pilot and many errors have been noted in that publication.

Mr. Elwood Peterson – addressed the Board regarding the high cost of doing business in Dutch Harbor and the anticipated difficulties that shippers will incur if any increase in pilotage costs occurs.

Agenda Item 17

Proposed Regulatory Projects

(Given the availability of additional time that afternoon, the Board decided to begin discussion of Agenda Item 17)

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

Captain Hannuksela was invited by the Board to explain AMP's proposal regarding securing prompt payment for pilotage services rendered.

The Board did not act on this proposal at this time.

Captain Adkison was invited to explain SWAPA's proposal to allow trainee's to begin training when the trainee has any part of his Federal pilotage endorsement rather than requiring that the entire Federal pilotage endorsement for the region be obtained before beginning training.

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

RESOLVED to approve for notice SWAPA's proposed regulation amendments as written.

1630

The Board recessed for the day.

JANUARY 31, 2002

Agenda Item 12 Call to Order/Roll Call

Chairman Bush called the meeting to order at 0845. 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
Mr. Jack Poulson	-	Public Member
Ms. Barbara Huff Tuckness	-	Public Member

Staff present was: Peter Christensen, (MPC)

Agenda Item 13 Board Reconsideration of Pilot-at-the-Conn

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

RESOLVED to readopt the Pilot-at-the-Conn regulation without the subsection 12 AAC 56.990(e) and by amending 12 AAC 56.990(a)(35) by adding the words "due to", so that the subsection would read as follows: (35) "for cause" means due to incompetence or misconduct.

Agenda Item 11 Public Comment (continued)

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

Joe Kyle – reviewed for the Board how the Western Region pilotage rate, that includes the payment of dispatch for pilots from a point outside the region, came into existence. He then outlined why this practice is onerous to the industry and asked the Board to notice the regulation they had submitted to counter the problem.

Agenda Item 14 Oral Comment on ‘Noticed’ Regulations

Captain Kellogg – representing SEAPA, stated that SEAPA supported the proposed regulation package and that they were in agreement with the written comment submitted to the Board.

Captain Gray – representing ACP, appeared before the Board to support his written comment submitted to the Board.

Captain Tillion - representing SWAPA, appeared before the Board to support his written comment submitted to the Board.

Agenda Item 15 Board Action on ‘Noticed’ Regulations

The Board discussed the ‘noticed’ proposed regulations and the written and oral comments that they’d heard.

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

RESOLVED to amend the proposed changes to 12 AAC 56.011, 56.018 and 56.019 such that references to “55,000 GT” be changed to “less than 60,000 GT” and references to “80,000 GT” are changed to “less than 80,000 GT.”

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

RESOLVED to amend the phrase “familiarization/training” contained in the proposed change to 12 AAC 56.034(3) to “training.”

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

RESOLVED to direct the MPC to draft for the Board’s consideration transition language for the change in deputy marine pilot tonnage levels that address Captain Luck’s concerns in his written comment to the Board, and that amend Captain Tillion’s proposal contained in his written comment to the Board so that it does not include references to inactive licenses.

Agenda Item 11 Public Comment (continued)

End Tape 2, Side B Mr. Monkman – urged the Board to not notice the regulation proposed by
Start Tape 3, Side A Mr. Kyle.

Mr. Rob Rogers – representing Icicle Seafoods/Adak Fisheries, re transportation and pilotage issues affecting their operation in Adak.

Ms. Sandra Moller – representing the Aleut Corporation described the development of their operation on Adak and the safety issues surrounding pilotage service in Adak.

Mr. Alan Peterson – addressed the Board regarding the problems in providing the tugs service in Adak.

End Tape 3, Side A Captain Hannuksela – representing AMP, addressed the Board regarding
Start Tape 3, Side B the problems in providing pilotage service in Adak without adequate tug
service. He also addressed the pilotage rate issue in Western Alaska
regarding dispatch from outside the region.

Mr. Rueter – representing Northstar Maritime, addressed the issue of pilotage rates in Western Alaska and dispatch of pilots from outside the region.

Mr. Cronk – of SE Stevedoring regarding per diem received by Mr. Kyle when he is away from Juneau.

(Ms. Huff Tuckness departed the meeting.)

End Tape 3, Side B Captain Garay spoke at length regarding the problems he sees for pilots
Start Tape 4, Side A and State pilotage in Western Alaska.

NOTE: The first minute of Tape 4, Side A was lost when the first minute of what should have been Tape 5, Side A was recorded inadvertently on Tape 4, Side A.

Chairman Bush summarized the three recurring themes he heard yesterday and in today's testimony regarding Western Alaska issues: (1) the availability/suitability of tug service in Adak; (2) dispatch from outside the Western Alaska region to Dutch Harbor; and (3) availability of pilots in Region 3. Chairman Bush offered his services as a mediator/facilitator to help facilitate negotiations between the parties. A Board discussion of the issues followed. Chairman Bush publicly introduced the idea that Region 3 is an excellent area for the training of all Alaskan pilots.

The Board recessed for lunch at 1200 and reconvened at 1315. Ms. Huff Tuckness returned to the meeting.

Agenda Item 16 **Simulator Based Marine Pilot Evaluation Past 2002**

The MPC opened the discussion by summarizing the two page handout he wrote regarding how he proposed the Board should proceed in dealing with pursuing a new contract(s) for simulator based pilot performance evaluation.

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

Chairman Bush summarized the Board's recent visit to RTM STAR Center. The Board then held a general discussion on the topic and took public comment. Captains H. Antonsen, Tillion, Spence and Kellogg all addressed the Board regarding the future of the project.

A committee was formed to help determine what C/E should be associated with the evaluation program in the future and to help draft the Letter of Interest that will be sent out. From the Board, Jeff Bush, Barbara Huff Tuckness, Jack Poulson and Bob Berto volunteered to participate. From the associations, Captain Collins from SEAPA, Captain Gray from ACP, Captain Ward from SWAPA & Captain Hannuksela from AMP were volunteered. The committee was directed to put together at least an outline of a Letter of Interest by the April Board meeting. The MPC was directed to schedule a teleconference to facilitate a meeting of the committee.

Agenda Item 17 **Proposed Regulatory Projects (continued)**

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

Captain Kellogg and Captain Gray presented Region 1's proposal for regulatory change in region 1's training.

Chairman Bush solicited public comment regarding the proposal. Not receiving any, he invited the Board's comment.

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

RESOLVED to notice SEAPA/ACP's proposed package of regulatory amendments.

The Board then turned to consideration of Mr. Kyle's proposed regulation regarding prohibiting dispatch of pilots from points outside their region. Mr. Berto suggested that the Board notice the second half of the proposed regulation.

Mr. Berto made a motion to public notice the second half of the proposed regulation. Mr. Thompson seconded. The Board carried on further discussion and then recessed for 10 minutes.

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

RESOLVED to table until a time certain at the next meeting the motion regarding noticing the proposed regulation regarding dispatch.

Chairman Bush then stated that he would like to create a committee of four chaired by him. The rest of the committee would consist of Captain Joslyn, Mr. Thompson and Mr. Kyle. The committee will work on Region 3 issues including the dispatch issue and all other issue discussed today and that committee will report back at the April Board meeting.

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