

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

**MINUTES OF MEETING
October 24 - 25, 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 October 24 - 25, 2002, in Anchorage, Alaska.

OCTOBER 24, 2002

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 Tony Joslyn	-	Pilot Member
Captain Dave Anderson	-	Pilot Member
Ms. Barbara Huff Tuckness	-	Public Member
Mr. Jack Poulson	-	Public Member

Members excused:

Mr. Bob Berto	-	Agent/Vessel Manager Member
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Staff present was: Peter Christensen (MPC)

Agenda Item 2 Review/Set Agenda

Chairman Bush suggested adding an agenda item 9a for the Board to hold an executive session to review the Management Letter received from Legislative Audit.

On a motion made by Mr. Poulson, seconded by Captain Joslyn 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.

Regarding investigations, the MPC stated that no new investigations had been opened since the last meeting of the Board in July 2002.

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

The Board discussed whether any changes needed to be made to the July 2002 minutes before their approval. Three typographical errors were noted.

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

RESOLVED to approve the July 2002 minutes as amended.

Agenda Item 6 **Business Items**

The MPC briefly reviewed the Board's Budget Report contained in the Board book.

The MPC announced that the renewal fee would be \$2,600 for pilots and \$800 for vessel agents.

The MPC announced that in accordance with 2 AAC 12.920, the simulator contract could not have multiple awards.

The MPC updated the Board on the RFP process to replace the expiring contract with RTM STAR Center

The MPC gave a brief overview of the correspondence contained in the Board packet.

The MPC announced that the past two regulation projects would be effective October 25, 2002.

The MPC updated the Board on the pilot identification project and announced that the identification badges would be issued at the time of license renewal.

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

RESOLVED to schedule the October 2003 Board meeting for October 22 - 23, 2003 in Anchorage, Alaska.

The MPC reminded the Board of its next scheduled meeting and the associated examination deadline.

Agenda Item 9

Consolidation of SEAPA & ACP – Revisions to Bylaws and Articles of Association

Agenda Item 9 was taken out of order because the Board had extra time before agenda item 7 was scheduled to begin and because Commissioner Sedwick had not yet arrived.

Captain Dale Collins addressed the Board and explained the proposed changes to SEAPA's Bylaws.

Chairman Bush then requested a representative of ACP to present their proposed changes.

Captain David Gray addressed the Board and explained the proposed changes to ACP's Articles of Association and Bylaws.

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

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

RESOLVED to approve the proposed changes to SEAPA's Bylaws and ACP's Articles of Association and Bylaws.

Agenda Item 7 **Commissioner Sedwick**

Commissioner Sedwick addressed the Board and thanked them for their work over the past 7 years.

Agenda Item 9a **Review the Management Letter received from Legislative Audit Div.**

Chairman Bush asked the Board meet in executive session to review the Management Letter received from Legislative Audit Division. Management letters are confidential unless released by the Legislature.

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

RESOLVED for the Board to enter executive session to review Legislative Audit's Management Letter.

The Board returned from executive session.

Agenda Item 8 **Amy Wachmann**

Ms. Wachmann addressed the Board regarding the impact the current pilotage law has on her yacht provisioning business.

Following Ms. Wachmann's presentation Chairman Bush asked for public comment on the issue.

Captain Kellogg addressed the Board on behalf of SEAPA. He stated that SEAPA is working with Ms. Wachmann to develop a solution short of legislative action.

Chairman Bush noted that the Board might be forced to take a position on this issue but that it could probably wait until the January meeting.

Ms. Huff Tuckness asked that the issue be put on the January agenda.

The Board recessed for the day.

OCTOBER 25, 2002

Call to Order/Roll Call

Chairman Bush called the meeting to order at 0837. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

Mr. Jeff Bush - Commissioner's Designee
Captain Tony Joslyn - Pilot Member
Captain Dave Anderson - Pilot Member
Mr. Jack Poulson - Public Member
Ms. Barbara Huff Tuckness - Public Member

Staff present was: Peter Christensen (MPC)

Excused: Mr. Bob Berto

Agenda Item 10

Public Comment

Captain Winter – discussed the Coast Guard's new requirement of night trips into Monti Bay to receive a Federal Yakutat pilotage endorsement and its impact on meeting the Federal license requirements for a Marine Pilot license under 12 AAC 56.029. The determination was that as long as the applicant has Yakutat on their Federal endorsement (with or without a daylight restriction) the regulation would be deemed to be met in regard to Yakutat.

Captain Didier – Thanked Chairman Bush for his support and work chairing the Marine Pilot Board. Captain Didier requested that the Board send the draft retirement regulation out to public notice.

Captain Tillion – recommended that promulgation of the simulator based marine pilot performance evaluation RFP be delayed one year.

Captain MacPherson – stated that the retirement regulation only serves to limit the options of pilot associations since now any association can adopt anything it wants in the way of a retirement program. He spoke in favor of RTM STAR Center retaining the simulator based marine pilot

performance evaluation contract. He also gave a report of the effort to model the proposed bridge from Ketchikan to Gravina Island.

Mr. Bob Pawlowski – asked the Board to withhold the promulgation of the simulator based marine pilot performance evaluation RFP to allow AVTEC more time to prepare.

Captain Winter – reminded the Board that new deputy marine pilots would need access before 1/1/05 to a simulator facility approved by the Board to comply with the requirement to have successfully completed a simulator based marine pilot performance evaluation.

Captain Kellogg – stated that SEAPA was available to answer any questions the Board might have regarding the proposed cargo rate they noticed.

Agenda Item 11 Repeal of Regulations Associated with Kuskokwim Region

The MPC explained to the Board the need for this item. After a short discussion several motions were approved.

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

RESOLVED to repeal 12 AAC 56.016(a)(3)(B), 12 AAC 56.028(d), 12 AAC 56.082(d).

Agenda Item 12 Amend Regulation for Training Pilot Qualification (SWAPA)

Captain Tillion presented SWAPA's proposed amendment to the Training Pilot regulation. Chairman Bush solicited public comment from the other pilot association present. No one gave any objection to putting the proposed regulation amendment out to notice. A short discussion among the Board ensued.

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

RESOLVED to notice the proposed amendment to the training pilot regulation as amended by the Board.

Agenda Item 13 **Proposed Retirement Regulation**

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

Captain Grobschmit - presented the proposed retirement program regulation to the Board and then responded to several questions from Board members.

Chairman Bush then solicited public comment on the proposal.

The following persons commented on the proposed retirement program and answered questions from the Board:

Captain Didier - commented in favor of noticing the proposed regulation.

Captain MacPherson - commented against noticing the proposed regulation.

Les Cronk - commented against noticing the proposed regulation as written.

Captain Didier - responded to some issues that had been raised in comment.

Captain Collins - commented in favor of noticing an amended proposal to make retirement plans mandatory.

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

Captain Wright - commented in favor of noticing the proposed regulation.

Captain MacPherson - responded to some issues that had been raised in comment.

Captain Joslyn made the following motion that was seconded by Ms. Huff Tuckness:

Resolved to put out to public notice the following regulation:
12 AAC 56.310(e) Each organization shall require the retirement of members at a specified age and provide a retirement plan or program for eligible members; a retirement plan expense is an associated expense incurred by an organization in providing pilotage services and may be listed separately in a published rate under AS 08.62.046.

Chairman Bush described the effect of the regulation put forward in Captain Joslyn's motion and then invited any additional public comment not already expressed.

Paul Axelson - commented that the newly proposed regulation would have been fine except that it allowed the retirement plan expense to be listed separately in a published rate. Industry feels that retirement funds are already included in current rates and that listing retirement expenses separately invites increases to the rates.

Captain Collins – commented in favor of the proposal in the pending motion.

Having heard all the public comment and discussion, the Board then voted on Captain Joslyn's pending motion. It was carried unanimously.

In the event that it turned out to be his last meeting with the Board, Chairman Bush took the opportunity to thank everyone for their efforts and participation and relayed how much he had enjoyed participating in the role of Board Chair. Following his remarks he received a loud and prolonged round of applause from the assembled audience.

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

RESOLVED to adjourn the meeting.

Respectfully submitted:

Peter D. Christensen
Marine Pilot Coordinator

Approved this _____ day of _____, 2003.

Jeffrey W. Bush
Deputy Commissioner