

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

**MINUTES OF MEETING
July 23, 2004**

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 July 23, 2004, in Juneau, AK.

July 23, 2004

Start Tape 1, Side A

Note: The first 20 minutes of the tape recording are blank because the master volume was set to zero. The following minutes are taken from my notes.

Agenda Item 1 Call to Order/Roll Call

Chairman Al Clough called the meeting to order at 0840. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum were:

| | | |
|-----------------------|---------------------------|----------------|
| Captain Dave Anderson | - Pilot Member | - Juneau SOB |
| Mr. Robert Arts | - Agent Member | - Anchorage |
| Mr. Al Clough | - Commissioner's Designee | - Juneau SOB |
| Mr. Les Cronk | - Agent Member | - Juneau SOB |
| Captain Tony Joslyn | - Pilot Member | - Juneau SOB |
| Mr. Jack Poulson | - Public Member | - Juneau SOB |
| Mr. Robert Schasteen | - Public Member | - Dutch Harbor |

Staff present was: Peter Christensen, MPC

Agenda Item 2 Review/Set Agenda

The MPC proposed adding two agenda items. He asked to add an agenda item for the Board to vote on the Hearing Officer's proposed decision in Captain Thatcher's hearing. He also asked that an agenda item be added for the Board to

vote on two applications for pilotage exemptions for yachts. Mr. Clough suggested inserting the both items in Agenda Item 11 (Business Items). Mr. Cronk moved to adopt the agenda as amended.

Hearing no objections, 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 **Executive Session w/Hearing Officer**

On a motion made by Captain Joslyn, seconded by Captain Anderson and carried without exception, it was

Resolved to enter executive session to allow the Board to discuss pending hearing decisions with Mr. Stebing.

0959 The Board recessed from executive session.

1000 Recess

1009 Back in session

Agenda Item 5 **SEAPA Training Plan Approval**

(The agenda lists two Agenda Item 5's. The was the second item so listed.)

Captain Kellogg of SEAPA explained the changes to SEAPA's Training Plan.

On a motion made by Captain Joslyn, seconded by Mr. Cronk and carried without exception, it was

Resolved to approve SEAPA's Training Plan.

The Board deferred agenda Items 6 & 7 until just before lunch.

Agenda Item 8 **SWAPA Bylaw Amendment Approval**

Captain Ward explained to the Board the latest change to SWAPA's Bylaws. On a motion made by Captain Anderson, seconded by Mr. Poulson and carried without exception, it was

Resolved to approve the amendment to SWAPA's Bylaws.

Agenda Item 9 **Review/Approve Minutes**

The Chair asked if there were any changes, additions or modifications to the minutes.

Mr. Poulson noted a word missing on page 5, third paragraph from the top. The MPC related that the phrase "session could be delayed" was missing from the end of the sentence.

Captain Anderson noted a problem with Agenda Item 7. Captain Kellogg addressed the item. The word "written" needed to be inserted following the word "SEAPA's" in Mr. Bush's comments.

Mr. Poulson suggested changing the next paragraph to read "Kate Tesar commented" He also noted that the phrase "to Seward VoTeck" needed to be inserted into the first sentence of Agenda Item 14 following the word "giving" to clarify the meaning of the paragraph.

On a motion made by Captain Joslyn, seconded by Mr. Poulson and carried without exception, it was

Resolved to approve the minutes of the April 2004 minutes as amended.

The Chair then decided to take up Agenda Item 11.

Agenda Item 11 **Business Items**

The MPC proceeded to lead the Board through the BMP budget report, the proposed renewal fees and the correspondence in the Board packet.

The Board agreed to set the date of June 24, 2005 for next years summer teleconference.

The MPC reminded all present that the Board's next meeting was set for October 27 – 28, 2004 in Anchorage, AK and that the application deadline for examinations was August 30, 2004.

The next item was the applications for pilotage exemptions submitted by two yachts. The MPC introduced the first application for exemption from a yacht named "MY C.K.D.". He then addressed the other yacht exemption application from the M/Y CACIQUE and fielded questions.

A roll call was taken and the Board voted 7 – 0 to approve the application of the M/Y MY C.K.D.

A second roll call vote was taken and the Board voted 6 – 1 to approve the application of the M/Y MY C.K.D.

The last item added to the Business Items was for the Board to vote on the proposed decision it received from the Hearing Officer in the MATTER OF John Thatcher.

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

RESOLVED to adopt Option 1 of the proposed decision in the matter of the John Thatcher.

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

Agenda Item 6

Exam Results/Oral Exam

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

RESOLVED to enter executive session to conduct an oral exam.

The Board returned from executive session and moved on to agenda item 7.

Agenda Item 7

Issuance of Licenses/Endorsements

The MPC related that Captain Styrk had taken and passed the Region 1 Local Knowledge Examination and was in all other respects qualified to be licensed.

The MPC reviewed Captain Devine's qualifications for a deputy marine pilot license and recommended that the Board authorize the issuance of a Deputy Marine Pilot license of not more than 25,000 gross tons.

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

RESOLVED to authorize the issuance of a Deputy Marine Pilot license of not more than 25,000 gross tons to Captain Devine.

The MPC stated that Captain Gurry had complete the required training for transferring his license and passed the local knowledge exam for Southeast Alaska and that he recommended that the Board authorize the issuance of a Marine Pilot license for Southeast Alaska to Captain Gurry.

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

RESOLVED to authorize the issuance of a Marine Pilot license to Captain Gurry for Southeast Alaska.

The MPC noted that Captain Flury had applied for a training pilot endorsement. Her association supported the request and she had met all the requirements for the endorsement. Accordingly, the MPC recommended that the Board authorize the issuance of the endorsement.

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

RESOLVED to authorize the issuance of a Training Pilot endorsement to Captain Flury.

Captain Gurry asked the Board whether he would be allowed to keep the VLCC endorsement on his Southeast Alaska license. The Board held a short discussion and decided that he could retain the VLCC endorsement on his SE Alaska Marine Pilot license.

While the MPC was absent from the meeting making a phone call, Captain Kellogg asked the Board whether Captain Sizemore's Marine Pilot license had been issued. The Board recalled voting on the issue via email, but was unaware of the result or whether the MPC had issued the upgrade if it was approved.

Since no one was sure of what occurred, the Board decided to address the matter once again.

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

RESOLVED to authorize the issuance of a Marine Pilot license to Captain Sizemore on her anniversary date of July 19, 2004.

(Note: Captain Sizemore's license had already been upgraded to Marine Pilot by the MPC on July 19, 2004 following the Board's vote via email.

Agenda Item 10 **Investigation/Litigation Update**

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

RESOLVED to enter executive session to deal with executive matters.

The Board returned from executive session.

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

RESOLVED to summarily suspend Captain Dunn's Marine Pilot license until he submits to the Board results of medical testing as identified by SEAPA.

Mr. Clough also tasked the MPC with drafting a letter from the Board to Captain Seigel addressing the concerns that were raised in executive session.

Agenda Item 4 **Executive Session w/Hearing Officer**

On a motion made by Captain Joslyn, seconded by Captain Anderson and carried without exception, it was

Resolved to re-enter executive session to allow the Board to discuss pending hearing decisions with Mr. Stebing.

The Board recessed from executive session.

Agenda Item 5 Board Vote on Proposed Decision in SWAPA Rate Hearing

Chairman Clough announced the Board's decision. He stated that following considerable deliberation, the Board had reached several decisions. First, in the interest of encouraging a negotiated settlement between the two parties the Board had deferred a decision on this issue until August 27, 2004. In order to help facilitate the two parties coming together, the Board will release the Hearing Officer's Draft Finding of Fact and Conclusions of law. He said that he was asked by the hearing officer to point out that this draft finding of fact was based upon AS 44.62.500(a)(1) and not AS 44.62.500(b). Essentially, the Board is allowing an opportunity for the parties to try to come to a negotiated resolution of their issues. If they are incapable of doing such, the Board will go ahead with its scheduled vote and the outcome of that vote will move forward into whatever arena it is taken. What comes out of that process may not be in the best interest of anyone involved?

Agenda Item 12 Board Deliberation Regarding Proposed Regulations

The Board noted that it really didn't have enough time to take up the regulation package.

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

RESOLVED to defer Agenda Item 12 until the October meeting.

Agenda Item 11 Adjourn

Captain Anderson moved to adjourn the meeting. Hearing no objections Mr. Clough adjourned the meeting.

Respectfully submitted:

Peter D. Christensen
Marine Pilot Coordinator

Approved this _____ day of _____, 2004.

Al Clough
Chairman, Marine Pilot Board