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

**MINUTES OF MEETING
April 13, 2006
Westmark Baranof Hotel, Juneau, AK**

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 April April 13, 2006, in Juneau, Alaska.

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Start Tape 1, Side A

Call to Order/Roll Call

Chairman Clough called the meeting to order at 8:35. The Marine Pilot Coordinator (MPC) conducted roll call.

Members present:

Mr. Robert Arts	- Agent Member
Mr. Al Clough	- Commissioner's Designee (Chair)
Captain Dale Collins	- Pilot Member
Mr. Les Cronk	- Agent Member
Captain Tony Joslyn	- Pilot Member
Mr. Jack Poulson	- Public Member
Mr. Robert Schasteen	- Public Member

Staff present:

Renda Heimbigner, Marine Pilot Coordinator (MPC)

Review / Set Agenda

No changes were offered for the agenda.

Declaration of Potential Conflicts of Interest / Recusals

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No conflicts or recusals were declared.

Agenda Item 1 **Review / Approve Minutes**

Mr. Cronk ask for clarification on the Board votes as reported in the January 2006 minutes on Page 10. Mr. Arts offered a correction for the association name referenced on Page 3 under “Region Three Report.”

On a motion made by Captain Collins, seconded by Mr. Cronk, it was:
RESOLVED to approve the January 2006 minutes with changes.

Mr. Schasteen asked the Board to consider Dutch Harbor for a possible meeting site. Chairman Clough scheduled the topic for discussion under Tentative Meeting dates on the agenda.

Public Comment

Chairman Clough opened the floor for public comment. No comment from the audience was offered.

Chairman Clough congratulated the Marine Pilots of Southwest Alaska Pilots Association that were involved in the rescue of the Sea Bulk Pride. The vessel had been pulled by ice from the Tesoro Dock in Nikiski on February 2nd. Captain Joslyn shared details of the teamwork that went into re-floating the bulk tanker after Captain Pierce, as the pilot on-watch, averted damage to the vessel and injury to the crew.

Agenda Item 3 **Business Items**

Budget - The Board reviewed their Budget Report. It was noted that applications for Exemption from Pilotage for the summer season were just starting to appear.

Correspondence – Captain Ted Kellogg, President of Southeast Alaska Pilots’ Association (SEAPA), detailed for the Board an alternative to the Frederick Sound Pilot Station under agreement by SEAPA, cruise line companies, and vessel agent (CLAA) for the immediate season. He explained the alternative location was seaward of the current pilot station, offering extra time for multiple pilot transfers on a particular day, adding this solution was itinerary-specific. If scheduling continued to be a consistent problem, they would look at a more permanent request. Formal

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correspondence supporting the alternative had been submitted, satisfying 12 AAC 56.120(b)(2) for notification.

Correspondence – A letter from the Alaska Christian Ministry to Seafarers, expressed thanks to AK Marine Pilot John Schibel and vessel agent Al Giddings for their treatment of an injured vessel employee of Boyang Maritime. Chairman Clough congratulated both men in absentia, on behalf of the Board.

Correspondence – The Board reviewed a request from Captain Pete Garay, President of Alaska Marine Pilots (AMP) to consider substitute supervised maneuvers for Trainee Carter Whalen. Captain Joslyn offered his support of the substitutions and on a motion made by Mr. Cronk, seconded by Captain Joslyn, with unanimous consent, it was

RESOLVED to grant Carter Whalen the requested maneuvers as substitution for those not available.

MPC requested verification for wording on a license with substitute maneuvers. It was noted that no change was necessary.

Simulator Evaluations – The MPC noted for the Board that all Pilots in need of simulator evaluations for 2006 license renewal had completed their courses.

Tentative Meeting Dates – Meeting dates were set as follows:

July 6, 2006	Teleconference
October 18-19, 2006	Dutch Harbor

Break: 0915

Back on Record: 0930

AMP By-Laws – Benee Braden, representing the Alaska Marine Pilots Association (AMP), detailed changes to the association's by-laws. In addition to new language of incorporation, the new document covered income, capital contributions and governing the units assigned each member. On a motion by Mr. Cronk, seconded by Mr. Schasteen, and passed unanimously, it was

RESOLVED to approve the by-law changes for AMP.

Committee Reports – Association Presidents, Captain Garay (AMP), Captain Kellogg (SEAPA) and Captain Taylor (SWAPA) addressed the Board on behalf of the Training and Evaluation Committee. They reviewed the progress of the TE Committee, then offered language for three new paragraphs under 12 AAC 56.990 to clarify the following definitions:

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(37) “board approved simulator”

(38) “board approved bridge simulator course”

(39) “board approved bridge resource management course”

Captain Kellogg then explained that the three presidents also met as members of ASPA (Alaska State Pilots Alliance) and in that role, had prepared language amending 56.080, 56.083 and 56.301 for Board review, and public comment. Discussion ensued. Captain Kellogg added there was a tremendous growth and matrix for training currently available to Pilots. It was felt the language proposed would give latitude and flexibility to the Associations for regional-specific training needs and offer physical standards in lieu of age-based retirement. Captain Collins gave information about SEAPA’s physical standards program and Mr. Cronk offered that consistent testing would catch problems before they happened. On a motion by Captain Collins and passed unanimously, it was

RESOLVED to accept the proposed changes in regulations 56.080; 56.083; 56.310; and 56.990, for public comment.

Captain Kellogg presented details on the new SEAPA Trainee Application Process currently in development with the Pacific Maritime Institute (PMI) in Seattle, Washington.

Agenda Item 4

Regulations

Captain Larry Vose, SEAPATraining Chairman, presented proposed changes for regulations 56.011; 56.018; 56.019; 56.020; 56.029 and 56.031. The changes involved adding a 100,000 gross tons endorsement to the deputy marine pilot program for Region 1 and adjustments in time to the lesser ton endorsements. Captain Vose explained it was a more consistent training requirement on larger vessels more representative of the region. On a motion by Captain Collins and passed unanimously, it was

RESOLVED to move regulations 56.011; 56.018; 56.019; 56.020; 56.029 and 56.031 forward for public comment.

Captain John Taylor appeared before the Board and requested an adjustment to the proposed changes to regulation 56.310 as presented earlier. Specifically, he asked that 56.310(e) and (f) not be included in the draft for public comment due to current litigation. Captain Kellogg explained that if the Board did not consider the revision, it was understood that both SWAPA and AMP would withdraw their support of the package. Discussion ensued. It was decided to move on with the agenda and come back to the issue.

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On a motion by Captain Collins, seconded by Mr. Cronk, and passed unanimously, it was

RESOLVED to adopt changes to Regulations 56.025; 56.026; 56.027; 56.028; 56.029; 56.031; 56.034; 56.068 and 56.080 as noticed plus written public comments which add the Western Region.

Break: 1055

Back on Record: 1106

Agenda Item 5 **Litigation / Investigations**

The MPC reported on the status of two litigations: the 2005 AMP rate hearing had been withdrawn, and the 2005 SWAPA rate filing had been assigned to a hearing officer to both hear and decide. She asked for the remaining litigation on the list to be discussed in executive session.

The MPC offered a correction to the Investigation Report. The name of the vessel should have been M/V Jacha.

Agenda Item 6 **Public Comment**

Bridge Conflict – Captain Joslyn suggested there should be a master/pilot conference card to provide a reporting device when a disagreement arises on the bridge. He felt it was something that needed watching and more work. Captain Collins added it was a concern to everyone and felt each Association was working on it with the individual companies. Mr. Cronk thought it best to leave it to the Associations and companies as opposed to addressing it in regulation. Captain Kellogg concurred with Captain Joslyn and encouraged it be addressed in the master/pilot exchange. He noted that SEAPA had exchange cards in use already.

Mr. Poulson expressed his concern for an increasing number of Pilot deaths in ladder-related incidents. He asked if there was a committee in place to take up this safety issue. Captain Collins explained that SEAPA was already looking at this within their Training Program which would come before the Board very soon.

Chairman Clough reviewed the remaining agenda and suggested the Board revisit the changes for regulation as proposed by ASPA after lunch and following Executive Session. Hearing no additional requests for public comment on non-agenda items, and on a motion made by Captain Collins and carried unanimously, it was

RESOLVED to recess until 1300.

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Recess: 1120
Reconvene: 1300

On a motion made by Mr. Schasteen, second by Mr. Cronk and carried without dissent, it was

RESOLVED to move into Executive Session with Assistant Attorney General, Robert Auth, for the purpose of discussing current litigation for Captain Seigel.

The Board entered executive session at 1305 and reconvened at 1415. The Chair asked for action from discussion during the session

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

RESOLVED to issue a letter to Captain Seigel requesting he submit to physical and mental examination to determine his fitness for duty as a Marine Pilot per AS 08.62.040.

Captain Collins offered a motion to reconsider the regulation package put forth by ASPA without 56.310(e) and (f). Captain Joslyn seconded. Mr. Cronk objected. Hearing no discussion, Chairman Clough called for the vote.

By a roll call vote 4-3, it was

RESOLVED to not accept the removal of (e) and (f) from 56.310 in the regulation package previously put forth.

Arts	No
Collins	Yes
Cronk	No
Joslyn	Yes
Paulson	No
Schasteen	No
Clough	Yes

The Chairman reminded the Board that the package would next go for public comment, including the acceptance of oral comment at a future Board meeting.

It was announced that following the meeting, an informal reception hosted by Trident Seafoods, Ocean Peace Inc, Alaska Steamship Association and Dutch Harbor Services would commence at 1630 in the Gastineau Suite of the Baranof Hotel.

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Mr. Poulson requested that the MPC check on the status of Superior Court Judge Collins order for a response from the Board on the remand of the 2004 SWAPA rate filing.

On a motion made by Captain Collins, and carried without exception, it was

RESOLVED to adjourn the meeting at 1500.

Respectfully submitted:

Renda Heimbigner
Marine Pilot Coordinator

Approved this _____ day of _____, 2006.

Albert H. Clough, Chairman
Alaska Board of Marine Pilots